Appendix G: Environmental review documentation

Appendix G-1: CEQA documentation for revisions to the Commuter Benefits Ordinance

File No. 071133- Ordinance adding Section 410 of the Environment Code to Require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; the authorize the Department of the Environment to implement and Emergency Ride Home program; to transfer the existing Section 410 to Section 412 of the Environmental Code; and to make environmental findings.

File No. 080830-Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

File No. 081337- Ordinance amending the San Francisco Environment Code by amending Section 421 to add the option of a qualified bicycle commuting reimbursement to the tax free commuter benefits San Francisco employers are required to offer under existing law; and make environmental findings.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: 8/9/07

FILE # 071133

DESCRIPTION: Commuter Benefits

FROM:
- ☒ Budget & Finance
- ☐ City Operations & Neighborhood Services
- ☐ City & School District
- ☐ Government Audit and Oversight
- ☐ Land Use & Economic Development
- ☐ Rules
- ☐ Select Committee on Ending Gun & Gang Violence

☐ The meeting to hear this file will be held on: _____ **OR:** ☒ No date set yet

☐ **Hearing or** ☐ **Legislation Referred To:**

- ☐ Building Inspection Commission *Charter Section D3.750-5*
- ☐ Ethics Commission *Campaign & Governmental Conduct Code*
- ☐ Environmental Office-FEES *CEQA CA Public Resources Code § 21000 et seq.*
- ☐ FYI Only
- ☒ Planning - Environmental review
- ☐ Planning - Interim Controls *Planning Code Section 306.7(c)*
- ☐ Planning Code Amendment *Planning Code Section 302 (b)*
- ☐ Retirement Board *Elections Code or Campaign & Governmental Code*
- ☐ Small Business Commission *M01-33*
- ☐ Parking & Traffic Regulations-*for environmental review*
- ☐ Youth Commission *Charter Section 3.720-2*

FILE NO. 071133 ORDINANCE NO.

[Commuter Benefits]

Ordinance adding Section 410 of the Environment Code to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; to transfer the existing Section 410 to Section 412 of the Environmental Code; and to make environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors hereby finds and declares:

(a) San Francisco is committed to protecting the public health, safety, welfare and environment. Air pollution is one of the major public health threats in San Francisco and contributes to asthma and other respiratory diseases. Encouraging commuters to use public transit and vanpools to reach their place of employment will reduce air pollution from private cars.

(b) In 1971, San Francisco adopted a Transit First policy to guide its land use decisions. Encouraging more commuters to use public transit furthers the City's goals to maximize the public's use of public transit.

(c) Existing Federal Tax law, Internal Revenue Code section 132(f) allows employers and employees to reduce the cost of public transit by enabling employers to deduct employer-provided transit benefits as business expenses, or by allowing employees to elect to purchase qualifying transit passes or vanpool rides with pre-tax dollars.

(d) The City and County of San Francisco currently offers its 30,000 City employees the opportunity to elect to use pre-tax dollars to purchase qualifying transit passes and van pool transit through an Internal Revenue Code section 132(f) qualified Transit Benefit Program.

(e) The Department of the Environment currently administers a grant-based Emergency Ride Home Program, funded by grants from the Bay Area Air Quality Management District's Transportation Fund for Clean Air and the San Francisco Transportation Authority, that removes a major barrier to using public transit or van pools by reimbursing persons who rely on such transit for their transportation costs home in cases of emergency or other unexpected circumstances.

(f) The San Francisco Department of the Environment can assist employers in offering commuter benefits through its commuter benefits hotline, fact sheets, and other technical assistance.

(g) The City of New York has enacted legislation requiring employers in that city to offer employees the opportunity to use pre-tax dollars to purchase qualifying transit passes and van pool transit through an Internal Revenue Code section 132(f) qualified program.

(h) Commuter benefits programs will help the City achieve its goal to reduce CO2 emissions within the City and County of San Francisco to 20% below 1990 levels by the year 2012.

Section 2. Amending Section 410, to read as follows, hereby amends the San Francisco Environment Code:

SEC. 410. COMMUTER BENEFITS PROGRAM

(a) Definitions.

Whenever used in this Section, the following terms shall have the meanings set forth below.

"Alternative Commute Mode " shall mean public transit (bus, train, ferry, etc), vanpool, carpool (Including "casual carpool"), bicycling, and walking.

"Employee" shall mean any person who is on their respective employer's payroll, working either full-time or part-time positions. Employee shall further be defined as any person who is entitled to payment of a minimum wage from an employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

"Employer" shall mean any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly, or through an agent any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of ten (10) or more employees who work at or out of a location within the City and County of San Francisco.

"Transit Pass" shall mean any pass, token, fare card, voucher or similar item entitling a person to transportation on public transit, including but not limited to, travel by ferry, bus, trolley, streetcar, light rail or train by MUNI, BART, AMTRAK, CALTRAIN, SAMTRANS or GOLDEN GATE TRANSIT.

"Vanpool" shall mean any highway vehicle:

(1) the seating capacity of which is at least 6 adults (not including the driver), and

(2) at least 80% of the mileage use of which can reasonably be expected to be-

(A) for the purpose of transporting employees in connection with travel between their residences and their place of employment, and

(B) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

(b) Transportation Benefit Program

No later than ninety days after the effective date of this Ordinance, all employers shall provide at least one of the following transportation benefit programs:

(1) A Pre-Tax Election: A program, consistent with Section 132 of Title 26, United States Code, that offers employees the option to elect to exclude from taxable wages and compensation, employee commuting costs incurred through the use of public transportation or vanpools, up to maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which presently is one hundred and ten dollars per month ($110);

(2) Employer Paid Benefit: A program whereby the employer supplies a transit pass or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of a monthly MUNI Fast Pass, which presently is $45, for the public transit system requested by the employee; or to reimburse vanpool charges; or

(3) Transportation furnished by the employer at no cost to the employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.

(c). Penalties

(1) Any person who violates this Ordinance shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished by (1) a fine not exceeding $100.00 for a first violation, (2) a fine not exceeding $200.00 for a second violation within the same year, and (3) a fine not exceeding $500.00 for each additional violation within the same year.

(2) In the event that the City adopts an ordinance creating a procedure for imposing and reviewing Administrative Penalties pursuant to California Government Code Section 53069.4, the City may impose Administrative Penalties for violation of this Ordinance as follows:(1) in an amount not exceeding $100.00 for the first violation, (2) in an amount not exceeding $200.00 for the second violation in the same year, and (3) in an amount not exceeding $500.00 for each subsequent violation in the same year.

(3) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Ordinance, including without limitation, civil penalties in an amount not exceeding $200.00 for the first violation, $400.00 for the second violation, and $600.00 for each subsequent violation in any given year.

(4) The City may not recover both administrative and civil penalties for the same violation. Penalties collected under this Chapter, which may include recovery of enforcement costs, shall be used to fund implementation and enforcement of this Chapter.

(d.) Emergency Ride Home Program.

The Department of the Environment is hereby authorized to establish an Emergency Ride Home Program and, to the extent funding is available from the Bay Area Air Quality Management District's Transportation Fund for Clean Air, the San Francisco Transportation Authority, or other sources, to reimburse persons who commute to worksites in San Francisco using an alternative commute mode, for transportation costs to return home, or to a transit spot or remotely parked car, where such costs resulting from an illness or emergency of the commuter or immediate family, or other verifiable, unexpected events out of the commuter's control. The Department of the Environment shall adopt rules and regulations to implement this program.

~~SEC. 410. SAN FRANCISCO MUNICIPAL RAILWAY BUSES.~~

~~Acquisition of Clean Muni Buses. Muni shall replace all pre-1991 diesel buses on or before January 1, 2007.~~

~~Phase-Out of Highly Polluting Muni Diesel Buses. Muni shall remove from active or reserve service and shall no longer operate any diesel bus that exceeds its 12 year useful life based on the following schedule:~~

~~(1) All diesel buses that were purchased on or before December 31, 1988 shall be removed from active or reserve service on or before December 31, 2004;~~

~~(2) All diesel buses that were purchased on or before December 31, 1989 shall be removed from active or reserve service on or before December 31, 2005;~~

~~(3) All diesel buses that were purchased on or before December 31, 1990 shall be removed from active or reserve service on or before December 31, 2006.~~

~~Extensions. If replacement buses are not commercially available or unforeseen circumstances prevent Muni from procuring new buses on a timely basis, Muni may seek a one time extension of up to twelve months from the San Francisco Transportation Authority (TA) for any of the aforementioned deadlines. Approval for such extensions shall require eight or more votes by the Transportation Authority Board of Commissioners. Extension requests shall be submitted in writing at least sixty days prior to the deadline and shall include a detailed accounting of why Muni is unable to meet its obligations under this measure. Extension requests shall also include a list of specific actions that Muni will undertake to offset the emission reductions that would have resulted if no extension were granted. Proposed emission reductions should benefit Muni passengers or residents living near diesel bus routes or diesel bus yards. All extension requests shall be evaluated by the Department of the Environment to determine the validity of proposed emission reductions. The Department of the Environment shall report its findings to the Board of Commissioners at least one week prior to the extension request hearing date.~~

~~Notwithstanding Section 406.(c)(2), the provisions of Section 406 shall apply to the acquisition of buses by Muni for its fleet.~~

~~(Added by Proposition I, 3/2/2004)~~

Section 3 The San Francisco Environment Code is hereby amended by adding a new Section 412, to read as follows:

SEC. 412. SAN FRANCISCO MUNICIPAL RAILWAY BUSES.

Acquisition of Clean Muni Buses. Muni shall replace all pre-1991 diesel buses on or before January 1, 2007.

Phase Out of Highly Polluting Muni Diesel Buses. Muni shall remove from active or reserve service and shall no longer operate any diesel bus that exceeds its 12 year useful life based on the following schedule:

(1) All diesel buses that were purchased on or before December 31, 1988 shall be removed from active or reserve service on or before December 31, 2004;

(2) All diesel buses that were purchased on or before December 31, 1989 shall be removed from active or reserve service on or before December 31, 2005;

(3) All diesel buses that were purchased on or before December 31, 1990 shall be removed from active or reserve service on or before December 31, 2006.

Extensions. If replacement buses are not commercially available or unforeseen circumstances prevent Muni from procuring new buses on a timely basis, Muni may seek a one-time extension of up to twelve months from the San Francisco Transportation Authority (TA) for any of the aforementioned deadlines. Approval for such extensions shall require eight or more votes by the Transportation Authority Board of Commissioners. Extension requests shall be submitted in writing at least sixty days prior to the deadline and shall include a detailed accounting of why Muni is unable to meet its obligations under this measure. Extension requests shall also include a list of specific actions that Muni will undertake to offset the emission reductions that would have resulted if no extension were granted. Proposed emission reductions should benefit Muni passengers or residents living near diesel bus routes or diesel bus yards. All extension requests shall be evaluated by the Department of the Environment to

determine the validity of proposed emission reductions. The Department of the Environment shall report its findings to the Board of Commissioners at least one week prior to the extension request hearing date.

Notwithstanding Section 406.(e)(2), the provisions of Section 406 shall apply to the acquisition of buses by Muni for its fleet.

(Added by Proposition I, 3/2/2004)

Section 4. Environmental Findings

( ) On , the Planning Department determined that the actions contemplated in this Ordinance are categorically exempt from the California Environmental Quality Act (California Public Resources Code sections 121000 et seq). Said determination is on file with the Clerk of the Board of Supervisors in File No. and is incorporated herein by reference.

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

By: Catharine Barnes
Deputy City Attorney

Non-physical Exemption
CEQA § 15060 (c)(2)
August 21, 2007
JOY NAVARRETE
for Bill Wycko, Acting ERO

07-0912E

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Planning Department
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board

DATE: June 24, 2008

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed fee increase will impact the environment.

File: 080830

Pre Tax Commuter Benefits for Qualifying Transit

Please return this cover sheet with the Commission's response to **Victor Young, Clerk, Budget and Finance Committee.**

cc: Leigh Kienker, Major Environmental Analysis
Viktoriya Wise, Major Environmental Analysis

****

RESPONSE FROM PLANNING DEPARTMENT - Date: July 1, 2008

____ **No Comment**

__X__ **Recommendation Attached**

Categorically exempt per Section 15308 of the CEQA Guidelines.

Bill Wycko, Environmental Review Officer

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: June 24, 2008

FILE #: 080830

DESCRIPTION: Pre Tax Commuter Benefits for Qualifying Transit

FROM:
- ☒ Budget & Finance
- ☐ City Operations & Neighborhood Services
- ☐ City & School District Select
- ☐ Government Audit & Oversight
- ☐ Land Use & Economic Development
- ☐ Rules
- ☐ Public Safety

☐ The meeting to hear this file will be held on:_____ **OR:** ☒ No date set yet

☐ **Hearing or** ☒ **Legislation referred to:**

- ☐ Building Inspection Commission *Charter Section D3.750-5*
- ☐ Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- ☐ FYI Only
- ☐ Planning - Code Amendment *Planning Code Section 302(b)*
- ☒ Planning - Environmental review
- ☐ Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- ☐ Planning - Interim Controls *Planning Code Section 306.7(c)*
- ☐ Retirement Board *Campaign & Governmental Code or Elections Code*
- ☐ Small Business Commission *M01-33*
- ☐ Youth Commission *Charter Section 3.720-2*

x Dept of the Environment

FILE NO. 080830 ORDINANCE NO.

[Pre-Tax Commuter Benefits for Qualifying Transit.]

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors hereby finds and declares:

(a) San Francisco is committed to protecting the public health, safety, welfare and environment. Air pollution is one of the major public health threats in San Francisco and contributes to asthma and other respiratory diseases. Encouraging commuters to use public transit and vanpools to reach their place of employment will reduce air pollution from private cars.

(b) In 1971, San Francisco adopted a Transit First policy to guide its land use decisions. Encouraging more commuters to use public transit furthers the City's goals to maximize the public's use of public transit.

(c) Existing Federal Tax law, 26 U.S.C. § 132(f) [Internal Revenue Code], allows employers and employees to reduce the cost of public transit by enabling employers to deduct as a business expense, qualified transportation benefits that the employer provides for employees' *personal* transportation costs for commuting to and from work, or by allowing

employees to elect to purchase qualifying transit passes or reimbursement for vanpool rides with pre-tax dollars.

(d) The City and County of San Francisco currently offers its 30,000 City employees the opportunity to elect to use pre-tax dollars to purchase qualifying transit passes and van pool transit through an Internal Revenue Code section 132(f) qualified Transit Benefit Program.

(e) The Department of the Environment currently administers a grant-based Emergency Ride Home Program, funded by grants from the Bay Area Air Quality Management District's Transportation Fund for Clean Air and the San Francisco Transportation Authority, that removes a major barrier to using public transit or van pools by reimbursing transit and vanpool users for taxi fares, car rental or similar expenses they incur to return home for a family emergency, or other urgent, unanticipated situation.

(f) The San Francisco Department of the Environment can assist employers in offering commuter benefits through its commuter benefits hotline, fact sheets, and other technical assistance.

(g) Commuter benefits programs will help the City achieve its goal to reduce CO2 emissions within the City and County of San Francisco to 20% below 1990 levels by the year 2012.

Section 2. The San Francisco Environment Code is hereby amended by adding a new Section 421, to read as follows:

SEC. 421. COMMUTER BENEFITS PROGRAM.

(a) Definitions.

Whenever used in this Section, the following terms shall have the meanings set forth below.

(1) "Alternative Commute Mode" shall mean public transit (bus, train, ferry, etc.), vanpool, carpool (including "casual carpool"), bicycling, and walking.

(2) "City" shall mean the City and County of San Francisco.

(3) "Covered Employee" shall mean any person who:

(A) Performed at least eight (8) hours of work for compensation within the geographic boundaries of San Francisco for his or her employer within the previous calendar month; and

(B) Qualifies as an employee entitled to payment of a minimum wage from the employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.

(4) "Covered Employer" shall mean an employer for which an average of twenty (20) or more persons per week perform work for compensation. In determining the number of persons performing work for an employee during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis, including those who perform work outside of the geographic boundaries of San Francisco, shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.

(5) "Employer" shall mean any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly, or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of an employee.

(6) "Transit Pass" shall mean any pass, token, fare card, voucher or similar item entitling a person to transportation on public transit within the meaning of 26 U.S.C. § 132(f)(5)(A), as the Federal law may be amended from time to time, including but not limited to, travel by ferry, bus,

trolley, streetcar, light rail or train by MUNI, BART, AMTRAK, CALTRAIN, SAMTRANS or GOLDEN GATE TRANSIT.

(7) "Transportation Benefit Program" shall mean the program set forth in Sections 410(b)-410(d) of this Ordinance.

(8) "Vanpool" shall mean a 'commuter highway vehicle' within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:

(A) the seating capacity of which is at least 6 adults (not including the driver), and

(B) at least 80% of the mileage use of which can reasonably be expected to be (i) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (ii) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

(b) Transportation Benefits Program.

No later than 120 days after the effective date of this Ordinance, all Covered Employers shall provide at least one of the following transportation benefit programs to Covered Employees:

(1) A Pre-Tax Election: A program, consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes or vanpool charges (but not for parking), up to maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which presently is one hundred and ten dollars per month ($110);

(2) Employer Paid Benefit: A program whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of a monthly MUNI Fast Pass, which presently is $45; or

(3) Employer Provided Transit: Transportation furnished by the employer at no cost to the covered employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.

(c) Administration and Enforcement.

(1) The Director of the Department of the Environment, in consultation with the San Francisco Office of Labor Standards Enforcement shall promulgate rules and regulations to implement the Transportation Benefits Program. Such rules and regulations shall, to the extent consistent with this Ordinance, conform to IRS regulations under 26 U.S.C. § 132(f). and rules for the City's Paid Sick Leave Ordinance, Administrative Code Section 12W and Health Care Security Ordinance, Administrative Code Chapter 14.

(2) The Department of the Environment shall maintain an education and advice program to assist employers with meeting the requirements of the Transit Benefit Program.

(3) Any Covered Employer who fails to offer at least one transportation benefit programs to Covered Employees as required by Section 421(b) shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished by (A) a fine not exceeding $100.00 for a first violation, (B) a fine not exceeding $200.00 for a second violation within the same year, and (C) a fine not exceeding $500.00 for each additional violation within the same year.

(4) The Director of the Department of the Environment, or his or her designee, may issue administrative citations to any Covered Employer who fails to provide at least one transportation benefit programs to Covered Employees as required by Section 421(b). San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued to enforce this Section 184.77.

(5) The City may not recover both administrative and civil penalties for the same violation. Penalties collected under this Chapter, which may include recovery of enforcement costs, shall be used to fund implementation and enforcement of the Transportation Benefits Program.

(d) Emergency Ride Home Program.

The Department of the Environment is hereby authorized to establish an Emergency Ride Home Program and, to the extent funding is available from the Bay Area Air Quality Management District's Transportation Fund for Clean Air, the San Francisco Transportation Authority, or other sources, to reimburse persons who commute to worksites in San Francisco using an alternative commute mode, for transportation costs to return home, or to a transit spot or remotely parked car, where such costs resulting from an illness or emergency of the commuter or immediate family, or other verifiable, unexpected events out of the commuter's control. The Department of the Environment shall adopt rules and regulations to implement this program.

Section 3. Miscellaneous

(a) Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

(b) No Conflict With Federal Or State Law. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

(c) Undertaking for the General Welfare. In undertaking the implementation of this Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 4. Environmental Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

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

By: _____
CATHARINE S. BARNES
Deputy City Attorney

FILE NO. 080830

LEGISLATIVE DIGEST

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

Existing Law

City law does not currently require employers to offer employees an opportunity to purchase transit passes or vanpool transit with pre-tax dollars. Federal tax law offers employers an option of allowing their employees to elect to use up to $110 dollars in pre-tax dollars per month to purchase IRS qualifying transit passes, vanpool charges or parking.

The Department of the Environment currently administers a grant-based program whereby employees of Grantee companies who use public transit or other alternative modes of transportation to commute to work may be reimbursed for transportation costs home caused by an emergency or similar unforeseen event.

Amendments to Current Law

This Ordinance would require San Francisco employers with 20 or more employees either to offer their employees (1) the option to use pre-tax wages to purchase IRS qualifying transit passes or vanpools charges, (2) employer supplied transit passes or vanpools charges at least equal to the value of a monthly MUNI fast Pass, or (3) employer supplied vanpools or buses.

Reimbursement of parking costs does not qualify under the Ordinance even though it would qualify as an eligible transit cost under federal law.

The Ordinance includes graduated penalties for non-complying employers.

The Ordinance designates the Department of the Environment as the implementing authority. The Ordinance also authorizes the Department of the Environment to establish and implement a Citywide Emergency Ride Home program for eligible commuters in place of the current program that is only available to employees of Grantee businesses.

Background Information

This Ordinance is intended to encourage commuters to use public transit by lowering the after-tax costs of transit passes, lowering the payroll taxes for employers and removing an obstacle to commuters who fear being stranded in the City without access to private cars in case of family illness or other unexpected event.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: Nov 5, 2008

FILE #: 081337

DESCRIPTION: Commuter Benefits

FROM:
- ☒ Budget & Finance
- ☐ City Operations & Neighborhood Services
- ☐ City & School District Select
- ☐ Government Audit & Oversight
- ☐ Land Use & Economic Development
- ☐ Rules
- ☐ Public Safety

☐ The meeting to hear this file will be held on:_____ **OR:** ☒ No date set yet

☐ **Hearing or** ☐ **Legislation referred to:**

- ☐ Building Inspection Commission *Charter Section D3.750-5*
- ☐ Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- ☐ FYI Only
- ☐ Planning - Code Amendment *Planning Code Section 302(b)*
- ☒ Planning - Environmental review – *30 days to respond*
- ☐ Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- ☐ Planning - Interim Controls *Planning Code Section 306.7(c)*
- ☐ Retirement Board *Campaign & Governmental Code or Elections Code*
- ☐ Small Business Commission *M01-33*
- ☐ Youth Commission *Charter Section 3.720-2*

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 4, 2008

File No. 081337

John Rahaim
Director of Planning
Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Mr. Rahaim:

On October 21, 2008, Supervisor Mirkarimi introduced the following proposed legislation:

File No. 081337 Ordinance amending the San Francisco Environment Code by amending Section 421 to add the option of qualified bicycle commuting reimbursements to the tax free commuter benefits San Francisco employers are required to offer under existing law; and making environmental findings.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Victor Young, Committee Clerk
Budget and Finance Committee

Attachment

cc: Bill Wycko, Major Environmental Analysis
Leigh Kienker, Major Environmental Analysis
Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney

Not a project per CEQA Guidelines Section 15060(c)(2)

Brett Bollinger 11/21/08
Approved Planning Dept. Brett Bollinger

FILE NO. 081337 ORDINANCE NO.

[Pre-Tax Bicycle Commuting Benefits.]

Ordinance amending the San Francisco Environment Code by amending Section 421 to add the option of qualified bicycle commuting reimbursements to the tax free commuter benefits San Francisco employers are required to offer under existing law; and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Environment Code is hereby amended by amending Section 421, to read as follows:

SEC. 421. COMMUTER BENEFITS PROGRAM.

(a) Definitions.

Whenever used in this Section, the following terms shall have the meanings set forth below.

(1) "Alternative Commute Mode" shall mean public transit (bus, train, ferry, etc.), vanpool, carpool (including "casual carpool"), bicycling, and walking.

(2) "City" shall mean the City and County of San Francisco.

(3) "Covered Employee" shall mean any person who:

(A) Performed an average of at least ten (10) hours of work per week for compensation within the geographic boundaries of San Francisco for the same employer within the previous calendar month; and

(B) Qualifies as an employee entitled to payment of a minimum wage from the employer under the California minimum wage law, as provided under Section 1197 of the

California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.

(4) "Covered Employer" shall mean an employer for which an average of twenty (20) or more persons per week perform work for compensation. In determining the number of persons performing work for an employer during a given week, all persons performing work for compensation on a full-time, part-time or temporary basis, including those who perform work outside of the geographic boundaries of San Francisco, shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.

(5) "Employer" shall mean any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly, or through an agent or any other person, except through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of an employee. "Employer" shall not include any governmental entity.

(6) *"Qualified bicycle commuting reimbursement" shall mean a reimbursement within the meaning of § 26 U.S.C. § 132(f)(5)(F) and implementing federal regulations, as the Federal law may be amended from time to time, in lieu of a transit pass benefit or van pool reimbursement benefit, for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment, subject to the annual limit as set forth in § 26 U.S.C. § 132(f)(5)(F).(ii), computed according to the number of qualified bicycle commuting months as set forth in § 26 U.S.C. § 132(f)(5)(F).(iii).*

~~(6)~~*(7)* "Transit Pass" shall mean any pass, token, fare card, voucher or similar item entitling a person to transportation on public transit within the meaning of 26 U.S.C. §

132(f)(5)(A), as the Federal law may be amended from time to time, including but not limited to, travel by ferry, bus, trolley, streetcar, light rail or train by MUNI, BART, AMTRAK, CALTRAIN, SAMTRANS or GOLDEN GATE TRANSIT.

~~(7)~~*(8)* "Transportation Benefit Program" shall mean the program set forth in *Section 421(b)* ~~Sections 410(b)-410(d)~~ of this Ordinance.

~~(8)~~*(9)* "Vanpool" shall mean a 'commuter highway vehicle' within the meaning of 26 U.S.C. § 132(f)(5)(B), as the federal law may be amended from time to time, which currently means any highway vehicle:

(A) the seating capacity of which is at least 6 adults (not including the driver), and

(B) at least 80% of the mileage use of which can reasonably be expected to be (i) for the purpose of transporting employees in connection with travel between their residences and their place of employment; and (ii) on trips during which the number of employees transported for such purposes is at least ½ of the seating capacity of such vehicle (not including the driver).

(b) Transportation Benefits Program.

No later than 120 days after the effective date of this Ordinance, all Covered Employers shall provide at least one of the following transportation benefit programs to Covered Employees:

(1) A Pre-Tax Election: A program, consistent with 26 U.S.C. § 132(f), allowing employees to elect to exclude from taxable wages and compensation, employee commuting costs incurred for transit passes, ~~or~~ vanpool charges *or qualified bicycle commuting reimbursement* (but not for parking), up to maximum level allowed by federal tax law, 26 U.S.C. 132 (f)(2), which presently is one hundred and ~~ten~~ *fifteen* dollars per month *(*~~$110~~*115) for*

transit passes and/or vanpool charges, or up to a maximum of $240 per year for qualified bicycle commuting reimbursement in lieu of transit passes or vanpool charges;

(2) Employer Paid Benefit: A program whereby the employer supplies a transit pass for the public transit system requested by each Covered Employee or reimbursement for equivalent vanpool charges at least equal in value to the purchase price of the appropriate benefit, which shall not exceed the cost of an adult San Francisco MUNI Fast Pass, which presently is $45; or

(3) Employer Provided Transit: Transportation furnished by the employer at no cost to the covered employee in a vanpool or bus, or similar multi-passenger vehicle operated by or for the employer.

(c) Administration and Enforcement.

(1) The Director of the Department of the Environment, in consultation with the San Francisco Office of Labor Standards Enforcement shall promulgate rules and regulations to implement the Transportation Benefits Program. Such rules and regulations shall, to the extent consistent with this Ordinance, conform to IRS regulations under 26 U.S.C. § 132(f). and rules for the City's Paid Sick Leave Ordinance, Administrative Code Section 12W and Health Care Security Ordinance, Administrative Code Chapter 14.

(2) The Department of the Environment shall maintain an education and advice program to assist employers with meeting the requirements of the Transit Benefit Program.

(3) Any Covered Employer who fails to offer at least one transportation benefit programs to Covered Employees as required by Section 421(b) shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished by (A) a fine not exceeding $100.00 for a first violation, (B) a fine not exceeding $200.00 for a

second violation within the same year, and (C) a fine not exceeding $500.00 for each additional violation within the same year.

(4) The Director of the Department of the Environment, or his or her designee, may issue administrative citations to any Covered Employer who fails to provide at least one transportation benefit programs to Covered Employees as required by Section 421(b). San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued to enforce this Section 184.77.

(5) The City may not recover both administrative and civil penalties for the same violation. Penalties collected under this Chapter, which may include recovery of enforcement costs, shall be used to fund implementation and enforcement of the Transportation Benefits Program.

(d) Emergency Ride Home Program.

The Department of the Environment is hereby authorized to establish an Emergency Ride Home Program and, to the extent funding is available from the Bay Area Air Quality Management District's Transportation Fund for Clean Air, the San Francisco Transportation Authority, or other sources, to reimburse persons who commute to worksites in San Francisco using an alternative commute mode, for transportation costs to return home, or to a transit spot or remotely parked car, where such costs resulting from an illness or emergency of the commuter or immediate family, or other verifiable, unexpected events out of the commuter's control. The Department of the Environment shall adopt rules and regulations to implement this program.

Section 2. Environmental Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

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

By: _____
CATHARINE S. BARNES
Deputy City Attorney

Appendix G-2: CEQA documentation for the Clean Construction Ordinance

Planning Department Case No. 2007.0245E- Ordinance amending the Administrative Code to add Section 6.25 to require City Contractors to adopt clean construction practices including biodiesel fuel and emissions controls within one year; amending the Administrative Code to add Section 6.67 to allow City departments that are authorized to award public works contracts to compare bids on the basis of clean construction practices; and amending the Environment Code to authorize the Department of the Environment to assist local businesses in applying for such funding, and to require annual reporting; and making findings, including environmental findings.

07.0245E

FILE NO. ORDINANCE NO.

[Clean Construction Ordinance.]

Ordinance amending the Administrative Code to add Section 6.25 to require City Contractors to adopt clean construction practices including biodiesel fuel and emissions controls within one year; amending the Administrative Code to add Section 6.67 to allow City departments that are authorized to award public works contracts to compare bids on the basis of clean construction practices; and amending the Environment Code to authorize the Department of the Environment to assist local businesses in applying for such funding, and to require annual reporting; and making findings, including environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings.

(a) Air pollution is one of the major public health threats in San Francisco and contributes to asthma and other respiratory diseases.

(b) Diesel engine emissions from off-road heavy-duty vehicles include fine particulate matter that can be breathed deeply into the lungs and enter into a person's blood system. The State Air Resources Board classifies diesel particulate emissions as a toxic air contaminant and estimates that these emissions account for 70 percent of the cancer risks associated with airborne toxins.

(c) The City and County of San Francisco has an interest in the protection of public health and the reduction of exposure to diesel emissions generated at publicly funded construction sites.

(d) The City and County of San Francisco can reduce the exposure to diesel emissions from off-road diesel equipment by requiring City contractors undertaking public works projects near schools, hospitals, residential care facilities and similar sensitive areas to utilize off-road diesel equipment with lower emissions.

(e) The City and County of San Francisco can further reduce the exposure to diesel emissions from off-road diesel equipment by creating a bidding incentive for City Contractors to utilize the cleanest possible off-road diesel equipment on public works contracts.

(f) The City and County of San Francisco can reduce the exposure to diesel emissions from off-road diesel vehicle fleets by seeking funding to retro-fit City owned equipment and other off-road diesel equipment operated in the City from existing incentive programs such as the Carl Moyer Air Quality Standards Attainment Program.

(g) Biodiesel is an available energy source that can be substituted in many diesel engines for conventional diesel fuel. Biodiesel can reduce petroleum consumption; and significantly reduce emissions of particulate matter, carbon monoxide, hydrocarbons, carbon dioxide ("greenhouse gas") and toxic air pollutants

(h) Under this Ordinance, the City and County of San Francisco wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace and to conduct its own business as a municipal corporation to ensure that purchases and expenditures of public monies are made in a manner consistent with Clean Construction practices.

(i) Nothing in this Ordinance shall be interpreted or applied so as to create any power or duty in conflict with any federal or state law.

Section 2. The San Francisco Administrative Code is hereby amended by adding Section 6.25 to read as follows:

SEC. 6.25. CLEAN CONSTRUCTION.

(a) Definitions:

(1) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100 or "neat biodiesel", and meeting the requirements of ASTM D 6751. B20 is a mixture of 20% biodiesel and 80% petroleum.

(2) "Clean Construction Project" means performing all work required to be performed under a public works contract (1) utilizing only off-road equipment and off-road engines fueled by biodiesel fuel grade B20 or higher and (2) utilizing only high use equipment that either (a) meets or exceed Tier 2 standards for off-road engines or (b) operates with the most effective verified diesel emission control strategy.

(3) "High Use Vehicles" means off-road vehicles or off-road engines used an aggregate of 20 or more hours during any portion of the project.

(4) "Major construction project" means a public work or improvement estimated to require twenty (20) or more cumulative days of work to complete.

(5) "Most effective verified diesel emission control strategy" means a device, system or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the California Code of Regulations to achieve the highest level of pollution control from an off-road vehicle.

(6) "Off-road engine" means a diesel internal combustion engine (including the fuel system) including without limitation, internal combustion engines used to power excavators, backhoes, bulldozers or similar equipment used in any project subject to this Chapter. "Off-road engine" does not include portable engines or stationary engines (engines that remain at one location for more than 12 months).

(7) "Off-road vehicle" means a vehicle that is propelled by an off-road engine of twenty-five horsepower or greater, including, without limitation, excavators, backhoes, bulldozers and similar

equipment used in any project subject to this Chapter. "Off-road vehicle" does not include a horticultural maintenance vehicle used for landscaping purposes that is powered by an off-road engine of sixty-five horsepower or less and that is not used in any construction program or project. "Off-road vehicle" does not include portable equipment.

(8) "Sensitive Site" means a hospital or other medical institution with facilities for inpatient care, a residential care facility providing lodging board and acre for a period of 24 hours or more to seven or more persons, a child-care facility providing less than 24 hour care for 13 or more children, or an elementary or secondary school, either public or private.

(9) "Tier 2 Standards" are those standards for an off-road engine as described in Division 3 Chapter 9, Article 4, Section 2423(b)(1)(A) of Title 13 of the California Code of Regulations, as amended.

(b) Clean Construction on major construction projects.

(1) Requirement. For all contracts for a major construction project located within 500 feet of a sensitive site solicited on or after a date one year from the effective date of this Ordinance, the department head or officer calling for bids shall specify in the Advertisement for Bids that Clean Construction is required for the performance of all work, unless the contract awarding department, upon consultation with the Department of the Environment or for good cause shown, waives such requirement for biodiesel fuel and/or emissions standards in advance as to specific, necessary equipment.

(2) Contract Provisions and liquidated damages. Every contract for such public work or improvement shall contain a provision requiring Clean Construction and the procedure for seeking waiver in advance by the Department head, and providing for liquidated damages in the amount of $100 per day per vehicle operated in violation of this requirement.

(3) Waivers. The contract awarding department, upon consultation with the Department of the Environment or for good cause shown, may waive the requirement for biodiesel fuel and/or emissions standards as to specific, necessary equipment provided that such waiver is issued in advance of any violation of the Clean Construction and provided further that all such waivers for a specific project may not exceed 25% of the total operating hours of all off-road vehicles or off-road equipment used on the project.

(4) Clean Construction Projects encouraged in other City Contracts. In recognition of the health and other environmental benefits of Clean Construction, contract-awarding departments are encouraged to require contractors to meet the standards for Clean Construction projects, as appropriate, in contracts for public works and improvements not otherwise covered by this ordinance.

Section 3. The San Francisco Administrative Code is hereby amended by adding Section 6.67 to read as follows:

SEC. 6.67. COMPARISON OF BIDS ON BASIS OF CLEAN CONSTRUCTION.

To minimize the adverse impact to the surrounding environment, department heads authorized to execute contracts for public works are authorized to compare bids on the basis that the work will be performed utilizing off-road equipment and off-road engines that meet or exceed the standards for Clean Construction projects set forth in Section 6.25 ("Clean Construction comparative bidding"). Department heads are particularly encouraged to utilize "Clean Construction" comparative bidding wherever the project is located within 500 feet of a sensitive site and the construction activity will occur for more than 20 days. The department head or officer calling for bids shall specify in the Advertisement for Bids the monetary value that the department will attribute to Clean Construction and shall evaluate responsive bids accordingly. Any contract awarded in consideration, in whole or in part, on the basis of Clean Construction comparative bidding shall include provisions (1) requiring the

contractor to certify that all work has been undertaken in compliance with the requirements for Clean Construction set forth in Section 6.25, (2) providing procedures for the contract awarding department, upon consultation with the Department of the Environment or for good cause shown, to waive the requirement for biodiesel fuel and/or emissions standards as to specific, necessary equipment provided that such waiver is issued in advance of any violation of the Clean Construction standards and provided further that such waivers may not exceed 25% of the total operating hours of all off-road vehicles or off-road equipment used on the project, and (3) providing for liquidated damages in the amount of $100 per day per vehicle operated at the project site in violation of Clean Construction standards. Except as provided herein, contracts awarded on the basis of "Clean Construction" comparative bidding shall be subject to all provisions of Chapter 6 of the Administrative Code.

Section 4. The San Francisco Environment Code is hereby amended by adding Section 411 to read as follows:

SEC. 411. CLEAN CONSTRUCTION ASSISTANCE AND REPORTING.

(a) Definitions:

(1) "Most effective verified diesel emission control strategy" means a device, system or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the California Code of Regulations to achieve the highest level of pollution control from an off-road vehicle.

(2) "Off-road engine" means a diesel internal combustion engine (including the fuel system) including without limitation, internal combustion engines used to power excavators, backhoes, bulldozers or similar equipment used in any City construction projects. "Off-road engine" does not include portable engines or stationary engines (engines that remain at one location for more than 12 months).

(3) "Off-road vehicle" means a vehicle that is propelled by an off-road engine of twenty-five horsepower or greater, including, without limitation, excavators, backhoes, bulldozers and similar

equipment used in any project subject to this Chapter. "Off-road vehicle" does not include a horticultural maintenance vehicle used for landscaping purposes that is powered by an off-road engine of sixty-five horsepower or less and that is not used in any construction program or project. "Off-road vehicle" does not include portable equipment.

(4) "Tier 2 standards" are those standards for an off-road engine as described in Division 3 Chapter 9, Article 4, Section 2423(b)(1)(A) of Title 13 of the California Code of Regulations, as amended.

(b) Technical Assistance to Departments and Local Businesses. The Department of the Environment annually shall prepare and distribute to City departments with off-road vehicles or off-road engines summary information, including application procedures and deadlines, about available local, state and federal public incentive programs to retrofit, repower, or replace older, more polluting diesel equipment. The Department of the Environment shall also provide technical assistance to businesses certified as Local Businesses Enterprises (LBEs) by the Human Rights Commission and other local businesses in securing funding to retro-fit, repower or replace off-road vehicles or off-road engines operated by such businesses within the City.

(c) Annual Reporting Requirement. The Department of the Environment shall include in the Annual Report to the Mayor and the Board of Supervisors, required in Section 406(j), the following: (1) information about the extent to which each City Department's off-road vehicle and off-road engine fleet meets or exceeds either Tier 2 standards for off-road engines or utilizes the most effective verified diesel emission control strategy, (2) a summary of the results of grant applications made and awarded for the prior year to retro-fit, repower or replace off-road vehicles and engines in the City's fleet, including fleet upgrades funded and completed, (3) a summary of technical assistance provided to LBEs and other local businesses, and results, if known, and (4) recommendations to the Board of

Supervisors, Mayor, and City Departments for procedural, policy, or legislative changes to reduce air pollution emanating from off road vehicles and off-road engines.

Section 5. Environmental Findings.

The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

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

By: _____
CATHARINE S. BARNES
Deputy City Attorney

"I/O/A project. Non-physical Exemption per CEQA Guidelines Sections 15060(c)(3) and 15378."

Harriet P. Sarell
March 7, 2007

Appendix G-3: CEQA documentation for amendments to the Planning Code addressing bicycle parking

The following materials include the Planning Code revisions pursuant to the bicycle plan, the General Plan amendments and adoption the CEQA findings, and the Planning Commission resolution adopting the CEQA findings of the bicycle plan.

File No. 090567- Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan and making findings, including environmental findings and findings of consistency with the General Plan and the priority policies of the Planning Code Section 101.1.

File No. 090868- Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of the Planning Code Section 101.1; and authorizing official acts in connection hereto.

Planning Department Case No. 2007.0347E- Planning Commission Resolution 17913 adopting environmental findings and a statement of overriding considerations under the California Environmental Quality Act and State guidelines in connection with the amendment of the San Francisco General Plan and the San Francisco Planning Code related to the 2009 San Francisco Bicycle Plan.

Amendment of the Whole
in Board
8/4/09

FILE NO. 090867 ORDINANCE NO. 187-09

[Zoning – Planning Code amendments in connection with the 2009 Bicycle Plan.]

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Under Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17915 recommending the approval of this Planning Code Amendment and incorporates such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 090867 and is incorporated here by reference.

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the Planning Code and with the General Plan, as proposed for amendment in companion legislation, and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 17914. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 090867 and is incorporated herein by

reference. The companion legislation concerns General Plan amendments and is in Clerk of the Board of Supervisors File No. 090868, which is incorporated herein by reference.

(c) In accordance with the actions contemplated herein, this Board adopted Ordinance No. 187-09, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 090868 and is incorporated by reference herein.

(d) These Planning Code amendments are adopted in connection with the 2009 San Francisco Bicycle Plan.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 155, 155.1, 155.4, and 155.5 to read as follows:

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

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Department of City Planning.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in preference to streets.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(1) For residential uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one car needs to be moved under its own power to access any one space.

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, and South of Market Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined to be primarily used for building service, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market

District, up to four spaces may be allowed to be individually accessible directly from such a street or alley.

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3 or South of Market District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less

than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one *or more* space*s* shall be provided for parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.

(k) Off-street parking and loading facilities shall be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

(r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) shall be regulated on development lots as follows on the following street frontages:

(1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set forth in Section 827.

(2) The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission Street, Mission Street from 10th Street to Division Street, Octavia Street from Hayes Street to Fell Street, not permitted.

(3) The entire portion of California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, Grant Avenue from Market Street to Bush Street Montgomery Street from Market Street to Columbus

Avenue, Haight Street from Market Street to Webster Street, Church Street and 16th Street in the RTO District, and Duboce Street from Noe Street to Market Street, Octavia Street from Fell Street to Market Street, not permitted except with a conditional use permit.

(4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where an alternative frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on streets not listed in subsection (2) above as an exception in the manner provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

(5) A "development lot" shall mean any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking. Pre-existing access to off-street parking and loading on development lots that violates the restrictions of this Section 155(r) may not be maintained.

(s) Off-Street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) Ground floor or below-grade parking and street frontages with active uses.

(A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and subsections 155(s)(2) or 155(s)(3) below.

(B) Parking at the ground-level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(i) Where a non-accessory off-street parking garage permitted under Section 223(m)--(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and fronts more than one street of less than 45 feet in width, a conditional use may be granted in accordance with Section 303 that allows an exception to this requirement for one of the street frontages. The above provision authorizing such conditional use shall sunset eight years from the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

(C) Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by

subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(2) Residential accessory parking. For residential accessory off-street parking in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

(A) In a manner provided in Section 309 of this Code provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the exception application under Section 309.

(B) As a conditional use in accordance with the criteria set forth in Section 303 of this Code, provided it can be clearly demonstrated that constructing the parking above-grade instead of underground would allow the proposed housing to meet affordability levels for which actual production has not met ABAG production targets as identified in the Housing Element of the General Plan.

(3) Non-accessory off-street parking garages. For non-accessory off-street parking garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-

grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B) below:

(A) As a conditional use in accordance with the criteria set forth in Section 303, provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the conditional use permit application.

(B) As a conditional use in accordance with the criteria set forth in Section 303, provided the site contains an existing non-accessory off-street surface parking lot with valid permits for such parking as of the effective date of the ordinance enacting this subsection and the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection

155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this subsection.

(4) Parking lots permitted in C-3 Districts as temporary uses according to Section 156(h) and expansions of existing above-grade publicly accessible parking facilities are not subject to the requirements of subsections 155(s)(1)--(3).

(5) Parking and Loading Access.

(A) Width of openings. Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.

SEC. 155.1. BICYCLE PARKING REQUIREMENTS FOR CITY-OWNED AND LEASED BUILDINGS.

In all City-owned and leased buildings, regardless of whether off-street parking is available, the responsible City official, as defined in Section 155.1(a)(11) below, shall provide bicycle parking according to the schedule in Section 155.1(c) below, except as otherwise provided in Section 155.2. The provisions of this Section shall not apply in any case where the City occupies property as a tenant under a lease the term of which does not exceed six months. In the event that a privately owned garage, as defined in Section 155.2, is in a

building in which the City leases space, Section 155.2 and not this Section shall apply. All required bicycle parking shall conform to the requirements of Sections 155.1(b) (Location of Facilities) and 155.1(c) (Number of Spaces) set forth below:

(a) Definitions.

(1) Locker. A fully enclosed, secure and burglar-proof bicycle parking space accessible only to the owner or operator of the bicycle.

(2) Check-In Facility. A location in which the bicycle is delivered to and left with an attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible only to the attendant.

(3) Monitored Parking. A location where Class 2 parking spaces are provided within an area under constant surveillance by an attendant or security guard or by a monitored camera.

(4) Restricted Access Parking. A location that provides Class 2 parking spaces within a locked room or locked enclosure accessible only to the owners of bicycles parked within.

(5) Personal Storage. Storage within the view of the bicycle owner in either the operator's office or a location within the building.

(6) Class 1 Bicycle Parking Space(s). Facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3) monitored parking, (4) restricted access parking, and (5) personal storage.

(7) Class 2 Bicycle Parking Space(s). Bicycle racks which permit the locking of the bicycle frame and one wheel to the rack and, which support the bicycle in a stable position without damage to wheels, frame or components.

(8) Director. Director of the Department of City Planning.

(9) Landlord. Any person who leases space in a building to the City. The term "landlord" does not include the City.

(10) Employees. Individuals employed by the City and County of San Francisco.

(11) Responsible City Official. The highest ranking City official of an agency or department which has authority over a City-owned building or parking facility or of an agency or department for which the City is leasing space.

(12) Person. Any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may enter into leases.

(b) Location of Facilities.

(1) At locations where the majority of parking spaces will be long-term (e.g., occupied by building employees for eight hours or more), at least 1/2 of the required bicycle parking spaces shall be Class 1 spaces. The remaining spaces may be Class 2 spaces. The Director may approve alternative types of parking spaces that provide an equivalent measure of security.

(2) Alternative Locations. In the event that compliance with Section 155.1(b)(1) may not be feasible because of demonstrable hardship, the responsible city official may apply to the Director for approval of an alternative storage location. In acting upon such applications, the Director shall be guided by the following criteria: Such alternative facilities shall be well-lighted and secure. The entrance shall be no more than 50 feet from the entrance of the building, unless there are no feasible locations within a 50 foot zone that can be provided without impeding sidewalk or pedestrian traffic. However, in no event shall an alternative location be approved that is farther from the entrance of the building than the closest automobile parking space.

(3) Exemptions. If no feasible alternative parking facility exists nearby which can be approved pursuant to Section 155.1(b)(1) or (2), *no Class 1 bicycle parking is provided in the building,* or, securing an alternative location would be unduly costly and pose a demonstrable hardship on the landlord, or on the City, where the City owns the building, the Director may issue an exemption. In order to obtain an exemption, the responsible City official shall certify to the Director in writing that the landlord, or the City, where the City owns the building, will not prohibit bicycle operators from storing bicycles within their office space, provided that they are stored in such a way that the Fire Code is not violated and that the normal business of the building is not disrupted.

(c) Required Number of Bicycle Parking Spaces.

(1) Class 1 Bicycle Parking Spaces. The following standards shall govern the number of Class 1, long-term, bicycle parking spaces a responsible City official must provide:

(A) In buildings with one to 20 employees, at least two bicycle parking spaces shall be provided.

(B) In buildings with 21 to 50 employees, at least four bicycle parking spaces shall be provided.

(C) In buildings with 51 to 300 employees, the number of bicycle parking spaces provided shall be equal to at least five percent of the number of employees at that building, but in no event shall fewer than five bicycle spaces be provided.

(D) In buildings with more than 300 employees, the number of bicycle parking spaces provided shall be equal to at least three percent of the number of employees at that building but in no event shall fewer than 16 bicycle parking spaces be provided.

(2) In addition to the Class 1 bicycle parking spaces required above, a responsible City official shall also provide Class 2 bicycle parking spaces according to the below enumerated schedule:

(A) In buildings with one to 40 employees, at least two bicycle parking spaces shall be provided.

(B) In buildings with 41 to 50 employees, at least four bicycle parking spaces shall be provided.

(C) In buildings with 51 to 100 employees, at least six bicycle parking spaces shall be provided.

(D) In buildings with more than 100 employees, at least eight bicycle parking spaces shall be provided. Wherever a responsible City official is required to provide eight or more Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be covered.

(3) In public buildings where the City provides a public service to members of the public who are patrons or users of the buildings, such as libraries, museums, and sports facilities, the responsible City official shall provide the number of bicycle parking spaces as set out in Section 155.1(c)(1) and (2), except that the average patron load in a building during peak use hours as determined by the Director, rather than the number of employees, shall determine the number of spaces required. This Section shall not apply where a public building has a "garage" (as such term is defined in Section 155.2(a)) that is open to the general public, in which case Section 155.2 shall apply.

(4) The Director shall annually survey the amount, location, and usage of provided bicycle parking spaces in all buildings subject to the requirements of this Section in order to ascertain whether current requirements are adequate to meet demand for such parking

spaces. If current requirements are inadequate, the Director shall draft and submit to the Board of Supervisors proposed legislation that would remedy the deficiency.

(5) Reductions. The Director may grant a reduction from the number of bicycle parking spaces required by this Section where the applicant shows based upon the type of patronage, clientele, or employees using the building that there is no reason to expect a sufficient number of bicycle-riding patrons, clientele or employees to justify the number of spaces otherwise required by the Section.

(d) Layout of Spaces. Class 1 and Class 2 bicycle parking spaces or alternative spaces approved by the Director shall be laid out according to the following:

(1) An aisle or other space to enter and leave the facility shall be provided. The aisle shall provide a width of five feet to the front or rear of a standard six-foot bicycle parked in the facility.

(2) Each bicycle parking space shall provide an area at least two feet wide by six feet deep. Vertical clearance shall be at least 78 inches.

(3) Bicycle parking shall be at least as conveniently located as the most convenient nondisabled car parking. Safe and convenient means of ingress and egress to bicycle parking facilities shall be provided. Safe and convenient means include, but are not limited to stairways, elevators and escalators.

(4) Bicycle parking and automobile parking shall be separated by a physical barrier or sufficient distance to protect parking bicycles from damage. *The number of required automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is provided. The number of otherwise required automobile parking spaces may be reduced, commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the*

requirements of this section. This provision only applies to the explicit area used for Class 1 or Class 2 bicycle parking.

(5) Class 2 bicycle racks shall be located in highly visible areas to minimize theft and vandalism.

(6) Where Class 2 bicycle parking areas are not clearly visible to approaching bicyclists, signs shall indicate the locations of the facilities.

(7) The surface of bicycle parking spaces need not be paved, but shall be finished to avoid mud and dust.

(8) All bicycle racks and lockers shall be securely anchored to the ground or building structure.

(9) Bicycle parking spaces may not interfere with pedestrian circulation.

(e) Lease Provisions.

(1) All City leases of buildings that are subject to the requirements of this Section and under which the City is a tenant shall specifically provide that the landlord agrees to make space available in the building for the term of the lease within which the responsible City official may install, at no cost to the landlord, bicycle parking facilities that are in compliance with this Section.

(2) This Subsection (e) does not in any way limit the ability of the Director to approve alternative storage locations under Subsection (b)(2) or exemptions under Subsection (b)(3). In the event that an exemption is granted or an alternative location is approved allowing the installation of bicycle parking facilities on property that is not included (i) in a building leased by the responsible city official or (ii) on property that belongs to the landlord, Subsection (e)(1) does not apply. If the alternative location is on property that is owned by the landlord, but is not inside the building to be leased by the responsible city official, the lease provision of

Subsection (e)(1) is required and shall identify that property as the location of the bicycle parking spaces.

(f) Enforcement. Article 1.5, Section 151.1 shall be enforced by the Zoning Administrator. Upon complaint, the Zoning Administrator shall investigate. If the Zoning Administrator concludes that a violation exists, he or she shall provide written notice to the responsible City official offering thirty days to cure the violation. The written notice shall inform the responsible City official of the grounds for the Zoning Administrator's conclusion that this Section has been violated. The notice shall afford the responsible City official an opportunity to meet with the Zoning Administrator to explain why penalties should not be assessed. The Zoning Administrator shall assess penalties upon the responsible City official's agency or department according to the following provisions:

(1) If the responsible City official's violation has not been cured within the 30 days, a penalty of $50/day shall be assessed by the Zoning Administrator, commencing with the first date of the violation.

(2) All fines collected for violations of this Section shall be deposited with the Department of Parking and Traffic for expenditure by and for the Department's Bicycle Program.

(g) Miscellaneous Requirements.

(1) The responsible City official shall not, and shall encourage landlords not to, establish or enforce any building policy that restricts or discourages building tenants, employees, or visitors from utilizing their bicycle storage spaces.

(2) In any building that contains more than the required number of bicycle parking spaces as set forth in Article 1.5, Section 155.1, the responsible City official shall not remove such additional bicycle parking spaces without petitioning the Director. Such a petition may

not be filed until at least one year has elapsed following the effective date of this Section. That petition shall demonstrate that the spaces the responsible City official seeks authority to remove have not been necessary to meet the demand of employees and other building users.

(3) The responsible City official shall be responsible for full compliance with this Section. The Board of Supervisors does not intend to impose requirements of this Section on any responsible City official where such application would impair obligations of contract.

(4) Buildings with existing traditional-type racks which support only one wheel shall have two years from the effective date of this Section to replace them with conforming racks.

(5) In addition to imposing requirements pursuant to this Section, the Board of Supervisors declares it the official policy of the City and County of San Francisco that all property owners and responsible City officials in control of buildings housing employees or members of the public who use bicycles shall provide bicycle parking spaces and shall encourage and facilitate bicycle usage.

(h) In adopting this Section, the Board of Supervisors intends that General Fund Revenues not be used to pay for the purchase of bicycle storage facilities or for installation of bicycle storage facilities, that private building owners not be required to use their own funds to implement the requirements of this Section, and that the implementation of this Section be funded primarily through the use of public and private donations, grants and other available programmatic funding.

SEC. 155.4. BICYCLE PARKING REQUIRED IN NEW AND RENOVATED COMMERCIAL BUILDINGS.

(a) Definitions.

(1) All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated into this Section.

(2) New Commercial Building. A commercial or industrial building for which a building permit is issued on or at least six months after the effective date of this Section.

(3) Major Renovation. Any construction or renovation project (i) for which a building permit is issued commencing on or at least six months after the effective date of this Section (ii) which involves an enlargement of an existing commercial building and (iii) which has an estimated construction cost of at least $1,000,000.00.

(b) Requirements for New Commercial Buildings and Commercial Buildings with Major Renovations. New commercial buildings and commercial buildings with major renovations, as a condition of approval, shall provide bicycle parking in that building in accordance with this Section. Where a building undergoes major renovations, its total square footage after the renovation shall be used in calculating how many, if any, bicycle parking spaces are required.

(c) Types of Bicycle Parking. New commercial buildings and commercial buildings with major renovations shall offer either Class 1 bicycle parking, as defined in Section 155.1(a)(6), or Class 2 bicycle parking, as defined in Section 155.1(a)(7), or a combination of Class 1 and Class 2 bicycle parking.

(d) Bicycle Parking Spaces--Professional Services. For new commercial buildings and commercial buildings with major renovations, *including individual buildings of large, multiple-building developments,* whose primary use consists of medical or other professional services, general business offices, financial services, general business services, business and trade schools, colleges and universities, research and development or manufacturing, the following schedule of required bicycle parking applies:

(1) Where the gross square footage of the floor area exceeds 10,000 square feet but is no greater than 20,000 feet, 3 bicycle spaces are required.

(2) Where the gross square footage of the floor area exceeds 20,000 square feet but is no greater than 50,000 feet, 6 bicycle spaces are required.

(3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12 bicycle spaces are required.

(4) Bicycle Parking Spaces--Retail. For new commercial buildings and commercial buildings with major renovations whose primary use consists of retail, eating and drinking or personal service, the following schedule of required bicycle parking applies:

(1) Where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 feet, 3 bicycle spaces are required.

(2) Where the gross square footage of the floor area exceeds 50,000 square feet but is no greater than 100,000 feet, 6 bicycle spaces are required.

(3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12 bicycle spaces are required.

(f) Notice of Bicycle Parking. New commercial buildings and commercial buildings with major renovations subject to this Section must provide adequate signs or notices to advertise the availability of bicycle parking.

(g) Layout of Spaces. Owners of new commercial buildings and commercial buildings with major renovations subject to this Section are encouraged to follow the requirements set forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2 bicycle parking. *The number of required automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is provided. The number of otherwise required automobile parking spaces may be reduced, commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the requirements of this section. This provision only applies to the explicit area used for Class 1 or Class 2 bicycle parking.*

(h) Owners of Existing Buildings Encouraged to Provide Bicycle Parking Spaces. The City encourages building owners whose buildings are not subject to this Section to provide bicycle parking spaces in such buildings.

(i) Exemption. Where a new commercial building or building with major renovations includes residential uses, the building's total non-residential square footage shall be used in calculating how many, if any, bicycle parking spaces are required. *Building owners shall be required to allow tenants to bring their bicycles into buildings unless Class 1 bicycle parking is provided.*

(j) This Section shall not be interpreted to interfere with the Department of Planning's authority to require more than the minimum bicycle parking spaces required by this Section as a condition of approval of a project, where appropriate.

(k) For the purposes of this Section, commercial shall mean commercial and industrial.

~~(l) Enforcement. Article 1.5, Section 155.4 shall be enforced by the Zoning Administrator. Upon complaint, the Zoning Administrator shall investigate the potential Code violations. If the Zoning Administrator concludes that a violation exists in a new or renovated commercial building, he or she shall provide written notice to the building owner, offering 30 days to cure the violation. The written notice shall state the grounds for the Zoning Administrator's conclusion that this Section has been violated. The notice shall afford the responsible building owner an opportunity to contact the Zoning Administrator to explain why he or she is not in violation of this Section.~~

~~(1) Where a violation of this Section occurs in a new or renovated commercial building, if such violation has not been cured within the allotted 30 day period, the Zoning Administrator shall add the name and address of the building and the name of the owner to a~~

~~list or buildings currently in violation of this Section. Upon request, the Zoning Administrator shall provide a copy of this list to members of the public.~~

SEC. 155.5. BICYCLE PARKING REQUIRED FOR RESIDENTIAL USES.

(a) For buildings of 4 dwelling units or more, bicycle parking shall be provided in the minimum quantities specified in Table 155.5, regardless of whether off-street car parking is available. The maximum requirement is 400 spaces. Use of bicycle parking required by this section shall be provided at no cost or fee to building occupants and tenants.

(b) Definitions. See Section 155.1(a).

(c) Layout. If more than 100 spaces is required, up to one-third of the spaces may require the bicycle to be parked in a vertical position. Large developments with multiple buildings are encouraged to site required bicycle parking in smaller facilities located close to residential entries for each building, rather than in one large centralized garage space. Required bicycle parking spaces shall not be provided within dwelling units, balconies, or required open space. Bicycle parking must otherwise meet the standards set out for Class 1 parking as described in Section 155.1(d).

~~(d) Enforcement. Article 1.5, Section 155.5 shall be enforced by the Zoning Administrator. Upon complaint, the Zoning Administrator shall investigate the potential Code violations. If the Zoning Administrator concludes that a violation exists in a new or renovated commercial building, he or she shall provide written notice to the building owner, offering 30 days to cure the violation. The written notice shall state the grounds for the Zoning Administrator's conclusion that this Section has been violated. The notice shall afford the responsible building owner an opportunity to contact the Zoning Administrator to explain why he or she is not in violation of this Section.~~

~~(1) Where a violation of this Section occurs in a residential building, if such violation has not been cured within the allotted 30 day period, the Zoning Administrator shall add the name and address of such building and the name of the residential building owner to a list of sites currently in violation of this Section. Upon request, the Zoning Administrator shall provide a copy of this list to members of the public.~~

Table 155.5

BICYCLE PARKING SPACES

REQUIRED FOR RESIDENTIAL USES

TABLE INSET:

	Minimum Number of Bicycle Parking Spaces Required
Dwelling units in all Districts	For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.
	For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.
Group housing in all Districts	One Class 1 space for every 3 bedrooms.
Dwelling units dedicated to	None required

senior citizens or physically disabled persons	

Section 3. Actions conditioned upon Superior Court authorization. The Board of Supervisors hereby orders that all actions set forth in this Ordinance are held in abeyance unless and until the California Superior Court grants appropriate authorization to the City and County of San Francisco to proceed with one or more of the actions contemplated herein.

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

By: John D. Malamut
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090867 **Date Passed:**

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

August 4, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 4, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 11, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090867

I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 11, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

8/12/2009
Date Approved

Mayor Gavin Newsom

Amendment of the Whole
in Board
8/4/09

FILE NO. 090868 ORDINANCE NO. 188-09

[Bicycle Plan adoption and related General Plan amendments.]

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. General Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) In June 2005, the Board of Supervisors, Planning Commission, and San Francisco Municipal Transportation Agency took various actions related to the Bicycle Plan: A Policy Framework ("2005 Bicycle Plan"). Those actions were successfully challenged in California Superior Court Case No. 505509 on environmental grounds and the Superior Court issued an injunction prohibiting the City from undertaking a variety of actions related to the 2005 Bicycle Plan and bicycle facilities and directed the City to perform adequate environmental analysis on the 2005 Bicycle Plan in accordance with the requirements of California Public Resources Code Sections 21000 et seq. ("CEQA").

(b) On February 3, 2005, the Planning Commission conducted a duly noticed public hearing on the proposed amendments to the General Plan in relation to the 2005 Bicycle Plan. Following such hearing, the Planning Commission, by Resolution No. 16942 and

Motion No. 16943 found such amendments to the General Plan to be consistent with the Priority Policies of Planning Code Section 101.1 and with the General Plan as it was proposed for amendment, approved such General Plan amendments, and recommended such amendments for approval by the Board of Supervisors. Such resolution and motion are on file with the Clerk of the Board in File No. 050349.

(c) On June 25, 2009, in Resolution No. 17914, the Planning Commission rescinded Resolution No. 16942 and Motion No. 16943.

Section 2. Environmental Findings. In accordance with the actions contemplated herein, this Board adopts as its own the findings of the San Francisco Municipal Transportation Agency and the Planning Commission, including a statement of overriding benefits and a mitigation monitoring and reporting program, pursuant to CEQA. Said findings are on file with the Clerk of the Board of Supervisors in File No. 090868 and are incorporated by reference herein.

Section 3. General Plan Findings.

(a) City Charter Section 4.105 requires that the San Francisco Planning Commission (the "Planning Commission") consider any proposed amendments to the City's General Plan and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

(b) The 2009 San Francisco Bicycle Plan ("2009 Bicycle Plan") proposes text amendments and map amendments to the Transportation Element and Downtown Plan of the City and County of San Francisco General Plan. The General Plan text amendments and description of the General Plan map amendments are contained in this Ordinance. The General Plan maps proposed for amendment are attached to this Ordinance and incorporated herein by reference. Copies of said maps are on file with the Clerk of the Board of Supervisors in File No. 090868 and are incorporated herein by reference.

(c) The Board of Supervisors finds that this Ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and, on balance, consistent with the General Plan as it is proposed for amendment herein, and hereby adopts the findings set forth in Planning Commission Resolution No. 17914 and incorporates such findings by reference as if fully set forth herein.

(d) This Board of Supervisors, pursuant to Planning Code Section 340, finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 17915.

Section 4. Findings concerning the 2009 Bicycle Transportation Plan. The Board of Supervisors of the City and County of San Francisco hereby further finds and determines that:

(a) California Streets and Highways Code Sections 890 et seq. is known as the California Bicycle Transportation Act (the "Bicycle Transportation Act"). Section 891.2 of Bicycle Transportation Act provides for the preparation or update of a bicycle transportation plan by a city or county in accordance with certain criteria.

(b) Section 891.4 of the Bicycle Transportation Act establishes a process for a city or county to obtain funding from the State Bicycle Transportation Account for complying bicycle transportation plans. In order to be eligible to apply for such funds and many other funds and grants, cities and counties must have an approved bicycle plan or certify that an existing plan has been updated.

(c) The San Francisco Municipal Transportation Agency (MTA) prepared the 2009 Bicycle Plan in compliance with the requirements of the abovementioned Bicycle Transportation Act. The 2009 Bicycle Plan is on file with the Clerk of the Board in File No. 090868 and is incorporated herein by reference as though fully set forth herein.

(d) On June 26, 2009, at a duly noticed public hearing, the MTA Board of Directors adopted Resolution No. 09-106, which, among other actions, approved the 2009

Bicycle Plan and recommend approval to this Board of Supervisors. Said Resolution is on file with the Clerk of the Board in File No. 090868 and is incorporated herein by reference as though fully set forth herein.

Section 5. Rescission of Board of Supervisors Ordinance No. 0109-05. The Board of Supervisors hereby rescinds in its entirety Ordinance No. 0109-05, Clerk of the Board of Supervisors File No. 050349.

Section 6. Amendments to the General Plan. Sections, objectives, policies, and maps of the Transportation Element of the San Francisco General Plan are hereby amended to read as follows:

TRANSPORTATION ELEMENT

HISTORY OF TRANSPORTATION IN SAN FRANCISCO

The Freeway Revolt and "Transit First" (1960-1989)

City residents and politicians protested the proposed 1948 Trafficways Plan, fearing that it would destroy the city's livability and character. This response, known as the "Freeway Revolt", led to the deletion of the Western, Park Presidio and Crosstown freeways and, in 1959, the suspension in mid-construction of both the Embarcadero and Central Freeways. The ugliness and intrusiveness of these freeways, and the increased automobile traffic they attracted, encouraged the Board of Supervisors to further reject new alternatives in 1966 for cross-town freeway connections, permitting only the construction of the Southern Freeway (I-280).

Instead of relying on freeways to meet its transportation needs, the city sought to place greater emphasis on mass transportation. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic. *This policy*

encourages multi-modalism, including the use of transit and other transportation choices, including bicycling and walking, rather than the continued use of the single-occupant vehicle.

Regional and local mass transit diversified and expanded during the 1970's and 1980's. Proposed in 1957, the Bay Area Rapid Transit System (BART) began East Bay and West Bay service in 1972-3, and transbay service in 1974. Commuter ferry service was reinstated between Marin County and San Francisco in 1970. The Golden Gate Bridge Highway and Transit District and SamTrans took over and expanded the Greyhound commuter bus operations in the North Bay (1972) and on the Peninsula (1974), respectively. In 1980, the California Department of Transportation took over the Southern Pacific commuter rail service on the Peninsula (and renamed it CalTrain), and in 1992 the operation of CalTrain was assumed by a Joint Powers Board representing San Francisco, San Mateo and Santa Clara Counties. The San Francisco Municipal Railway (Muni) upgraded its surface streetcar operation to a surface and subway light-rail network in 1979. By the time of the 1989 Loma Prieta Earthquake, public transportation in San Francisco was a diverse, though not seamlessly coordinated, system of regional and local bus service, electric trolley buses, ferries, commuter trains, heavy and light rail transit, and cable cars. After decades of poor coordination and large service gaps between different transit systems, great strides were made in linking and facilitating transfers between local and regional transit services. Muni and BART introduced the "Fast Pass" allowing unlimited trips and free transfers between the two systems for trips made in San Francisco during one month. Plans were drawn for the Muni Metro extension to Mission Bay, connecting CalTrain to Muni Metro and BART, and for the F-line connection between BART/Muni Metro, Upper Market, the Northern Waterfront, the Transbay Terminal and the Ferry Building.

Nevertheless, decentralization of the Bay Area continued, making it difficult for mass transit to meet the needs of residents and commuters traveling to the outlying, suburban parts

of the region. Manufacturing continued to diminish in importance as a sector of San Francisco's economy, which was becoming more dominated by such office sectors as finance, administration and service. Much of the growth in the industrial and manufacturing sectors of the Bay Area's economy occurred in the East and South Bay. The Port of Oakland, already at an advantage because of its proximity to multiple railheads and servers, assumed a greater share of the Bay Area's waterfront traffic after it had adapted to cargo containerization, and the Port of San Francisco's Belt Line Railroad became obsolete and was eventually dismantled."

GENERAL

POLICY 1.6: Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

San Francisco and the Bay Area have various means of travel: automobile, bus, streetcar, walking, taxi, cable car, ferry, railroad, BART and bicycling. Flying is occasionally used as a means of intra-regional travel. Each mode of travel has special advantages or disadvantages for certain types of trips and for certain origins and destinations. The least costly or most convenient means to satisfy travel demand is not necessarily the best investment in the context of comprehensive planning: cost or convenience must usually be balanced against effects on the environment and impact on land use and development patterns. *However, it should be remembered that some modes such as walking and bicycling can be utilized on many streets with minimal environmental and land use impact.*

The following conditions listed under each mode choice are not mutually exclusive, and may apply to more than one travel mode, especially when the modes are compatible with each other:

Mass transit should be given priority for the following kinds of trips and/or in the described areas:

- For work trips generally within and to San Francisco, and to other densely developed parts of the region, especially to all major employment centers.
- For intercity trips between core areas of major cities and for travel to core areas in general.
- For trips occurring generally during periods of high travel demands.
- Where demand for travel between any two or more relatively compact or densely developed areas is high.
- In areas and around institutions where large numbers of people with limited means or low automobile ownership reside or arrive at a destination.
- Where travel demand exceeds the capacity of an area to absorb more vehicular traffic without substantial environmental damage or where further capacity for automobile movement or storage is very costly.
- Where required or useful to stimulate development.
- For trips to major recreation areas and to sports, cultural and other heavily attended events.
- For trips to neighborhood commercial districts, especially those that do not contain many automobile-oriented uses.

Automobiles should be accommodated for making the following kinds of trips and/or in the described areas:

- For trips occurring when and where transit is not well-suited for the purpose, such as shopping for oversized or bulk items (as an alternative, retail delivery services should be encouraged.)
- For intra-regional trips outside the major cities and for intercity trips between non-core areas of the major cities.

- Where business travel requires the use of an automobile for short-term and intermittent trips.
- On streets having the capacity to absorb additional vehicular traffic as an alternative to freeway construction without substantial environmental damage or conflict with land uses.

Walking should be given priority for the following kinds of trips and/or in the specified areas:

- In parks, on trails and in other recreational areas, and where the enjoyment of slow movement and the preservation of the natural environment would be severely compromised by automobile traffic.
- For work trips generally within San Francisco, especially the downtown area.
- Where concentration of activity is high, particularly where streets are narrow and the intervening distances are short, that more convenient access among interrelated activities may be achieved by walking or limited distance people-movers than by other modes.
- In areas and around institutions where large numbers of people with limited means or low automobile ownership reside or arrive as a destination.
- Where travel demand exceeds the capacity of an area to absorb more vehicular traffic without substantial environmental damage or where further capacity for automobile movement or storage is very costly.
- In neighborhood commercial districts, and where cultural and recreational facilities are clustered.
- Surrounding transit centers and along transit preferential streets, where the facilitation of pedestrian traffic is necessary to successful and safe transit operation.

Bicycling should be given priority for the following kinds of trips and/or in the specified areas:

- In parks, on trails, *on roads of particular scenic beauty,* and in other recreational areas, and where the enjoyment of slow movement and the preservation of the natural environment would be severely compromised by automobile traffic.
- For work trips generally within San Francisco, especially the downtown *and other dense* area*s, where automobile parking is scarce*.
- Where concentration of activity is high, particularly where streets are narrow and the intervening distances are short, that more convenient access among interrelated activities may be achieved by bicycling.
- ~~*In areas and around institutions where*~~ *Where* large numbers of people with limited means or low automobile ownership reside or arrive as a destination.
- ~~*Where travel demand exceeds the capacity of an area to absorb more vehicular traffic without substantial environmental damage or where further capacity for automobile movement or storage is very costly.*~~
- *In neighborhood commercial districts, and where cultural and recreational facilities are clustered.*
- *For trips to sports, cultural and other heavily attended events.*
- *As a connector to and from transit, especially regional transit.*
- *Along the alignment of the regional Bay Trail network linking shoreline recreational destinations.*

Taxis, water taxis, paratransit services and shuttles should be accommodated for the following kinds of trips and/or in the specified areas:

- Where there are concentrations of off-peak, nighttime commercial, recreational and cultural activity, particularly where that activity attracts a large proportion of tourists and is within a 5-minute taxi ride from Downtown.

- Shopping trips where the volume of purchased goods would make the use of public transit inconvenient or difficult.
- In residential areas, or near facilities and institutions where the facilitation of door-to-door trips is an absolute priority.
- Adjacent to regional transit connection points.
- Where the mode, such as a water taxi, affords a trip of special scenic quality.

Freight carriers and delivery vehicles should be accommodated for making the following kinds of trips and/or in the described areas:

- Where there are concentrations of industrial and manufacturing facilities that depend on the processing, delivery and/or shipment of large quantities of goods and freight.
- For the bulk movement of refuse and other materials which would become a nuisance and health hazard if stored or accumulated on site.
- For the loading and unloading of goods and freight at retail and commercial establishments.
- At the transfer points where bulk equipment, goods and freight exchange modes of travel, such as where land and water freight traffic interface.
- Along rail or truck routes specifically needed to accommodate the movement, both local and inter-regional, of the activities described above.

In areas suited for the storage of bulk equipment, goods and freight.

REGIONAL

POLICY 3.1: The existing capacity of the bridges, highways and freeways entering the city should not be increased for single-occupant vehicles, and should be reduced where possible. *Changes, retrofits, or replacements to existing bridges and highways should include dedicated priority for high-occupancy vehicles and transit, and all bridges, where feasible, should feature access for bicyclists and pedestrians.*

Much of the existing street infrastructure and parking facilities within San Francisco are at capacity and cannot accommodate significant increases in automobile traffic. Managing the future transportation demand requires a balancing of travel modes, including a greater emphasis on public transit, ride-sharing, and other alternatives to single-occupancy vehicles. Congestion pricing on key freeways and bridges should be implemented to help achieve this end.

POLICY 4.6: Facilitate transfers between different transit modes and services by establishing simplified and coordinated fares and schedules, ~~*and by*~~ employing design and technology features to make transferring more convenient, *and increasing accommodation of bicycles on transit*.

Examples include providing links between transit platforms so that connections can be made directly, with a minimum of walking and entry/exit of fare areas. Monitors that announce arrivals, departures and the progress of transit vehicles and orientation maps should be installed to ease the uncertainty and anxiety of waiting passengers.

Expanded peak-hour bicycle capacity and reduced peak-hour bicycle time restrictions would encourage bicycling to and from transit at one or both ends of the transit trip – an attractive choice to driving alone. This extends the range and convenience of both the transit and the bicycle modes.

POLICY 6.1: Designate expeditious routes for freight trucks between industrial and commercial areas and the regional and state freeway system to minimize conflicts with automobile traffic and bicycles and incompatibility with other land uses.

It is very important to coordinate truck route and Bicycle Route Network planning. Trucks and bicycles should be routed to separate streets where possible. Trucks' greater width and length, obstructed rear sight lines, large turning radius, and the tendency for rear wheels to follow a smaller circle than front wheels all present special concerns to cyclists.

OBJECTIVE 8: MAINTAIN AND ENHANCE REGIONAL PEDESTRIAN ~~*AND*~~, HIKING, *AND BICYCLE* ACCESS TO THE COAST, BAY AND RIDGE TRAILS.

In addition to pedestrian continuity along all of these trails, continuous bicycle access should be facilitated along the Bay, Ridge, and Coast Trails, which are important regional recreational and touristic facilities.

POLICY 8.2: Clearly identify the citywide Pedestrian *and Bicycle* Network*s* where ~~*it*~~ *they* intersect with the Coast, Bay and Ridge Trails.

POLICY 9.1: ~~*Allow*~~ *Accommodate* bicycles on regional transit ~~*vehicles*~~ *facilities and important regional transportation links,* such as ~~*trains and ferries*~~ *the City's light rail vehicles, wherever and* whenever practical*ly feasible*.

Many commuters to San Francisco work outside of downtown and drive alone, contributing to peak hour congestion. If regional transit expanded peak-hour bicycle capacity and reduced peak hour bicycle time restrictions, these commuters could bicycle to and from transit at one or both end of their transit trip – an attractive choice to driving alone. This would also reduce parking demand at BART and Caltrain stations, ferry terminals, and park-and-ride lots.

CONGESTION MANAGEMENT

POLICY 14.1: Reduce road congestion on arterials through the implementation of traffic control strategies, such as *traffic* signal ~~*light*~~ synchronization *(consistent with posted speed limits)* and turn controls, that improve vehicular flow without impeding movement for pedestrians and bicyclists.

The roadway space needed by bicyclists varies between four and six feet depending on the presence of parked cars. The needs of bicyclists should be considered wherever lane widths, especially curb lanes, are proposed to be changed. Multiple turn lanes, designed to reduce congestion for autos, can be confusing and difficult to negotiate for cyclists and pedestrians, and should not be used if feasible.

POLICY 14.4: Reduce congestion by encouraging alternatives to the single occupant auto through the reservation of right-of-way and enhancement of other facilities dedicated to multiple modes of transportation.

Creating necessary and appropriate facilities for transit, bicycles, carpools, pedestrians, and other modes often requires eliminating general traffic lanes and reducing capacity for single occupant autos. This trade-off is often necessary to create attractive and efficient facilities to ensure safety, reduce congestion, improve neighborhood livability, and accommodate growth consistent with the Transit First policy.

VEHICLE CIRCULATION

POLICY 18.2: Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses *nor eliminate the efficient and safe movement of transit vehicles and bicycles*.

The need for traffic carriers must be balanced against the adverse effects of heavy traffic on the use of adjacent land and the quality of the environment. The needs of residents for peace and quiet, safety from harm, and useful open space must be given consideration. Each area and each street of the city have different characteristics which determine the level of traffic which can be absorbed without serious adverse impacts. The following factors should be the basis for a judgment on the acceptable levels of traffic on a specific street:

The predominance of land uses fronting the street;

The distance between the curb and building line established by sidewalk width or setback;

The presence or absence of buffering between street and building in the form of landscaping, change in elevation, or similar condition;

The level of pedestrian and bicycle traffic;

The proportion of the street which is residential in land use;

Whether residences face the street;

The presence of hospitals, schools, parks, or similar facilities on or near the street.

The widening of streets at the expense of sidewalks or of setbacks should not occur where space is necessary for pedestrian movement, buffering from noise, useful open space and landscaping. This is especially true in densely populated neighborhoods with little public or private open space. No additional sidewalk narrowings, tow-away zones and one-way streets should be instituted in a residential neighborhood if it would compromise the safety and comfort of the pedestrian resident. Existing tow - away lanes should be phased out if they present a hazard to pedestrian safety. In addition, widening of streets should not occur at the expense of bicycle travel. The roadway space needed by bicyclists, whether between the line of traffic and the curb or the line of on-street parking, varies between four and six feet. The needs of bicyclists must be considered wherever the curb lane is proposed to be narrowed. Street restripings and widenings may be appropriate in industrial areas where access for oversize freight vehicles is important, but these projects should not reduce or eliminate the efficient movement of transit vehicles and bicycles.

POLICY 18.3: The existing single-occupant vehicular capacity of the bridges, highways and freeways entering the city should not be increased and should be reduced if needed to increase the capacity for high-occupancy vehicles, transit and other alternative means of commuting, and for the safe and efficient movement of freight trucks. *Changes, retrofits, or replacements to existing bridges and highways should include dedicated priority for high-occupancy vehicles and transit, and all bridges, where feasible, should feature access for bicyclists and pedestrians.*

It is recognized that provision for further vehicular access into the city would conflict with the environmental objectives of the city, overload the city street system, and jeopardize the city's commitment to mass transit. This policy allows for the introduction of exclusive

transit, bike and carpool/vanpool lanes on bridges, highways and freeways where these lanes are compatible with the overall transportation system's needs.

POLICY 19.2: Promote increased traffic safety, with special attention to hazards that could cause personal injury.

Various measures can be taken to reduce ~~*accidents*~~ *collisions*, especially those involving serious personal injury. *Particular attention needs to be given to improving bicyclists' safety since conditions that may be inconsequential to automobiles can be disruptive, disabling, or even life threatening to bicyclists, and are the cause of many bicyclist collisions.* In some cases redesign of the roadway and of intersections to reduce conflicts between vehicles, bicyclists and pedestrians is required; in others all that is necessary is to improve clarity of signs and of routing so that there is less driver uncertainty and hesitation.

MASS TRANSIT

POLICY 21.7: Make convenient transfers between transit lines, systems and modes possible by establishing common or closely located terminals for local and regional transit systems ~~*and*~~*, by coordinating fares and schedules, and by providing bicycle access and secure bicycle parking*.

POLICY 21.9: Improve pedestrian and bicycle access to transit facilities.

Pedestrian access to and from major destinations and the serving transit facility should be direct and uncomplicated. Bicyclists should be accommodated on regional and trunkline transit vehicles *- including light rail vehicles -* wherever feasible, and at stations through the provision of storage lockers and/or secured bicycle parking.

BICYCLES

MAP 13 (Bicycle Route Map) shall be amended to reflect the bicycle network as proposed in the Bicycle Plan and introductory text shall be amended as follows:

The bicycle is a desirable alternative to the automobile as a means of urban transportation in San Francisco. It can successfully be used for most transportation needs, including commuting, shopping, errands, and recreation. Active encouragement of bicycle use as an alternative to automobile use, whenever possible, is essential in light of the continually increasing traffic congestion caused by motorized vehicles which aggravates air pollution, increases noise levels and consumes valuable urban space. The bicycle is a practical and economical transportation alternative which produces no emissions or noise. In addition, each bicycle user enjoys health benefits through increased physical activity.

To enable a large number of San Franciscans to use the bicycle as a transportation option, several significant needs must be met. The needs include, among others, safe and comfortable space on the roadway for bicyclists, a system of identifiable bicycle routes that will direct bicyclists to major destinations, safe and secure bicycle parking, *enforcement of laws protecting and regulating cyclists' rights, safety, and responsibilities,* and education of both the bicyclists and motorists about the safe sharing of the roadways.

OBJECTIVE 27: ENSURE THAT BICYCLES CAN BE USED SAFELY AND CONVENIENTLY AS A PRIMARY MEANS OF TRANSPORTATION, AS WELL AS FOR RECREATIONAL PURPOSES.

Refer to the 2009 San Francisco Bicycle Plan as a guide for achieving this objective.

POLICY 27.1: Expand and improve access for bicycles on city streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

It is essential that the city have a Bicycle Route Network which provide safe and reliable through travel to all areas of the city. The Bicycle Route Network will necessarily be mostly on city streets, will provide space for the bicyclist, and may or may not have bicycle lanes or other markings that separate the bicyclist's space from the automobile driver's space. Bicycle routes should be clearly identified, with signage, for motorists, bicyclists, and

pedestrians~~, and~~. *They should* conform to the ~~*more rigorous*~~ standards of the most recent *California* Highway Design Manual and the American Association of State Highway and Transportation Officials (AASHTO) in its 'Guide for Development of Bicycle Facilities,' ~~*which has been adopted by the Federal Highway Administration as its design standard.*~~ whichever is more rigorous. Use of these guides will provide maximum opportunity to qualify for state and federal funding and will assist in avoiding city liability based upon design. Advisory and permissive guidelines should be observed whenever possible.

The Bicycle Route Network should provide efficient access from all neighborhoods to the many popular business, cultural, entertainment, and educational destinations in the city, and between those destinations. Special attention should be paid to commuters to the downtown areas, ~~*and*~~ connections to the regional bicycle network, *and the identification of recommended routes to school for students*. Nevertheless, bicycle access must be provided, and enhanced if necessary, whether or not the streets are designated as 'bicycle routes,' to enable all residents and visitors to use bicycles as a viable means of transportation.

Where possible, opportunities should be taken to develop bicycle-priority corridors, such as veloways (bicycle-only facilities), bicycle boulevards and any other innovative solutions to improve bicycle transportation space within the city.

POLICY 27.2: Develop a rational classification system of bicycle preferential streets.

The bicycle preferential streets system should consider the multi-modal functions of the street, the topography, and the existing and potential volume of bicycle traffic on the street. Streets and pathways in the bike route system that are relatively level, do not have conflicts with high volumes of pedestrian traffic, and do not have the primary functions of freight routes, major arterials and primary transit streets should be designed and treated to prioritize the movement of bicycles. Other streets and paths on the bike route system should be designed and treated to balance the other modes of transportation with the movement of bicycles.

As with transit preferential streets, general traffic should be routed away from the bicycle preferential streets system wherever possible, except when they are arterial streets. Note that some bicycle preferential streets may have to be primary or secondary arterials or transit preferential streets, if feasible alternatives do not exist. In general, bicycle preferential streets should include design treatments that encourage all segments of the bicycle population, not only experienced cyclists.

POLICY 27.3: *Remove conflicts* ~~*Eliminate hazards*~~ to bicyclists on city streets.

City departments should give particular attention to eliminating *conflicts* ~~*hazards*~~ on *the B*~~*b*~~*icycle Route Network* routes. *Conflicts* ~~*Hazards*~~ which may be inconsequential to automobiles can be disruptive, disabling, or even life threatening to bicyclists, and are *often contributing factors in collisions involving bicyclists* ~~*the cause of many cyclist accidents*~~. Design *elements* ~~*hazards*~~ such as sewer grates parallel to travel, unpaved or poorly paved shoulders, rough and/or obsolete railroad tracks *(especially those crossing cyclists' path at a diagonal)*, and conventional speed bumps all pose *conflicts* ~~*dangerous conditions*~~ for cyclists and should be *removed* ~~*eliminated*~~. Intermittent *disruptions* ~~*hazards*~~ such as *uneven* ~~*bad*~~ road surfaces, cracks and pot holes, and refuse such as broken glass should be *removed* ~~*eliminated*~~ promptly. The city should give increased attention *to maintenance* and more frequent cleaning to *Bicycle Route Network* ~~*bicycle route*~~ streets because of the increased needs of cyclists for a *debris-free* ~~*hazard free*~~ road surface. Bicycle routes should be well lit. *Although priority shall be given to bicycle routes, conflicts to cyclist should be removed on all city streets.*

POLICY 27.6: Accommodate bicycles on *local and* regional transit facilities and important regional transportation links wherever *and whenever* feasible.

The ability to integrate bicycle use and regional transportation systems is essential to maximizing the bicycle's transportation utility. The Bay Area is fortunate to have a number of quality public transportation services. The expansion of bicycle access on each of these

systems increases the bicycle's range and usefulness and further decreases the number of auto trips made in the Bay Area.

Every effort must be made to maximize bicycle access on BART, CalTrain, all ferry systems, and on AC Transit, SamTrans and Golden Gate Transit buses and on selected Municipal Railway routes. Further, CalTrans shuttle service across the Bay Bridge should be expanded so it is available at all hours. Twenty-four hour access to all Bay Area bridges is essential to maintain these vital links within the bicycle transportation system.

Many commuters to San Francisco work outside of downtown and drive alone, contributing to peak hour congestion. If regional transit expanded peak-hour bicycle capacity and reduced peak hour bicycle time restrictions, these commuters could bicycle to and from transit at one or both end of their transit trip – an attractive choice to driving alone. This would also reduce parking demand at BART stations and park-and-ride lots.

Add a new policy 27.11 as follows:

POLICY 27.11: Ensure completion of the Bay and Ridge Trails in San Francisco.

The Bay Trail is a planned 500-mile hiking and bicycling trail that will form a continuous loop around San Francisco Bay and San Pablo Bay, linking the shorelines of nine counties and 47 cities. The trail functions as a regional recreational and commute route along the edge of the bay and across seven toll bridges. Over 250 miles are complete, but there are numerous gaps to fill.

The Bay Trail alignment in San Francisco is part of the city bicycle network extending 20 miles along the length of the city shoreline from the Golden Gate Bridge to Candlestick Point State Recreation Area. Approximately 12 miles are complete. Improving the remaining segments will ensure designated bicycle access along the shoreline of the city linking the city bicycle network to adjacent counties and the regional trail system.

The Bay Area Ridge Trail is another regional trail that is being developed in the Bay. The trail is envisioned as a 550+ mile recreational trail encircling San Francisco Bay that is aligned along the ridge tops. The Bay Area Ridge Trail ultimately will be a 550+ mile trail encircling the San Francisco Bay along the ridge tops. The Ridge Trail is open to hikers, bicyclists and in some areas is available for equestrian use. Approximately 310 miles of the Ridge Trail have been dedicated for public use, but there are significant gaps to fill.

In San Francisco, much of the Ridge Trail is in place, primarily running on public rights-of-way and use is limited to pedestrians, hikers and bicyclists. The Ridge Trail alignment links a number of parks in San Francisco, primarily those along the City's primary ridgeline and hilltops, including Twin Peaks, the Golden Gate Panhandle, and the Presidio. The trail alignment continues across the Golden Gate Bridge, establishing the connection with the Bay Area Ridge Trail in Marin County and the North Bay. While the trail alignment is in place in San Francisco, improvements to Ridge Trail segments in San Francisco would improve the City Bicycle and Pedestrian trail network as well as the regional trail network in Cities and Counties throughout the Bay Region.

POLICY 28.1: Provide secure bicycle parking in new governmental, commercial, and residential developments.

Bicycle parking should be provided in all new public and private buildings. ~~*The Planning Code establishes a requirement for bicycle parking facilities based upon the number of automobile parking facilities in new developments. Additional facilities, such as showers and storage lockers, should be provided as well. The requirement should reflect demand in areas of high potential bicycle use such as shopping facilities, recreational facilities, educational locations and employment sites. These requirements should also be maintained even when developers receive variances from existing parking requirements. These requirements should also be applied to applications for modifications of existing facilities, as well as to new construction.*~~ *The Planning Code should provide clearer regulation, guidance and exemptions for bicycle parking, as well as the necessary monitoring and*

enforcement of requirements. Review, update, and consolidate the Planning Code criteria for bicycle parking in garages and new or remodeled government and commercial buildings. The Planning Code should be reviewed to reconcile contradictions, and amended to forge a more comprehensive approach to bicycle commuting facilities. This approach should include such elements as expanded shower access and improved commercial district bicycle parking unbundled from automobile parking space requirements. The Planning Code should require a greater residential bicycle parking requirement, structured as a ratio of dwelling units rather than as a ratio of auto parking spaces.

In order to provide additional storage options to bicyclists, consider requirements that building owners allow tenants to bring their bicycles into buildings unless Class I bicycle parking is provided. In addition, consider requirements for bicycle parking in each individual building of large, multiple-building developments.

POLICY 28.3: Provide parking facilities which are safe, secure, and convenient.

Bicycle parking facilities must provide reliable security, adequate bicycle support, safety, and must be conveniently located~~.~~. *Bicycle parking facilities are* preferably *located* where bicycles are sheltered from the weather and visible to attendants and security guards, *accessible (such as by key or code) only to those who have parked bicycles, or located entirely inside non-garage parts of the building*. If these resources are present, bicyclists will use such bicycle parking in increasing numbers.

Proper bicycle parking design is critical to its usefulness and effectiveness. Bicycle parking must be of a design to support the bicycle without damage and permit at least the frame and one wheel to be locked with a U-lock*, but provide reasonable security with any type of lock*. Bicycle parking facilities should be conveniently located at building entrances, provide sufficient space for access, and be physically separated from automobile areas. *Bicycle parking in publicly-accessible garages should be well signed to notify the public of the presence of bike parking (e.g., at garage entrances and other appropriate locations), as well*

as direct cyclists to the location of the parking. Also, maintain a SFMTA bicycle parking outreach campaign in various formats to provide relevant bicycle parking information such as garage locations with bicycle parking and bicycle locker availability.

Prepare additional guidelines for the placement and design of bicycle parking within City rights-of-way, including curbside on-street bicycle parking where feasible, and "sleeve" ring racks on parking meters.

Add a new policy 28.5 as follows:

POLICY 28.5: Provide bicycle parking at major recreational facilities and at all large sports, cultural, or other heavily attended events.

Provide convenient, secure, and inexpensive bicycle parking at major recreational facilities and large sports, cultural, or other heavily attended events to encourage bicycle use and further decrease automobile use. In order for cyclists to consider using bicycle transportation to go to and from these facilities and events, safe and secure bicycle parking must be provided. Such parking should be ample and should be of a high security type. Free valet bicycle parking, such as provided at the baseball stadium, has proved very successful. Promotional materials for these events and facilities should highlight the provision of secure bicycle parking, especially if valet bicycle parking is provided.

Add a new policy 28.6 as follows:

POLICY 28.6: Provide for improved regulation of bicycle parking.

The Planning Code should provide for the citywide regulation of bicycle parking facilities. A comprehensive review of the existing regulatory structure could improve the monitoring of requirements in new and renovated buildings; existing parking garages requiring increased enforcement; city schools and local colleges; residential development requiring new ratios based on the number and occupancy of housing units and bedrooms; and city-owned and city-leased buildings requiring increased bicycle parking capacity. City leases should be negotiated to include the required

level of bicycle parking through the efforts of the Real Estate Department and the MTA. OBJECTIVE 29:

CITY GOVERNMENT SHOULD PLAY A LEADERSHIP ROLE IN INCREASING BICYCLE USE.

City government should play a leadership role in enabling more people to use the bicycle as their primary means of transportation. *According to the 2009 San Francisco Bicycle Plan, the* ~~*The*~~ city should provide the facilities, programs and regulatory structure to enable such use, and should encourage the use of bicycles for work trips as an alternative to city cars.

POLICY 29.1: Consider the needs of bicycling and the improvement of bicycle accommodations in all city decisions ~~*and improve accommodation as much as possible*~~.

Genuine recognition and active accommodation of bicyclists' needs by all city departments in decisions related to transportation and land use is essential to the development of a significant bicycle transportation presence in San Francisco. *Bicycle planning should be integrated into all short-range and long-range planning in all relevant City departments. Coordination between the Department of Parking and Traffic's Bicycle Program, other City departments, and the Bicycle Advisory Committee should be improved. A working group should be created with representatives from relevant City departments, and should meet on a quarterly basis to discuss departmental and agency issues relevant to bicycle planning. In addition, periodic meetings should be held between the SFMTA and the Planning Department to update bicycle parking compliance status and review bicycle parking information.*

Often, minor and inexpensive adjustments at a project's design phase can provide considerable benefits to bicyclists. Furthermore, inclusion of accommodations for cyclists when a project is designed can avoid expensive retrofitting later.

Through the cooperative efforts of the City's Real Estate Department, the Planning Department, and the SFMTA, pursue a citywide policy that provides secure bicycle parking at

all City buildings in areas to be specified by the individual agencies, subject to safety regulations and available space.

Coordination with the San Francisco Police Department (SFPD) should focus on making bicycle theft investigation a higher priority, creating a better system for returning recovered bicycles to their owners.

POLICY 29.2 Integrate bicycle planning into regular short-range and long-range planning activities for all city departments.

Every effort should be made to ensure that bicycle transportation is given thorough consideration in all planning activities. Full integration of bicycle transportation requires evaluation of the range of impacts which any transportation or development proposal may have upon bicycle use and bicyclists' safety. This applies not only to city departments but also to the various other entities whose activities affect mobility in San Francisco. Insofar as is possible, city departments should endeavor to develop an effective network of bicycle facilities and policies.

Ensure adequate and appropriate environmental review under the California Environmental Quality Act for the Bicycle Plan and all discretionary actions under the Bicycle Plan that may have a direct or indirect physical environmental impact. Consider updating the transportation impact guidelines to include analysis of bicycle-related issues when evaluating impacts of new projects .

Work with the responsible San Francisco agencies to collect where appropriate: bicycle counts; an inventory of existing bicycle parking within a two-block radius of the study site; and the project's potential impacts on any existing or proposed bikeways.

POLICY 29.3 Designate appropriate staff to coordinate all bicycle related activities.

A successful bicycle program requires cooperation among a variety of city departments, including the Departments of City Planning, Parking and Traffic, Public Works, the Chief Administrator's Office, the Public Transportation Department, and the Transportation Authority, as well as various State and other government agencies. Appropriate staff should be designated to be responsible for the coordination of bicycle-related activities to ensure that projects and plans that involve many departments are carried out effectively. *Work with the responsible San Francisco agencies to collect where appropriate: bicycle counts; an inventory of existing bicycle parking within a two-block radius of the study site; and the project's potential impacts on any existing or proposed bikeways.*

CITYWIDE PARKING

POLICY 30.4: Restrict long term automobile parking at rapid transit stations in the city in favor of development of effective feeder transit service *and enhanced access for pedestrians and bicyclists*.

Many of the rapid transit stations in San Francisco are located in densely developed downtown areas or in residential or shopping areas where additional automobile impacts are undesirable. These stations are located in such a manner that they may generally be reached by San Francisco residents either by connecting transit ~~or~~, by walking, *or by bicycling*. The commuter use of the automobile to park at a rapid transit station in San Francisco should be discouraged. While it is desirable to provide bicycle storage and parking facilities at rapid transit stations, long-term automobile parking facilities are undesirable because such facilities would attract automobile traffic and otherwise be disruptive to the neighborhoods where they would be located.

Add a new policy 30.8 as follows:

POLICY 30.8: Consider lowering the number of automobile parking spaces required in buildings where Class I bicycle parking is provided.

POLICY 34.2: Use existing street space to increase residential parking where off-street facilities are inadequate.

Local streets are of such width in many areas that improved parking conditions can be obtained by shifting from parallel to diagonal or perpendicular parking without a major investment. Care must be taken, however, to avoid conflicts with transit operations and safe bicycle movement *(considering both adequate lane width and potential conflicts with vehicles backing out of parking spaces),* and to ensure that the street is more than a parking lot. Proper landscaping is required to prevent lights from shining into dwellings at night and breaks in rows of cars should be provided to avoid the monotony and unsightliness of unending rows of vehicles. *Back-in diagonal or perpendicular parking should be considered as an option to reduce bicycle-motor vehicle conflicts.*

POLICY 34.5: Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

It is desirable to maintain a balance in the supply of adequate on- and off-street parking. The creation of curb cuts to increase the supply of off-street parking often deprives the neighborhood of a community on-street parking space in exchange for a private one. New buildings may be designed so that entrances to off-street parking are pooled or configured to minimize curb cuts and preserve the supply of on-street parking. *An increased number of curb cuts also increases the number of potential conflicts between motor vehicles and bicycles.*

URBAN GOODS MOVEMENT

POLICY 40.2: Discourage access to off-street freight loading and service vehicle facilities from transit preferential streets, ~~or~~ pedestrian-oriented streets and alleys, *or on the Bicycle Route Network* by providing alternative access routes to facilities.

POLICY 40.3: Off-street loading facilities and spaces in the downtown area should be enclosed and accessible by private driveways designed to minimize conflicts with pedestrian, transit, *bicycle,* and automobile traffic.

Section 6. The objective, policies, and map of the Downtown Plan of the San Francisco General Plan are hereby amended to read as follows

DOWNTOWN PLAN

BICYCLES

OBJECTIVE 19: PROVIDE FOR SAFE AND CONVENIENT BICYCLE USE AS A MEANS OF TRANSPORTATION.

~~*The bicycle is becoming more acceptable as an alternative to the automobile for work and shopping purposes.*~~ *The number of people that choose the bicycle instead of the automobile as their main mode of transportations is steadily rising.* As streets become more congested *and more accommodations are made for bicyclists,* ~~*some*~~ *many* people are finding that they can move about the city more quickly, enjoyably and economically on bicycles.

POLICY 19.1: Include facilities for bicycle users in governmental, commercial, and residential developments.

~~*Provision should be made for bicycle parking in conjunction with automobile parking in existing and new parking lots and garages. Secure and conveniently located bicycle parking should also be provided in major new construction.*~~ *Secure and conveniently located bicycle parking should be provided in newly constructed developments, regardless of the provision of auto parking. Provision should also be made for bicycle parking in conjunction with (but not solely dependent upon) automobile parking in existing and new parking lots and garages.*

POLICY 19.2: Accommodate bicycles on regional transit facilities and important regional transportation links.

There should be more opportunity for cyclists to commute to San Francisco with their bikes by using regional transit modes such as BART, *Caltrain,* the ferry system, *Golden Gate Transit, AC Transit, SamTrans,* and the Caltrans Bay Bridge ~~*bicycle shuttle and trains*~~. *All* ~~*Certain*~~ commute buses should ~~*also*~~ provide carrying racks for bicycles.

Map 6: Transportation System, should be amended to reflect changes in the bicycle network.

Section 7. In furtherance of this Ordinance, the Board of Supervisors takes the following additional actions related to the adoption of the 2009 Bicycle Plan and related General Plan amendments:

(a) The Board hereby directs the Planning Department to make any necessary changes to the Land Use Index of the General Plan to address the General Plan amendments to the Transportation Element.

(b) The Board of Supervisors adopts the 2009 Bicycle Plan and urges the MTA and other affected City departments to undertake all actions necessary implement the identified near-term projects and actions set forth in the 2009 Bicycle Plan and as specified in MTA Board of Directors Resolution No. 09-106.

(c) The Board hereby directs the Clerk of the Board, in consultation with the MTA, to forward a copy of this Ordinance to the Metropolitan Transportation Commission in conjunction with its review and approval of the 2009 Bicycle Plan.

(d) The Board hereby directs the Clerk of the Board, in consultation with the MTA, to forward a copy of this Ordinance to the California Department of Transportation Bicycle Facilities Unit in conjunction with its review and approval of the 2009 Bicycle Plan.

(e) The Mayor, Clerk of the Board, ~~General Manager~~ Director of the MTA, and other City officials are hereby authorized and directed to take any and all actions which they or the City Attorney may deem necessary or advisable in order to effectuate the purpose and intent of this Ordinance, including, without limitation, applying for grants and other funding sources to receive monies for activities and studies related to the 2009 Bicycle Plan.

(f) The Board requests that the ~~General Manager~~ Director of the MTA provide a report to the Board on the progress of the 2009 Bicycle Plan within six months of the effective date of this Ordinance. After submission of the initial report, the ~~General Manager~~ Director shall submit reports on an annual basis for five additional years.

Section 8. Actions conditioned upon Superior Court authorization. The Board of Supervisors hereby orders that all actions set forth in this Ordinance are held in abeyance unless and until the California Superior Court grants appropriate authorization to the City and County of San Francisco to proceed with one or more of the actions contemplated herein.

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

By: _____
John D. Malamut
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090868 **Date Passed:**

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto.

August 4, 2009 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 4, 2009 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 11, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090868

I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 11, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

9/12/2009
Date Approved

Mayor Gavin Newsom

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Resolution 17913

HEARING DATE: June 25, 2009

Hearing Date:	June 25, 2009
Case No.:	**2007.0347E**
Project Title:	**San Francisco Bicycle Plan**
Project Address:	N/A, **Citywide, primarily within the public right-of-way**
Zoning:	N/A
Block/Lot:	N/A, **Citywide, primarily within the public right-of-way**
Project Sponsor:	Oliver Gajda, Bicycle Program Manager San Francisco Municipal Transportation Agency One South Van Ness Avenue San Francisco, CA 94103
Staff Contact:	Debra Dwyer – (415) 575-9031 Debra.Dwyer@sfgov.org

ADOPTING ENVIRONMENTAL FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE AMENDMENT OF THE SAN FRANCISCO GENERAL PLAN AND SAN FRANCISCO PLANNING CODE RELATED TO THE 2009 SAN FRANCISCO BICYCLE PLAN .

Whereas, the San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), California Public Resources Code sections 21000 et seq, has prepared an environmental impact report for the proposed San Francisco Bicycle Plan (EIR), which includes 60 near-term improvement projects to the City's bicycle route network, long-term and minor improvement projects for the bicycle route network, and amendments to the San Francisco General Plan and Planning Code to reflect the updated Bicycle Plan ("Project"); and

Whereas, the San Francisco Municipal Transportation Agency (SFMTA) seeks to increase safe bicycle use within the City by implementing activities to achieve the following overall goals of the 2009 Bicycle Plan: (1) Refine and expand the existing bicycle route network; (2) Ensure plentiful, high-quality bicycle parking; (3) Expand bicycle access to transit and bridges; (4) Educate the public about bicycle safety; (5) Improve bicycle safety through targeted enforcement; (6) Promote and encourage safe bicycling; (7) Adopt bicycle-friendly practices and policies; and (8) Prioritize and increase bicycle funding; and

Whereas, SFMTA facilitated a public planning process, which refined the previous Bicycle Plan, as well as proposed minor improvements, long-term improvements, and 60 near-term improvement projects and identified appropriate locations for additions and

improvements to the existing bicycle route network that would address a citywide need to improve conditions for bicyclists. A focus of this effort was to balance the use of the City's street network by bicycles, transit, pedestrians and vehicular traffic in support the City's Transit First Policy; and

Whereas, the resulting Bicycle Plan and its associated improvements are a comprehensive City-wide proposal to improve travel by bicycle within the City, including improvements to the bicycle route network; and

Whereas, the Planning Commission will consider adoption of General Plan amendments to reflect the updated Bicycle Plan, including amendments to the Transportation Element and the Downtown Plan Area, and will consider Planning Code amendments related to the provision of bicycle parking, as articulated in the *Materials for the San Francisco Bicycle Plan Initiation Hearing*; and

Whereas, the SFMTA will consider adoption of the San Francisco Bicycle Plan as well as approval of certain near-term improvement projects proposed for the bicycle route network, as described in detail in items calendared before the SFMTA for its June 26, 2009 hearing on the Bicycle Plan and related improvements; and

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the San Francisco Bicycle Plan , as more particularly described in Attachment A hereto; and

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed San Francisco Bicycle Plan, and provided public notice of that determination by publication in a newspaper of general circulation on June 5, 2007 and March 15, 2008; and

Whereas, the Planning Department held a Public Scoping meeting for the San Francisco Bicycle Plan project on June 26, 2007, which was publicly noticed on June 5, 2007 in a newspaper of general circulation. In addition, the Planning Department published an Initial Study for the San Francisco Bicycle Plan project on March 15, 2008. A Notice of Availability of the Initial Study was published in a newspaper of general circulation on March 15, 2008, distributed to required agencies and interested organizations and individuals, and posted on the Planning Department's Web site for public review and comment; and

Whereas, the Planning Department on November 26, 2008, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on January 8, 2009; and

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on June 11, 2009, which together with the

DEIR, supporting studies, documents and other materials, and additional information that became available, constitute the Final Environmental Impact Report ("FEIR"); and,

Whereas, the Planning Commission, on June 25, 2009, by Motion No. 17912, reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31; and

Whereas, the Planning Commission by Motion No. 17912, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR that would have required recirculation under CEQA Guidelines Section 15088.5, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department and the SFMTA prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Preferred Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission and the SFMTA Board for the Planning Commission's and the SFMTA Board's respective review, consideration, and actions; and now

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and the actions associated with the San Francisco Bicycle Plan and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting of June 25, 2009.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Olague
NOES: Sugaya
ABSENT: Lee, Moore
EXCUSED:

ACTION: Adoption of CEQA Findings

ATTACHMENT A

SAN FRANCISCO BICYCLE PLAN PROJECT AND RELATED ACTIONS

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed San Francisco Bicycle Project and related approval actions (the "Preferred Project" or "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. ("*CEQA Guidelines*"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the Preferred Project, the environmental review process for the project, the Planning Commission actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially-significant impacts that can be avoided or reduced to less-than-significant levels through mitigation;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed and presents the reasons for selecting preferred design options for the specified bicycle projects; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption for the Bicycle Plan. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and *CEQA Guidelines* Section 15091. It provides a table setting forth each mitigation measure listed in the Final EIR ("FEIR") that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

a. Project Description

The San Francisco Bicycle Plan Project would provide for the approval of the 2009 Bicycle Plan and implementation of near-term bicycle route improvement projects (near-term improvements) and minor improvements such as signage and pavement marking changes. It also identifies long-term bicycle route network improvement projects (long-term improvements). The Bicycle Plan includes policy goals, objectives, and actions to support the implementation of these and related changes, at this time and in the future. By enacting these changes, the Preferred Project's overall goal is to increase safe bicycle use; the Bicycle Plan's specific goals are to (1) refine and expand the existing bicycle route network; (2) ensure plentiful, high-quality bicycle parking to complement the bicycle route network; (3) expand bicycle access to transit and bridges; (4) educate the public about bicycle safety; (5) improve bicycle safety through targeted enforcement; (6) promote and encourage safe bicycling; (7) adopt bicycle-friendly practices and policies; and (8) prioritize and increase bicycle funding. The primary Project sponsor is the Municipal Transportation Agency.

Policy Actions

In order to accomplish its goals, the 2009 Bicycle Plan would implement policy actions, near-term improvements, and minor improvements, and consider long-term improvements. The Bicycle Plan also proposes amendments to the *San Francisco General Plan* and *Planning Code.* Each proposed policy; near-term improvement, long-term improvement, and minor improvement is described in Chapter IV, Project Description, and analyzed in Chapter V,

Subsections V.A.2 through V.A.5, pp. V.A.2-1 through V.A.5-30, of the DEIR. Applicable changes to the *General Plan* and *Planning Code* are proposed to reflect the updated Bicycle Plan policies.

Minor Improvements

Minor improvements are treatments that may be implemented as necessary to improve conditions for bicycle use within the City on the bicycle network. They include the following design elements to improve bicycle travel: minor pavement marking and signage changes such as the installation of colored pavement materials or sharrows (shared lane markings) or minor changes to parking and traffic lane configurations; minor changes to intersection traffic signal timing plans; the installation of bicycle boxes at certain intersections; and bicycle parking within the public right-of-way, including bicycle racks on sidewalks meeting certain criteria and on-street bicycle parking. Environmental analysis for the minor improvements is presented in Subsection V.A.4, (p V.A.4-1), of the DEIR.

Long-Term Improvements

Long-term improvements are bicycle route network improvement projects that consist of either major improvements to segments of the existing bicycle route network or are potential future additions of new streets and pathways to the bicycle route network. These proposed long-term improvements include a wide range of potential design features that will improve the overall connectivity and safety of the bicycle route network. Currently, neither a schedule nor specific designs for these projects have been developed.

The anticipated long-term improvements may include, but are not limited to, the following design elements to improve bicycle travel along identified streets: signage changes; pavement marking such as the installation of colored pavement materials and the installation of sharrows; modifications to bus zones and parking configurations such as changes to the location, configuration, and number of metered or unmetered parking spaces and loading zones; changes to the locations and configurations of curbs, sidewalks and medians (including both planted and unplanted), including widening of roadways; reconfiguration of intersections to improve bicycle crossings, including installation of bicycle traffic signals; the installation of traffic calming devices, including designation of bicycle boulevards that prioritize bicycle travel over other transportation modes; installation of bicycle lanes, pathways or other bicycle facilities, including in conjunction with the narrowing or removal of traffic lanes; the removal of parking spaces, and the designation of shared bicycle and transit lanes.

The impacts of these future improvements are evaluated at a program level in this analysis with regard to the Preferred Project footprint (the affected street right-of-way and park land). Once fully developed, these future improvements, individually or collectively, may require further project-level environmental analysis that would consider the potential environmental effects of

these improvements. The program-level analysis for these long-term improvements is presented in Chapter V, Subsection V.A.5, p. V.A.5-1, of the DEIR.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project and issued a Notice of Preparation and Notice of Public Scoping Meeting on June 5, 2007. The Planning Department held a public scoping meeting on June 26, 2007 and published the initial study for the Bicycle Plan Project on March 15, 2008. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on November 26, 2008.

On November 26, 2008, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of availability for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website on November 26, 2008.

The Planning Commission held a duly noticed public hearing on the Draft EIR on January 8, 2009. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from November 26, 2008 to January 13, 2009. The Department's Comments and Responses document also responded to comments submitted as late as January 19, 2009.

The Planning Department published the Comments and Responses on the Draft EIR on June 11, 2009. This document includes responses to environmental comments on the Draft EIR made at the public hearing on January 8, 2009 as well as written comments submitted on the Draft EIR from November 26, 2008 to January 13, 2009 and comments submitted after the official close of public comment. The comments and responses document also contains text changes to the Draft EIR made by EIR preparers to correct or clarify information presented in the Draft EIR, including changes to the Draft EIR text made in response to comments.

c. Planning Commission Actions

The Planning Commission is being requested to take the following actions to approve and implement the Preferred Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Approve and recommend adoption of amendments to the General Plan related to the San Francisco Bicycle Plan, by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the *San Francisco Planning Code.*

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes, but is not limited to, the following:

- The San Francisco Bicycle Plan;
- The EIR and all documents referenced in or relied upon by the EIR;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives ("Options") set forth in the EIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR;
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR;
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area;
- The MMRP; and
- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, Suite 400, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant, Thus Requiring No Mitigation

Finding: Based on substantial evidence in the whole record of this proceeding, the Commission finds that the implementation of the Preferred Project would not result any significant environmental impacts in the following areas: Land Use; Aesthetics; Population and Housing; Wind and Shadow; Recreation; Utilities and Service Systems; Public Services; Geology and Soils, Hydrology/Water Quality; Hazards/Hazardous Materials; Mineral/Energy Resources; Agricultural Resources. Each of these topics is analyzed and discussed in detail including, but not limited to, in the Initial Study (IS).

III. Findings of Potentially-Significant Impacts that can be Avoided or Reduced to a Less-Than-Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the IS and FEIR. These findings discuss mitigation measures as proposed in the IS and FEIR and recommended for adoption by identified parties, including the primary Project sponsor, the MTA Board, which can be implemented by City agencies or departments.

As explained previously, **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and *CEQA Guidelines* Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

Mitigation Measures as part of Project Approval: The Planning Commission finds that, based on the record before it, the mitigation and improvement measures proposed for adoption in the FEIR are feasible, and that they can and should be carried out by the identified agencies at the designated time. There also are mitigation measures that address those impact areas where the measure may reduce an impact, yet not to a level of insignificance. These impacts would remain significant and unavoidable. Such impacts and the mitigation proposed for adoption that would reduce, but not eliminate these impacts, are discussed in more detail in the following section of these Findings. The record demonstrates that the San Francisco Municipal Transportation Agency, subject to approval from its Board of Directors, has agreed to adopt all mitigation and improvement measures identified in the FEIR. This Planning Commission urges other agencies to adopt and implement applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such mitigation measures are not adopted and implemented, the Project may result in additional

significant unavoidable impacts. For this reason, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that would reduce or avoid significant adverse environmental impacts and improvement measures that would lessen environmental impacts which are less-than-significant are proposed for adoption and are set forth in **Exhibit 1**, in the Mitigation Monitoring and Reporting Program.

Initial Study

4. Cultural and Paleontological Resources

1. Impact – Potential disturbance to archeological resources, historic resources, paleontological resources, and human remains

   a) Potentially-Significant Impact

   Implementation of the Preferred Project would involve ground disturbance that could result in potential impacts to archeological resources, historic resources, paleontological resources, and human remains.

   b) Mitigation Measure 1: Archaeological Resources: Accidental Discovery and Conclusion

   The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure 1, which would require the project sponsor to distribute the Planning Department archeological resource "ALERT" sheet to prime contractors. Should any indication of an archeological resource be encountered during any soils disturbing activity of the Project, the project Head Foreman and/or Project Sponsor shall immediately notify an Environmental Review Officer (ERO) and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

   If the ERO determines that an archeological resource may be present within the project site, the Project Sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the Project Sponsor.

   Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological

resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

12. Biological Resources

1. Impact – Potential disturbance to biological resources

a) Potentially-Significant Impact

The Preferred Project would not have the potential to degrade the quality of the environment, reduce fish or wildlife habitat, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal. Biological resources that could be affected by the Preferred Project would be trees located along streets or sidewalks where improvements would be implemented and any migratory birds nesting in such trees at the time of tree removal. Existing requirements regarding tree removal and California Department of Fish and Game (DFG) regulations with respect to migratory nesting birds would ensure that impacts would be less than significant.

b) Mitigation Measure 3: Biological Resources and Conclusion

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure 3. To implement California Fish and Game Code Section 3503, the Project Sponsor would conduct a field survey 14 to 21 days prior to construction activities that would result in vegetation removal during the breeding season (February 1 through August 31). A qualified biologist shall determine if active nests of native birds are present in the construction zone. In the event an active nest is discovered in areas to be disturbed, removal of the nesting substrate shall be postponed until the nest is vacated and juveniles have fledged (typically 3 to 4 weeks for most small passerines), as determined by the biologist, and there is no evidence of second nesting attempts, unless the California Department of Fish

and Game (and the U.S. Fish and Wildlife Service for migratory birds) authorize otherwise. No surveys are required and no impact would occur if vegetation removal, grading or other heavy construction activities would occur between September 1 to January 31, outside the nesting season.

Final EIR

A. Transportation

1. Transportation Impact to passenger loading on the south side of Broadway between Franklin Street and Van Ness Avenue from Project 1-1 under Existing plus Project conditions (Impact TR-P1-1a).

   a) Potentially-Significant Impact

   Implementation of Project 1-1, would construct bicycle lanes on Broadway between Polk Street and Webster Street. This would result of the parking lane removal on the south side of Broadway between Franklin Street and Van Ness Avenue, school children loading activities in front of Saint Brigid School could continue to occur in the afternoon (before 4 p.m.), but passenger loading activities would have to be prohibited during the weekday AM peak period (7:00 a.m. to 9:00 a.m.) because of City of San Francisco *Transportation Code* Section 38N which prohibits blocking of a bicycle lane during peak periods. This prohibition would represent a significant impact on passenger loading for the students of Saint Brigid School under Existing plus Project conditions for the AM peak hour as a result of Project 1-1.

   b) Mitigation Measure for the Transportation Impact to passenger loading on the south side of Broadway between Franklin Street and Van Ness Avenue from Project 1-1 under Existing plus Project conditions (Mitigation Measure M-TR-P1-1a) and Conclusion.

   The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P1-1a, which would require that an alternative school passenger drop-off location would have to be identified to accommodate passenger loading demand, such as expanding the existing passenger drop-off location along the east side of Franklin Street between Pacific Avenue and Broadway on the west side of the school building. Alternatively, the passenger drop off zone on Broadway could be maintained by eliminating the proposed eastbound bicycle lane between Franklin Street and Van Ness Avenue and having bicyclists share the curb lane with motor vehicles, similar to existing conditions. With the implementation of either of these mitigation measures, the significant impact on loading for the students of Saint Brigid School would be reduced to less than significant under Existing plus Project conditions for Project 1-1.

2. Transportation Impact to passenger loading on the south side of Broadway between Franklin Street and Van Ness Avenue from Project 1-1 under 2025 Cumulative plus Project conditions (Impact TR-P1-1b).

   a) Potentially-Significant Impact

      Implementation of Project 1-1 would result in a significant impact to passenger loading for students of Saint Brigid School under 2025 Cumulative plus Project conditions as a result of Project 1-1.

   b) Mitigation Measure for the Transportation Impact to passenger loading on the south side of Broadway between Franklin Street and Van Ness Avenue from Project 1-1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P1-1b) and Conclusion.

      The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P1-1b. Refer to Mitigation Measure 1-1a, above for mitigation of this impact. With the implementation of either of these mitigation measures, the significant impact on loading for the students of Saint Brigid School would be reduced to less than significant under 2025 Cumulative plus Project conditions for Project 1-1.

3. Transportation Impact to passenger loading on the north side of Broadway between Buchanan and Webster Streets from Project 1-1 under Existing plus Project conditions (Impact TR-P1-1c).

   a) Potentially-Significant Impact

      Implementation of Project 1-1 would result in the elimination of one westbound travel lane on the north side of Broadway between Buchanan and Webster Streets. School children loading activities in front of Hamlin School would also be prohibited during the weekday AM peak period. This prohibition would represent a significant impact on passenger loading for the students of Hamlin School under Existing plus Project conditions.

   b) Mitigation Measure for the Transportation Impact to passenger loading on the north side of Broadway between Buchanan and Webster Streets from Project 1-1 under Existing plus Project conditions (Mitigation Measure M-TR-P1-1c) and Conclusion.

      The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P1-1c, which will extend the existing passenger loading zone on the north side of Broadway near Webster Street towards the east, all the way to Buchanan Street. The passenger zone

extension would be located to the right of the proposed bicycle lane and would be operational during school arrival and dismissal periods only (typically from 7:00 to 8:30 a.m. and from 2:00 to 3:30 p.m.). This mitigation would reduce or eliminate incidents of double parking related to passenger loading and alleviate any associated congestion. With the implementation of this mitigation measure, the significant impact regarding loading for the students of Hamlin School would be reduced to less than significant under Existing plus Project conditions for Project 1-1.

4. Transportation Impact to passenger loading on the north side of Broadway between Buchanan and Webster Streets from Project 1-1 under 2025 Cumulative plus Project conditions (Impact TR-P1-1d).

   a) Potentially-Significant Impact

   Similar to that described above for Significant Impact TR-P1-1c, above, Project 1-1 would result in a significant impact to passenger loading for students of the Hamlin School under 2025 Cumulative plus Project conditions as a result of Project 1-1.

   b) Mitigation Measure for the Transportation Impact to passenger loading on the north side of Broadway between Buchanan and Webster Streets from Project 1-1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P1-1d) and Conclusion.

   The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P1-1d. Refer to Mitigation Measure M-TR-P1-1c, above, for mitigation of this impact. With the implementation of this mitigation measure, the significant impact on loading for the students of Hamlin School would be reduced to less than significant under 2025 Cumulative plus Project conditions for Project 1-1.

5. Transportation Impact to the intersection of Van Ness Avenue and North Point from Project 1-3 under 2025 Cumulative plus Project conditions (Impact TR-P1-3a).

   a) Potentially-Significant Impact

   Implementation of Project 1-3, would construct bicycle lanes on North Point Street between The Embarcadero and Van Ness Avenue. This would result in the three-way controlled intersection at Van Ness Avenue/North Point Street would operate at LOS E under 2025 Cumulative plus Project conditions for Project 1-3.

b) Measure for the Transportation Impact to the intersection of Van Ness Avenue and North Point from Project 1-3 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P1-3a) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P1-3a. Per the California *Manual on Uniform Traffic Control Devices* (MUTCD), a signal warrant analysis was conducted to determine the feasibility of signalization of the Van Ness/North Point Street intersection. Signalization of the intersection would improve the intersection operations from LOS E to LOS B, and therefore would result in no significant impacts under 2025 Cumulative conditions for Project 1-3.

6. Transportation Impact to Muni line 10 from combined Project 2-1 and Project 2-16 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-1o).

a) Potentially-Significant Impact

Implementation of combined Project 2-1 and Project 2-16 Modified Option 1 would construct bicycle lanes on 2nd Street between King Street and Market Street and would construct bicycle lanes on Townsend Street between 8th Street and The Embarcadero. This would result in Muni bus line 10 experiencing significant delays.

b) Mitigation Measure for the Transportation Impact to Muni line 10 from combined Project 2-1 and Project 2-16 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-1o) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P2-1o. The implementation of combined Projects 2-1 and 2-16 Modified Option 1 under Existing plus Project conditions would add approximately 863 seconds (14.4 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/Harrison Street, and 2nd Street/Folsom Street intersections (Mitigation Measures M-TR-P2-1c, M-TR-P2-1e, M-TR-P2-1f, M-TR-P2-1g, M-TR-P2-1h, M-TR-P2-1i, and M-TR-P2-1j), approximately 27 seconds of delay southbound and 266 seconds (4.4 minutes) of delay northbound would be added to Muni bus line 10. The total added delay of 293 seconds (4.8 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 for combined Projects 2-1 and 2-16 Modified Option 1 under Existing plus Project conditions would be reduced to a less-than-significant level.

7. Transportation Impact to Muni line 10 from Project 2-1 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-1s).

   a) Potentially-Significant Impact

   Project 2-1 Modified Option 1, would construct bicycle lanes on 2nd Street between King Street and Market Street. A significant transit impact to Muni bus line 10 would occur as a result of individual Project 2-1 Modified Option 1 under Existing plus Project conditions

   b) Mitigation Measure for the Transportation Impact to Muni line 10 from Project 2-1 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-1s) and Conclusion.

   The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P2-1s. The implementation of individual Project 2-1 Modified Option 1 under Existing plus Project conditions would add approximately 845 seconds (14.1 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/Harrison Street, and 2nd Street/Folsom Street intersections (Mitigation Measures M-TR-P2-1c, M-TR-P2-1e, M-TR-P2-1f, M-TR-P2-1g, M-TR-P2-1h, M-TR-P2-1i, and M-TR-P2-1j), approximately 27 seconds of delay southbound and 249 seconds (4.2 minutes) of delay northbound would be added to Muni bus line 10. The total added delay of 276 seconds (4.6 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 for individual Project 2-1 with Option 1 under Existing plus Project conditions would be reduced to a less-than-significant level.

8. Transportation Impact to Muni line 10 from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1u).

   a) Potentially-Significant Impact

   A significant transit impact would occur to Muni bus line 10 as a result of individual Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions.

   b) Mitigation Measure for the Transportation Impact to Muni line 10 from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1u) and Conclusion.

   The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P2-1u. The implementation of individual Project 2-1 Modified Option 1 under 2025 Cumulative plus

Project conditions would add approximately 450 seconds (7.5 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/Harrison Street, and 2nd Street/Folsom Street intersections, delay would be reduced by approximately 170 seconds (2.8 minutes) southbound with approximately 403 seconds (6.7 minutes) of delay added northbound to Muni bus line 10. The total added delay of 233 seconds (3.8 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 for individual Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.

9. Transportation Impact to commercial freight loading on 2nd Street between Market Street and Bryant Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-1aa).

   a) Potentially-Significant Impact

   A significant impact on commercial freight loading would occur along 2nd Street between Market and Bryant Streets as a result of Project 2-1 Modified Option 1 under Existing plus Project conditions.

   b) Mitigation Measure for the Transportation Impact to commercial freight loading on 2nd Street between Market Street and Bryant Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-1aa) and Conclusion.

   No feasible mitigation measures have been identified to mitigate this commercial freight loading impact. Hence, a significant commercial freight loading impact would result along 2nd Street, between Market Street and Bryant Street, with implementation of Project 2-1 Modified Option 1 under Existing plus Project conditions.

10. Transportation Impact to commercial freight loading on 2nd Street between Market Street and Bryant Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1cc).

   a) Potentially-Significant Impact

   A significant impact on commercial freight loading would occur along 2nd Street between Market and Bryant Streets as a result of Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to commercial freight loading on 2nd Street between Market Street and Bryant Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1cc) and Conclusion.

No feasible mitigation measures have been identified to mitigate this commercial freight loading impact. Hence, a significant commercial freight loading impact would result along 2nd Street, between Market Street and Bryant Street, with implementation of Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions.

11. Transportation Impact to the intersection of 7th Street and Townsend from Project 2-16 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-16c).

a) Potentially-Significant Impact

Project 2-16 Modified Option 1 would construct bicycle lanes on Townsend Street between 8th Street and The Embarcadero. The 7th Street/Townsend Street intersection would operate at LOS F under Existing plus Project conditions and a significant impact would occur at 7th Street/Townsend Street intersection with the implementation of Project 2-16 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 7th Street and Townsend from Project 2-16 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-16c) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P2-16c. Six seconds of green time shall be added to the eastbound Townsend Street approach and six seconds of green time shall be reduced from the northbound 7th Street approach, to improve the 7th Street/Townsend Street intersection operations from LOS F to LOS D. Hence, this mitigation measure would reduce the project impacts of Project 2-16 Modified Option 1 to a less-than-significant level.

12. Transportation Impact to the intersection of 4th Street and Townsend from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-16g).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the 4th Street/Townsend Street intersection would operate at LOS E and a significant impact would occur at this intersection with the implementation of Project 2-16 Modified Option 1.

b) Measure for the Transportation Impact to the intersection of 4th Street and Townsend Street from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-16g) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P2-16g. The westbound Townsend Street approach shall be modified from a permitted phase to a protected signal phase. In addition, five seconds of green time shall be added to the westbound Townsend Street approach and five seconds of green time shall be reduced from the southbound 4th Street approach. This would improve the 4th Street/Townsend Street intersection operations from LOS E to LOS D. Hence, this mitigation measure would reduce the project impacts of Project 2-16 Modified Option 1 to a less-than-significant level for 2025 Cumulative plus Project conditions.

13. Transportation Impact to the intersection of Masonic Avenue and Fell Street from combined Project 3-1 Option 1 and Project 3-2 Option 1 under Existing plus Project conditions (Impact TR-P3-1a).

a) Potentially-Significant Impact

Project 3-1 would involve intersection improvements at Fell Street and Masonic Avenue intersection. Project 3-2 would construct bicycle lanes on Masonic Avenue between Fell Street and Geary Boulevard. Implementation of Option 1 of Projects 3-1 and 3-2 combined under Existing plus Project conditions would result in the intersection of Masonic Avenue/Fell Street operating at LOS E.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from combined Project 3-1 Option 1 and Project 3-2 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P3-1a) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P3-1a. Four seconds of green time shall be added to the northbound and southbound directions of Masonic Avenue and four seconds of green time shall be reduced from the westbound Fell Street direction. With these adjustments, Masonic Avenue/Fell Street intersection operations would improve to LOS D. Hence, this mitigation measure would reduce impacts from combined Project 3-1 and 3-2 Option 1 to a less-than-significant level under Existing plus Project conditions.

14. Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 2 under Existing plus Project conditions (Impact TR-P3-2f).

a) Potentially-Significant Impact

Project 3-2 would construct bicycle lanes on Masonic Avenue between Fell Street and Geary Boulevard. Under Existing plus Project conditions the Masonic Avenue/Fell Street intersection would operate at LOS E and a significant impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 2

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P3-2f) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P3-2f. Four seconds of green time shall be added to the northbound and southbound Masonic Avenue directions, with a corresponding reduction in green time in the westbound Fell Street direction of four seconds. With these adjustments, the Masonic Avenue/Fell Street intersection operations would improve to LOS D. Hence, this mitigation measure would reduce the project impacts to a less-than-significant level for Project 3-2 with Option 2 under Existing plus Project conditions.

15. Transportation Impact to Muni lines 9, 9X, 9AX and SamTrans 292 from combined Modified Project 5-2 and Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-4f).

a) Potentially-Significant Impact

Implementation of combined Modified Project 5-2 and Project 5-4 Modified Option 2 would install a combination of bicycle lanes and sharrows in both directions on Alemany Boulevard between Bayshore Boulevard and Rousseau Street and would install a combination of bicycle lanes and sharrows on Bayshore Boulevard between Cesar Chavez Street and Silver Avenue. This would result in Muni bus lines 9, 9X, 9AX and SamTrans 292 experiencing significant delays.

b) Mitigation Measure for the Transportation Impact to Muni lines 9, 9X, 9AX and SamTrans 292 from combined Modified Project 5-2 and Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-4f) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P5-4f. The implementation of Modified Project 5-2 and Project 5-4 Modified Option 2 combined under 2025 Cumulative plus Project Conditions would add approximately 417 seconds (7.0 minutes) of total delay for Muni bus lines 9, 9X, 9AX and SamTrans 292. With mitigation as described above in Mitigation Measure 5.4f, transit delay would be reduced to approximately 70 seconds (1.2 minutes) of delay northbound and 13 seconds of delay southbound. The total added delay of approximately 83 seconds (1.4 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to transit for Muni bus lines 9, 9X, 9AX and SamTrans 292 for Modified Project 5-2 and Project 5-4 Modified Option 2 combined under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.

16. Transportation Impact to Muni lines 9, 9X, 9AX and SamTrans 292 from Project 5-4 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-4g).

a) Potentially-Significant Impact

Implementation of Project 5-4 Modified Option 2 would install a combination of bicycle lanes and sharrows on Bayshore Boulevard between Cesar Chavez Street and Silver Avenue. This would result in Muni bus lines 9, 9X, 9AX and SamTrans 292 experiencing significant delays.

b) Mitigation Measure for the Transportation Impact to Muni lines 9, 9X, 9AX and SamTrans 292 from Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-4g) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of mitigation measure M-TR-P5-4g. The implementation of Modified Option 2 under 2025 Cumulative plus Project conditions for Project 5-4 only would add approximately 417 seconds (7.0 minutes) of total delay for Muni bus lines 9, 9X, 9AX and SamTrans 292. With mitigation as described above in Mitigation Measure 5.4e, transit delay would be reduced to approximately 70 seconds (1.2 minutes) of delay northbound and 13 seconds of delay southbound. The total added delay of approximately 83 seconds (1.4 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to transit for Muni bus lines 9, 9X, 9AX and

SamTrans 292 for Project 5-4 only with Modified Option 2 under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.

B. Air Quality

No significant impacts were identified in relation to air quality.

C. Noise

No significant impacts were identified in relation to noise.

IV. Significant Impacts That Cannot Be Avoided or Reduced to a Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts listed below as identified in the FEIR. The Commission determines that the following significant impacts on the environment, as reflected in the FEIR, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and *CEQA Guidelines* 15091(a)(3), 15092(b)(2)(B), and 15093, the Commission determines that the impacts are acceptable due to the overriding considerations described in Section VII below. This finding is supported by substantial evidence in the record of this proceeding. Also, as set forth above, the mitigation measures identified in this section and in Exhibit 1, the Mitigation Monitoring and Reporting Program, are adopted as part of the Project even though the impacts will remain significant and unavoidable.

A. Transportation

Program Level

Bicycle Route Network Goals, Objectives and Action Items

17. Predictable indirect Transportation Impacts in the project area from the approval of a policy to implement improvements to streets and paths proposed as near-term improvements (Impact TR-A1.1).

    a) Potentially-Significant Impact

    Action 1.1 of the Bicycle Plan is to implement improvements to streets and paths identified as proposed near-term bicycle improvement projects and implement minor improvements to other streets and paths on the existing bicycle route network, if feasible. Impact TR-A1.1, the indirect impacts from approval of a policy to implement improvements to streets and paths proposed as near-term improvements, and to

implement minor improvements to other streets and paths on the existing bicycle route network, or in the case of bicycle parking, to implement minor improvements within the street right-of-way, would include construction of the aforementioned improvements. The indirect results of this action would, therefore, include all of those environmental impacts identified under the sections of the transportation study for the Bicycle Plan related to the project-level impacts of the near-term improvements and the program-level impacts resulting from implementation of the minor improvements. The results of this analysis are summarized in Subsections V.A.3 and V.A.4 of the Draft EIR. The mitigation measures identified in Subsection V.A.3 of the Draft EIR would lessen some of the impacts that may result from implementation of the near-term improvements. No significant impacts were identified from the minor improvements in Subsection V.A.4 of the Draft EIR. However, there would be some environmental impacts from the near-term improvements that would remain significant and unavoidable as described in Subsection V.A.3 of the Draft EIR.

b) Mitigation Measures for the 60 near-term improvements that would be implemented by the San Francisco Bicycle Plan (M-TR-A1.1) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant level with implementation of mitigation measure M-TR-A1.1, which includes all the mitigation measures that would be implemented in association with the 60 near-term projects. These are discussed in greater detail below. Mitigation Measures defined in Subsection V.A.3 of the Draft EIR shall be implemented in association with the 60 near-term improvements proposed and implemented under the Bicycle Plan. As set forth elsewhere herein, some of the impacts would be reduced to a less-than-significant level within implementation of identified mitigation measures. In other instances, mitigation measures have been identified which would improve conditions, but not reduce impacts to a less than significant level. For those identified significant impacts with respect to traffic, transit, and loading in Subsection V.A.3 of the Draft EIR for which no feasible mitigation measures have been identified, the impacts remain significant and unavoidable.

18. Predictable indirect Transportation Impacts in the project area from the approval of a policy to implement improvements to streets and paths proposed as long-term improvements (Impact TR-A1.2).

a) Potentially-Significant Impact

Action 1.2 of the Bicycle Plan is to complete the required design and engineering for improvements to streets and paths identified as proposed long-term bicycle improvement projects and implement, if feasible. Predictable indirect impacts from

approval of a policy to implement improvements to streets and paths proposed as long-term improvements on the existing bicycle route network as well as additions to the network would include construction of the aforementioned improvements. The indirect results of this action would, therefore, include all of those environmental impacts identified under the sections of the transportation impact study for the Bicycle Plan related to the program-level impacts of the long-term improvements. The results of this analysis are summarized in Subsection V.A.5 of the Draft EIR and include potentially-significant and significant and unavoidable impacts. As has been previously stated, the specific designs for the long-term improvements are unknown at this time. The mitigations measures identified in Subsection V.A.5 of the Draft EIR would lessen some of the impacts that may result from implementation of the long-term improvements. However, there would be some that would remain significant and unavoidable.

b) Mitigation Measures for the long-term improvements that would be implanted by the San Francisco Bicycle Plan (M-TR-A1.2) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure A1.2, which includes all the mitigation measures that would be implemented in association with the long-term improvements of the Bicycle. These are discussed in greater detail below (M-TR-LT1.1, M-TR-LT1.2, M-TR-LT1.3, M-TR-LT1.4, M-TR-LT2.1, M-TR-LT2.2, M-TR-LT2.3, M-TR-LT2.4, M-TR-LT3.1, and M-TR-LT3.2). Mitigation Measures discussed and defined in Subsection V.A.5 of the Draft EIR shall be implemented in association with long-term improvements proposed and implemented under the Bicycle Plan. Specific designs for the long-term improvements are unknown at this time. Once specific project designs for the long-term improvements are developed and analyzed for potential environmental impacts with respect to traffic, transit, parking, pedestrian, bicycles and loading, mitigation measures may be identified and implemented. Consequently, the impacts remain potentially significant and unavoidable at this time.

19. Predictable indirect Transportation Impacts in the project area from the collaboration between the SFMTA and other agencies to ensure that San Francisco continues to implement the Transit-First Policy (Impact TR-A1.4).

a) Potentially-Significant Impact

Action 1.4 of the Bicycle Plan is to work with other City agencies to ensure that San Francisco continues to implement the Transit First Policy. Predictable indirect impacts from the collaboration between the SFMTA and other agencies to ensure that San Francisco continues to implement the Transit-First Policy could include the construction

of improvements or implementation of other changes to meet Transit-First Policy goals. The indirect impacts of Action 1.4 would, therefore, include potential impacts identified under the environmental review for all sections of the Bicycle Plan such as those discussed in the analysis of the potential impacts of the near-term improvements, long-term improvements, and minor improvements, as well as impacts that may result from future projects which would be similar to those discussed in this analysis. Physical improvements known at this time are analyzed in Subsections V.A.3, V.A.4, and V.A.5 of the Draft EIR. As discussed in Subsection V.A.4 of the Draft EIR, no significant impacts would result from implementation of the minor improvements. Mitigation measures have been identified in Subsections V.A.3 and V.A.5 of the Draft EIR that would address some of the significant impacts for near-term and long-term improvements. However, there are some impacts that would remain significant and unavoidable, and those are also discussed in the above referenced Subsections.

b) Mitigation Measures that would be implemented for the San Francisco Bicycle Plan (M-TR-A1.4) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant level with implementation of Mitigation Measure A1.4, which includes all the mitigation measures that would be implemented in association with the near-term, long-term, and minor improvements of the Bicycle Plan. These are discussed in greater detail below. The indirect impacts of Action 1.4 could result in the implementation of improvements to support the City's Transit First Policy. Therefore, it would include potential impacts identified under all sections of this environmental review for the Bicycle Plan such as those discussed in the transportation impact analysis of the potential impacts of the near-term improvements, long-term improvements, and minor improvements as well as impacts that may result from future projects which would be similar to those discussed in this analysis. Physical improvements known at this time are analyzed in Subsections V.A.3, V.A.4, and V.A.5 of the Draft EIR. As discussed in Subsection V.A.4 of the Draft EIR, no significant impacts would result from implementation of the minor improvements. Mitigation measures have been identified in Subsections V.A.3 and V.A.5 of the Draft EIR that would address some of the significant impacts for near-term and long-term improvements. However, there are some impacts that would remain significant and unavoidable and those are also discussed in the above referenced sections.

General Plan Amendments, Environmental Review, and Citywide Coordination Goals, Objectives and Action Items

20. Impacts from the incorporation of the Bicycle Plan into the General Plan, and amendment of sections of the Area Plans relevant to bicycling (Impact TR-A7.1).

a) Potentially-Significant Impact

Action 7.1 of the Bicycle Plan is to acknowledge this Bicycle Plan in the General Plan and amend sections of the General Plan that are relevant to bicycling, including the Transportation Element and relevant Area Plans, according to the goals of this Bicycle Plan. Incorporation of the Bicycle Plan into the *General Plan*, and amendment of sections of the Area Plans relevant to bicycling would accomplish the goals otherwise described in this Bicycle Plan. An indirect result of this action would, therefore, support the construction of improvements or implementation of other changes presented as part of the Bicycle Plan and analyzed in Subsections V.A.3, V.A.4, and V.A.5 of the Draft EIR. Some of these improvements would have a significant impact on the physical environment. The indirect impacts of these actions would include the significant impacts identified for the near-term and long-term improvements in Subsections V.A.3 and V.A.5 of the Draft EIR, including potential worsening of traffic levels-of-service, potential slowing of transit movement in the City, and potential reduction of truck loading spaces. Some of these significant impacts have been determined to be significant and unavoidable.

b) Mitigation Measures that would be implemented for near-term and long-term improvements associated with the San Francisco Bicycle Plan (M-TR-A7.1) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-A7.1 which includes all the mitigation measures that would be implemented in association with the near-term, long-term, and minor improvements of the Bicycle Plan. As described under the mitigation measures M-TR-A1.1 and M-TR-A1.2 above for potential significant impacts TR-A1.2 and TR-A 1.2 resulting from Actions A1.1 and A1.2, Mitigation Measures defined in Subsections V.A.3 and V.A.5 of the Draft EIR shall be implemented in association with improvements proposed and implemented under the Bicycle Plan for potential indirect impacts resulting from Action 7.1.

21. Impacts from the collaboration between the SFMTA and Planning Department to coordinate updates to the *General Plan* in accord with subsequent updates and amendments to the Bicycle Plan and bicycle route network (Impact TR-A7.3).

a) Potentially-Significant Impact

Action 7.3 of the Bicycle Plan is to work with the Planning Department to coordinate in making General Plan amendments as subsequent amendments and updates to the Bicycle Plan and bicycle route network occur. Collaboration between the SFMTA and Planning Department to coordinate updates to the *General Plan* in accord with subsequent updates and amendments to the Bicycle Plan and bicycle route network could accomplish the goals otherwise described in this Bicycle Plan. An indirect result of this action may be the construction of improvements or implementation of other changes similar to those presented as part of the Bicycle Plan and analyzed here with respect to potential impacts on traffic, transit, parking, pedestrians, bicycles, and loading in Subsection V.A.3, V.A.4, and V.A.5 of the Draft EIR. Future improvements resulting from Action 7.3 may result in significant impacts on the physical environment similar to those described in the Draft EIR with respect to traffic, transit, and loading for the near-term and long-term improvements in Subsections V.A.3 and V.A.5 of the Draft EIR, including potential worsening of traffic levels-of-service, potential slowing of transit movement in the City, and potential reduction of truck loading spaces. Some of these significant impacts have been determined to be significant and unavoidable. Therefore, there may be indirect significant impacts as a result of Action 7.3.

b) Mitigation Measures that would be implemented for the San Francisco Bicycle Plan (M-TR-A7.3) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-A7.3, which like includes all the mitigation measures that would be implemented in association with the near-term and long-term improvements of the Bicycle Plan. As described under the mitigation measure M-TR-A1.4 above for potential significant impact TR-A1.4 resulting from Action A1.4, Mitigation Measures defined in Subsections V.A.3 and V.A.5 of the Draft EIR shall be implemented in association with improvements proposed and implemented under the Bicycle Plan for potential indirect impacts resulting from Action 7.3.

22. Impacts from the process to develop an Area Plan or update an existing Area Plan to reflect Bicycle Plan polices (Impact TR-A7.4).

a) Potentially-Significant Impact

Action 7.4 of the Bicycle Plan is ensure that all current and proposed Area Plans' objectives and policies on balance are consistent with the goals of the San Francisco Bicycle Plan. Whenever updates or revisions are considered to existing Area Plans, especially those that do not now contain sections on bicycling, these Area Plans should include sections on bicycling consistent with the goals of the Bicycle Plan. The process to develop an Area Plan or update an existing Area Plan to reflect Bicycle Plan policies as appropriate may indirectly result in the construction of bicycle facility improvements or implementation of other changes within an Area. These improvements could result in impacts similar to those summarized in Subsection V.A.3, V.A.4, and V.A.5 of the Draft EIR with respect to potential impacts on traffic, transit, parking, pedestrians, bicycles, and loading. Some of these improvements may have a significant impact on the physical environment. The indirect impacts of these actions would include environmental impacts similar to the identified significant impacts that may result from implementation of the near-term and long-term improvements in Subsections V.A.3, and V.A.5 of the Draft EIR, including potential worsening of traffic levels-of-service, potential slowing of transit movement in the City, and potential reduction of truck loading spaces. Mitigation measures have been identified to address some of these significant impacts. However, there are some for which no feasible mitigation measures have been identified. Therefore, there may be indirect and unavoidable significant impacts as a result of Action 7.4.

b) Mitigation Measures that would be implemented for the San Francisco Bicycle Plan (M-TR-A7.4) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-A7.4, which includes all the mitigation measures that would be implemented in association with the near-term and long-term improvements of the Bicycle Plan. As described under the mitigation measure M-TR-A1.4 for potential indirect impact TR-A1.4 resulting from Action A1.4, Mitigation Measures defined in Subsections V.A.3 and V.A.5 of the Draft EIR shall be implemented in association with improvements proposed and implemented under the Bicycle Plan to address potential indirect impacts resulting from Action 7.4, which is to develop an Area Plan or update existing Area Plan to reflect Bicycle plan policies.

Bicycle Funding Goals and Objectives

23. Impacts from the collaboration between the SFMTA and other agencies to identify funding to assist in achieving the Bicycle Plan goals and objectives (Impact TR-A8.1).

    a) Potentially-Significant Impact

    Action 8.1 of the Bicycle Plan is to work with appropriate agencies to identify funding to assist in achieving the goals and objectives set forth in this Bicycle Plan. Collaboration between the SFMTA and other agencies to identify funding to assist in achieving the Bicycle Plan goals and objectives would involve the exchange of information which would have no direct impact on the physical environment. However, success in identifying funding sources would result in implementation of projects to support the Bicycle Plan goals and objectives. This action would, therefore, support the construction of improvements or implementation of other changes presented as part of the Bicycle Plan and analyzed in Subsections V.A.3, V.A.4, and V.A.5 of the Draft EIR; some of these improvements would have a significant impact on the physical environment as identified in the analysis, including potential worsening of traffic levels-of-service, potential slowing of transit movement in the City, and potential reduction of truck loading spaces.

    b) Mitigation Measures that would be implemented in association with the near-term and long-term improvements of the San Francisco Bicycle Plan (M-TR-A8.1) and Conclusion.

    The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-A8.1. As with M-TR-A1.1 and M-TR-A1.2 discussed above, Mitigation Measure M-TR-A8.1 includes all the near-term and long-term mitigation measures that would be implemented in association with the Bicycle Plan. These mitigation measures will address the potential indirect impacts resulting from Action 8.1.

Project Level

24. Transportation Impact to loading along North Point Street east of Columbus Avenue from Project 1-3 under Existing plus Project conditions (Impact TR-P1-3b).

    a) Potentially-Significant Impact

    Due to double-parked vehicles and the removal of general travel lanes, a significant loading impact may occur along North Point Street east of Columbus Avenue as a result of Project 1-3 under Existing plus Project conditions, .

b) Mitigation Measure for the Transportation Impact to loading along North Point Street east of Columbus Avenue from Project 1-3 under Existing plus Project conditions (Mitigation Measure M-TR-P1-3b) and Conclusion.

No feasible mitigation measures have been identified to mitigate this loading impact. Therefore, a significant and unavoidable loading impact may occur along North Point Street east of Columbus Avenue with implementation of Project 1-3 under Existing plus Project conditions.

25. Transportation Impact to loading along North Point Street east of Columbus Avenue from Project 1-3 under 2025 Cumulative plus Project conditions (Impact TR-P1-3c).

a) Potentially-Significant Impact

Due to double-parked vehicles and the removal of general travel lanes, a significant loading impact may occur along North Point Street east of Columbus Avenue as a result of Project 1-3 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to loading along North Point Street east of Columbus Avenue from Project 1-3 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P1-3c) and Conclusion.

No feasible mitigation measures have been identified to mitigate this loading impact. Therefore, a significant and unavoidable loading impact may occur along North Point Street east of Columbus Avenue with implementation of Project 1-3 under 2025 Cumulative plus Project conditions.

26. Transportation Impact to the intersection of 2nd Street and Bryant Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-1a).

a) Potentially-Significant Impact

The intersection of 2nd Street/Bryant Street would operate at LOS E under Existing plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Bryant Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-1a) and Conclusion.

No feasible mitigation measures have been identified for the 2nd Street/Bryant Street intersection under Existing plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at this intersection with the implementation of Project 2-1 Modified Option 1.

27. Transportation Impact to the intersection of 2nd Street and Bryant Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1b).

a) Potentially-Significant Impact

The intersection of 2nd Street/Bryant Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Bryant Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1b) and Conclusion.

No feasible mitigation measures have been identified for the 2nd Street/Bryant Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur.

28. Transportation Impact to the intersection of 2nd Street and Harrison Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-1c).

a) Potentially-Significant Impact

The intersection of 2nd Street/Harrison Street would operate at LOS E under Existing plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Harrison Street from Project 2-1 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-1c) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-1c. It is proposed that five seconds of green time be added to the northbound 2nd Street approach and five seconds of green time be reduced from the eastbound Harrison Street approach. This would improve the intersection operations from LOS F to LOS E. It has been ensured that the minimum green times required for pedestrians to cross the 2nd Street/Harrison Street intersection have been maintained even after the green time adjustments to the signal. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 2-1 Modified Option 1.

29. Transportation Impact to the intersection of 2nd Street and Harrison Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1e).

a) Potentially-Significant Impact

The intersection of 2nd Street/Harrison Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Harrison Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1e) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-1e. It is proposed that five seconds of green time be added to the northbound 2nd Street approach and five seconds of green time be reduced from the eastbound Harrison Street approach, thus improving the 2nd Street/Harrison Street intersection operations and reducing average delay by 50.2 seconds. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 2-1 Modified Option 1.

30. Transportation Impact to the intersection of 2nd Street and Folsom Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1i).

a) Potentially-Significant Impact

The intersection of 2nd Street/Folsom Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Folsom Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1i) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-1i. It is proposed that the southbound 2nd Street approach be modified from a protected phase to a permitted phase with no changes to green time allocation. This would improve the 2nd Street/Folsom Street intersection operations and reduce the average delay. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 2-1 Modified Option 1.

31. Transportation Impact to the intersection of 2nd Street and Howard Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1k).

a) Potentially-Significant Impact

The intersection of 2nd Street/Howard Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-1 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Howard Street from Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1k) and Conclusion.

No feasible mitigation measures have been identified for the 2nd Street/Howard Street intersection under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable traffic impact would occur at the 2nd Street/Howard Street intersection with the implementation of Project 2-1 Modified Option 1.

32. Transportation Impact to Muni bus line 10 from combined Project 2-1 Modified Option 1 and Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-1q).

a) Potentially-Significant Impact

Muni bus line 10 would experience significant delays as a result of combined Projects 2-1 and 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to Muni bus line 10 from Project 2-1 Modified Option 1 and Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-1q) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-1q. The implementation of combined Projects 2-1 and 2-16 Modified Option 1, under 2025 Cumulative plus Project conditions, would add approximately 672 seconds (11.2 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/Harrison Street, and 2nd Street/Folsom Street intersections, (M-TR-P2-1c, M-TR-P2-1e, M-TR-P2-1f, M-TR-P2-1g, M-TR-P2-1h, M-TR-P2-1i; and M-TR-P2-1j) delay would be reduced by approximately 169 seconds (2.8 minutes) southbound with approximately 625 seconds (10.4 minutes) of delay added northbound to Muni bus line 10. The total added delay of 495 seconds (7.6 minutes) would be greater than the transit delay threshold of six minutes. Therefore, a significant

transit impact to Muni bus line 10 would occur resulting from combined Projects 2-1 and 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions.

33. Transportation Impact to the intersection of 5th Street and Bryant Street from Project 2-2 Modified Option 2 under Existing plus Project conditions (Impact TR-P2-2b).

a) Potentially-Significant Impact

Project 2-2 would construct bicycle lanes on 5th Street between Market Street and Townsend Street. The intersection of 5th Street/Bryant Street would operate at LOS F under Existing plus Project conditions for Option 2 of Project 2-2.

b) Mitigation Measure for the Transportation Impact to the intersection of 5th Street and Bryant Street from Project 2-2 Modified Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P2-2b) and Conclusion.

No feasible mitigation measures have been identified for the 5th Street/Bryant Street intersection under Existing plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the 5th Street/Bryant Street intersection with the implementation of Project 2-2 Modified Option 2.

34. Transportation Impact to the intersection of 5th Street and Bryant Street from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-2d).

a) Potentially-Significant Impact

The intersection of 5th Street/Bryant Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-2 Modified Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of 5th Street and Bryant Street from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-2d) and Conclusion

No feasible mitigation measures have been identified for the 5th Street/Bryant Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the 5th Street/Bryant Street intersection with the implementation of Project 2-2. Option 2

35. Transportation Impact to the intersection of 5th Street and Howard Street from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-2e).

a) Potentially-Significant Impact

The intersection of 5th Street/Howard Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-2 Modified Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of 5th Street and Howard Street from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-2e) and Conclusion

No feasible mitigation measures have been identified for the 5th Street/Howard Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the 5th Street/Howard Street intersection with the implementation of Project 2-2.

36. Transportation Impact to the intersection of 5th Street and Brannan Street for Project 2-2 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-2f).

a) Potentially-Significant Impact

The intersection of 5th Street and Brannan Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-2 Modified Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of 5th Street and Brannan Street from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-2f) and Conclusion

No feasible mitigation measures have been identified for the 5th Street and Brannan Street intersection from Project 2-2 Modified Option 2 under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable impact would occur at this intersection with the implementation of Modified Project 2-2 Option 2..

37. Transportation Impact to the intersection of Church Street, Market Street and 14th Street from combined Project 2-3 Option 1 and Project 2-11 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-3b).

a) Potentially-Significant Impact

Project 2-3 would construct bicycle lanes on 14th Street between Dolores Street and Market Street. Project 2-11 would construct bicycle lanes on Market Street between 17th Street and Octavia Boulevard. Implementation of Projects 2-3 and 2-11 combined under

2025 Cumulative plus Project conditions would result in the intersection of Church Street/Market Street/14th Street operating at LOS F.

b) Mitigation Measure for the Transportation Impact to the intersection of Church Street, Market Street and 14th Street from combined Project 2-3 Option 1 and Project 2-11 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-3b) and Conclusion

No feasible mitigation measures have been identified for the Church Street/Market Street/14th Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at this intersection with the implementation of Option 1 of combined Project 2-3 and 2-11.

38. Transportation Impact to the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street from combined Project 2-4 and Project 2-6 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-4a).

a) Potentially-Significant Impact

Combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 would construct bicycle lanes on Sanchez Street from 17th Street to 16th Street, on 17th Street between Church Street and Potrero Avenue, on Potrero Avenue between 17th Street and Division Street, on Kansas Street between 16th Street and 17th Street, and on Division Street between 9th Street and 11th Street. Implementation of combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 under Existing plus Project conditions would result in the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street would operate at LOS E.

b) Mitigation Measure for the Transportation Impact to the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street from combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P2-4a) and Conclusion

No feasible mitigation measures have been identified for the 10th Street/ Brannan Street/Potrero Avenue/Division Street intersection under Existing plus Project conditions. Hence, a significant impact would occur at the 10th Street/ Brannan Street/Potrero Avenue/ Division Street intersection with the implementation of combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2.

39. Transportation Impact to the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street from combined Project 2-4 and Project 2-6 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-4b).

a) Potentially-Significant Impact

Combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 would construct bicycle lanes on Sanchez Street from 17th Street to 16th Street, on 17th Street between Church Street and Potrero Avenue, on Potrero Avenue between 17th Street and Division Street, on Kansas Street between 16th Street and 17th Street, and on Division Street between 9th Street and 11th Street. Implementation of combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 under 2025 Cumulative plus Project conditions would result in the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street would operate at LOS F.

b) Mitigation Measure for the Transportation Impact to the intersection of 10th Street, Brannan Street, Potrero Avenue, and Division Street from combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-4b) and Conclusion

No feasible mitigation measures have been identified for the 10th Street/ Brannan Street/Potrero Avenue/Division Street intersection under 2025 Cumulative plus Project conditions. Hence, a significant impact would occur at the 10th Street/ Brannan Street/Potrero Avenue/ Division Street intersection with the implementation of combined Project 2-4 Modified Option 1 and Project 2-6 Modified Option 2.

40. Transportation Impact to the intersection of Potrero Avenue and 16th Street from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-4d).

a) Potentially-Significant Impact

Project 2-4 would construct bicycle lanes on 17th Street between Corbett Avenue and Kansas Street, including connections to the 16th Street BART Station via Hoff Street or Valencia Street and 17th Street to Division Street via Potrero Avenue. Under 2025 Cumulative plus Project conditions for Project 2-4 Option 2, the Potrero Avenue/16th Street intersection would operate at LOS F, and a significant impact would occur at this intersection with the implementation of Project 2-4 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Potrero Avenue and 16th Street from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-4d) and Conclusion.

No feasible mitigation measures have been identified for the Potrero Avenue/16th Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Potrero Avenue/16th Street intersection with the implementation of Project 2-4 Option 2.

41. Transportation Impact to Muni bus line 9 from Project 2-4 Option 2 and Project 2-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-4e).

a) Potentially-Significant Impact

Project 2-4 would construct bicycle lanes on 17th Street between Corbett Avenue and Kansas Street, including connections to the 16th Street BART Station via Hoff Street or Valencia Street and 17th Street to Division Street via Potrero Avenue. Project 2-6 would construct bicycles lanes on Division Street between 9th Street to 11th Street. Muni bus line 9 would experience significant delays under 2025 Cumulative plus Project conditions for combined Projects 2-4 and 2-6 Option 2.

b) Mitigation Measure for the Transportation Impact to Muni bus line 9 from Project 2-4 Option 2 and Project 2-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-3e) and Conclusion

No feasible mitigation measures have been identified for delay on Muni bus line 9 for combined Projects 2-4 and 2-6 Option 2 under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable impact would occur for Muni bus line 9 with implementation of combined Projects 2-4 and 2-6 Option 2.

42. Transportation Impact to SamTrans bus line 292 from Project 2-4 Option 2 and Project 2-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-4f).-Mitigation Measure for the Transportation Impact to SamTrans bus line 292 from Project 2-4 Option 2 and Project 2-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-3d) and Conclusion

SamTrans bus line 292 would experience significant delays under 2025 Cumulative plus Project conditions for combined Projects 2-4 and 2-6 Option 2.

a) Mitigation Measure M-TR-P2-4f and Conclusion

No feasible mitigation measures have been identified for delay on SamTrans bus line 292 for combined Projects 2-4 and 2-6 Option 2 under 2025 Cumulative plus Project

conditions. Hence, a significant and unavoidable impact would occur for SamTrans bus line 292 with implementation of Projects 2-4 and 2-6 combined with Option 2.

43. Transportation Impact to Muni bus line 9 from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-4g).

    a) Potentially-Significant Impact

    Muni bus line 9 would experience significant delays under 2025 Cumulative plus Project conditions for individual Project 2-4 Option 2.

    b) Mitigation Measure for the Transportation Impact to Muni bus line 9 from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-4g) and Conclusion

    No feasible mitigation measures have been identified for delay on Muni bus line 9 for individual Project 2-4 Option 2 under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable impact would occur for Muni bus line 9 with implementation of Project 2-4 Option 2.

44. Transportation Impact to SamTrans bus line 292 from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P2-4h).

    a) Potentially-Significant Impact

    SamTrans bus line 292 would experience significant delays under 2025 Cumulative plus Project conditions for individual Project 2-4 Option 2.

    b) Mitigation Measure for the Transportation Impact to SamTrans bus line 292 from Project 2-4 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-4h) and Conclusion.

    No feasible mitigation measures have been identified for delay on SamTrans bus line 292 for Project 2-4 Option 2 under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable impact would occur for SamTrans bus line 292 with implementation of individual Project 2-4 Option 2.

45. Transportation Impact to the intersection of Fremont Street and Howard Street from combined Project 2-7 and Project 2-9 under Existing plus Project conditions (Impact TR-P2-7a).

a) Potentially-Significant Impact

Project 2-7 would construct bicycle lanes on Fremont Street between Harrison Street and Howard Street. Project 2-9 would construct bicycles lanes on Howard Street between The Embarcadero and Fremont Street. The intersection of Fremont Street/Howard Street would operate at LOS E under Existing plus Project conditions for combined Projects 2-7 and 2-9.

b) Mitigation Measure for the Transportation Impact to the intersection of Fremont Street and Howard Street from combined Project 2-7 and Project 2-9 under Existing plus Project conditions (Mitigation Measure M-TR-P2-7a) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-7a. The cycle length at the Fremont Street/Howard Street intersection shall be increased by 35 seconds, so that the intersection will operate at LOS D with 54.9 seconds of delay. However, 54.9 seconds of delay is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. Therefore, this mitigation measure would not reduce the project impacts of combined Projects 2-7 and 2-9 to a less-than-significant level for Existing plus Project conditions.

46. Transportation Impact to the intersection of Fremont Street and Howard Street from combined Project 2-7 and Project 2-9 under 2025 Cumulative plus Project conditions (Impact TR-P2-7b).

a) Potentially-Significant Impact

The intersection of Fremont Street/Howard Street would operate at LOS F under 2025 Cumulative plus Project conditions for combined Projects 2-7 and 2-9.

b) Mitigation Measure for the Transportation Impact to the intersection of Fremont Street and Howard Street from combined Project 2-7 and Project 2-9 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-7b) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant level even with implementation of mitigation measure M-TR-P2-7b. The Fremont Street/Howard Street intersection operates at LOS D with 54.9 seconds of delay under Existing plus Project conditions relative to Existing conditions,

with mitigation shown in Mitigation Measure M-TR-P2-7a. This is determined to be a significant impact since it is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. As a consequence, a corresponding LOS deterioration is expected at this intersection for 2025 Cumulative plus Project compared to 2025 Cumulative conditions. Therefore, a significant and unavoidable impact would occur at the Fremont Street/Howard Street intersection.

47. Transportation Impact to the intersection of Fremont Street and Howard Street from Project 2-9 under Existing plus Project conditions (Impact TR-P2-9a).

a) Potentially-Significant Impact

Project 2-9 would construct bicycles lanes on Howard Street between The Embarcadero and Fremont Street. The Fremont Street/Howard Street intersection would operate unsatisfactorily at LOS E under Existing plus Project conditions for Project 2-9.

b) Mitigation Measure for the Transportation Impact to the intersection of Fremont Street and Howard Street from Project 2-9 under Existing plus Project conditions (Mitigation Measure M-TR-P2-9a) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant level even with implementation of mitigation measure M-TR-P2-9a. It is proposed that the cycle length at the Fremont Street/Howard Street intersection be increased by 35 seconds. With this improvement, the intersection will operate at LOS D with 54.9 seconds of delay. However, 54.9 seconds of delay is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. Therefore, this mitigation measure would not reduce the project impacts of Project 2-9 to a less-than-significant level for Existing plus Project conditions and the impact would remain significant and unavoidable.

48. Transportation Impact to the intersection of Fremont Street and Howard Street from Project 2-9 under 2025 Cumulative plus Project conditions (Impact TR-P2-9b).

a) Potentially-Significant Impact

The intersection of Fremont Street/Howard Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-9.

b) Mitigation Measure for the Transportation Impact to the intersection of Fremont Street and Howard Street from Project 2-9 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-9b) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant level with implementation of mitigation measure M-TR-P2-9b. It is proposed that lane configuration adjustments be made to the westbound Howard Street direction to improve LOS and reduce the delay at the Fremont Street/Howard Street intersection. The westbound Howard Street approach shall be modified from one through lane and one shared through-right turn lane, into two through lanes and one exclusive right-turn lane. The LOS will remain at level F. Therefore, this mitigation measure would not reduce the project impacts of Project 2-9 to a less-than-significant level for 2025 Cumulative plus Project conditions and the impact would remain significant and unavoidable.

49. Transportation Impact to the intersection of Church Street, Market Street, and 14th Street from Project 2-11 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-11b).

a) Potentially-Significant Impact

Project 2-11 would construct bicycle lanes on Market Street between 17th Street and Octavia Boulevard. The intersection of Church Street/Market Street/14th Street would operate at LOS F under 2025 Cumulative plus Project conditions for Project 2-11 Option 1 for the PM peak hour.

b) Mitigation Measure for the Transportation Impact to the intersection of Church Street, Market Street, and 14th Street from Project 2-11 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-11b) and Conclusion.

No feasible mitigation measures have been identified for the Church Street/Market Street/14th Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Church Street/Market Street/14th Street intersection with the implementation of Project 2-11 Option 1.

50. Transportation Impact to loading on the north side of Market Street near Noe Street from Project 2-11 Option 1 under Existing plus Project conditions (Impact TR-P2-11c).

a) Potentially-Significant Impact

A significant impact to loading would result on the north side of Market Street near Noe Street from implementation of Project 2-11 Option 1 under Existing plus Project conditions.

b) Mitigation Measure for the Transportation Impact to loading on the north side of Market Street near Noe Street under Existing plus Project conditions (Mitigation Measure M-TR-P2-11c) and Conclusion.

No feasible mitigation measures have been identified. Therefore, a significant and unavoidable loading impact would occur on Market Street near Noe Street with implementation of Project 2-11 Option 1 under Existing plus Project conditions.

51. Transportation Impact to loading on the north side of Market Street near Noe Street from Project 2-11 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-11d).

a) Potentially-Significant Impact

A significant impact to loading would result on the north side of Market Street near Noe Street from implementation of Project 2-11 Option 1 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to loading on the north side of Market Street near Noe Street from Project 2-11 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-11d) and Conclusion.

No feasible mitigation measures have been identified. Therefore, a significant and unavoidable loading impact would occur on Market Street near Noe Street with implementation of Project 2-11 Option 1 under 2025 Cumulative plus Project conditions.

52. Transportation Impact to the intersection of 2nd Street and Townsend from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-16a).

a) Potentially-Significant Impact

Project 2-16 would construct bicycle lanes on Townsend Street between 8th Street and The Embarcadero. The 2nd Street/Townsend Street intersection would operate unsatisfactorily at LOS E under 2025 Cumulative plus Project conditions and a significant impact would occur at this intersection with the implementation of Project 2-16 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 2nd Street and Townsend from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-16a) and Conclusion.

No feasible mitigation measures have been identified for the 2nd Street/Townsend Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the 2nd Street/Townsend Street intersection with the implementation of Project 2-16 Modified Option 1.

53. Transportation Impact to the intersection of 7th Street and Townsend from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-16e)

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the 7th Street/Townsend Street intersection would operate at LOS F and, a significant impact would occur at this intersection with the implementation of Project 2-16 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of 7th Street and Townsend from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-16e) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-16e. It is proposed that lane configuration adjustments be made to the eastbound Townsend Street direction to improve LOS and decrease the amount of average delay. However, the LOS would remain at LOS F. Therefore, a significant impact would occur at the 7th Street/Townsend Street intersection with the implementation of Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions.

54. Transportation Impact to Muni bus line 30 from Project 2-16 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-16h).

a) Potentially-Significant Impact

A significant transit impact would occur to Muni bus line 30 under Existing plus Project conditions for Project 2-16 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 30 from Project 2-16 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-16h) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P2-16h Feasibility of the following mitigation measures has not yet been determined. There is a range of potential treatments to address the issue at this intersection. One would be repositioning of the bus zone along the south side of Townsend Street. Another treatment would be reconfiguring the approach lanes to the intersection of 4th and Townsend Streets. Finally, installation of discontinuous bicycle lanes at the approach of the 4th Street/Townsend Street intersection could also be

considered. Therefore, a significant transit impact would occur with implementation of Project 2-16 Modified Option 1 under Existing plus Project conditions.

55. Transportation Impact to Muni bus line 45 from Project 2-16 Modified Option 1 under Existing plus Project conditions (Impact TR-P2-16i).

    a) Potentially-Significant Impact

    A significant transit impact would occur to Muni bus line 45 under Existing plus Project conditions for Project 2-16 Modified Option 1.

    b) Mitigation Measure for the Transportation Impact to Muni bus line 45 from Project 2-16 Modified Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P2-16i) and Conclusion.

    Refer to Mitigation Measure M-TR-P2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant and unavoidable transit impact would occur to Muni bus line 45 under Existing plus Project conditions for Project 2-16 Modified Option 1.

56. Transportation Impact to Muni bus line 30 from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-16l).

    a) Potentially-Significant Impact

    A significant transit impact would occur to Muni bus line 30 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.

    b) Mitigation Measure for the Transportation Impact to Muni bus line 30 from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-16l) and Conclusion.

    Refer to Mitigation Measure M-TR-P2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant and unavoidable transit impact would occur to Muni bus line 30 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.

57. Transportation Impact to Muni bus line 45 from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P2-16m).

    a) Potentially-Significant Impact

    A significant transit impact would occur to Muni bus line 45 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 45 from Project 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P2-16m) and Conclusion.

Refer to Mitigation Measure M-TR-P2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant and unavoidable transit impact would occur to Muni bus line 45 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.

58. Transportation Impact to the intersection of Masonic Avenue and Fell Street from combined Project 3-1 and Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-1b).

a) Potentially-Significant Impact

The intersection of Masonic Avenue/Fell Street would operate at LOS E under 2025 Cumulative plus Project conditions for combined Projects 3-1 and 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from combined Project 3-1 and Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-1b) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fell Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of combined Projects 3-1 and 3-2 Option 1.

59. Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2a).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Turk Street intersection would operate at LOS F in the AM Peak hour and a significant impact would occur at the Masonic Avenue/Turk Street intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2a) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Turk Street intersection under 2025 Cumulative plus Project conditions for Project 3-2

Option 1. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Turk Street intersection in the AM Peak hour with the implementation of Project 3-2 Option 1.

60. Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P3-2b).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Turk Street intersection would operate at LOS F in the AM Peak hour and a significant impact would occur at this intersection with the implementation of Project 3-2 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2b) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Turk Street intersection under 2025 Cumulative plus Project conditions in the AM peak hour for Project 3-2 Option 2. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Turk Street intersection with the implementation of Project 3-2 Option 2.

61. Transportation Impact to the intersection of Masonic Avenue and Fulton Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2c).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for the AM peak hour the Masonic Avenue/Fulton Street intersection would operate at LOS F and a significant impact would occur at the Masonic Avenue/Fulton Street intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fulton Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2c) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fulton Street intersection under 2025 Cumulative plus Project conditions for the AM Peak hour. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fulton Street intersection with the implementation of Project 3-2 Option 1.

62. Transportation Impact to the intersection of Masonic Avenue and Fulton Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P3-2d).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 2, the Masonic Avenue/Fulton Street intersection would operate at LOS F in the AM Peak hour and a significant impact would occur at the Masonic Avenue/Fulton Street intersection with the implementation of Project 3-2 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fulton Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2d) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fulton Street intersection under 2025 Cumulative plus Project conditions the AM Peak hour. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fulton Street intersection with the implementation of Project 3-2 Option 2.

63. Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 1 under Existing plus Project conditions (Impact TR-P3-2e).

a) Potentially-Significant Impact

Under Existing plus Project conditions the Masonic Avenue/Fell Street intersection would operate at LOS E and a significant impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P3-2e) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fell Street intersection under Existing plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 1.

64. Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2g).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Fell Street intersection would operate at LOS F and a significant impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2g) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fell Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 1 under 2025 Cumulative plus Project conditions.

65. Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P3-2h).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Fell Street intersection would operate at LOS E and a significant impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Fell Street from Project 3-2 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2h) and Conclusion.

No feasible mitigation measures have been identified for the Masonic Avenue/Fell Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Fell Street intersection with the implementation of Project 3-2 Option 2.

66. Transportation Impact to the intersection of Masonic Avenue and Geary Boulevard from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2i).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Geary Boulevard intersection would operate at LOS E and a significant impact would occur at the Masonic Avenue/Geary Boulevard intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Geary Boulevard from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2i) and Conclusion.

No feasible mitigation measures have been identified for Option 1 under 2025 Cumulative plus Project conditions. Hence, a significant and unavoidable impact would occur at the Masonic Avenue/Geary Boulevard intersection with the implementation of Project 3-2 Option 1.

67. Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2j).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Masonic Avenue/Turk Street intersection would operate at LOS F and a significant impact would occur at the Masonic Avenue/Turk Street intersection with the implementation of Project 3-2 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Masonic Avenue and Turk Street from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2j) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P3-2j. It is proposed that ten seconds of green time be added to the northbound Masonic Avenue direction, with a corresponding reduction of green time in the eastbound Turk Street direction of ten seconds, to improve intersection operations to LOS E. However, the Masonic Avenue/Turk Street intersection would continue to operate at an unacceptable LOS; therefore, the traffic impact would remain significant even after this mitigation measure is implemented for Project 3-2 Option 1.

68. Transportation Impact to Muni bus line 43 from combined Project 3-1 and Project 3-2 Option 1 under Existing plus Project conditions (Impact TR-P3-2k).

a) Potentially-Significant Impact

Under Existing plus Project conditions combined Projects 3-1 and 3-2 Option 1 would result in a significant transit impact for Muni bus line 43 in the PM peak hour.

b) Mitigation Measure for the Transportation Impact to Muni bus line 43 from combined Project 3-1 and Project 3-2 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P3-2k) and Conclusion.

No feasible mitigation measures have been identified to reduce the delay on Muni bus line 43 under Existing plus Project conditions for Option 1. Therefore, a significant and unavoidable transit impact would occur to Muni bus line 43 as a result of combined Projects 3-1 and 3-2 Option 1 under Existing plus Project conditions in the PM peak hour.

69. Transportation Impact to Muni bus line 43 from combined Project 3-1 and Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2l).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions, combined Projects 3-1 and 3-2 Option 1 would result in a significant transit impact for Muni bus line 43 in the PM peak hour.

b) Mitigation Measure for the Transportation Impact to Muni bus line 43 from combined Project 3-1 and Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2l) and Conclusion.

No feasible mitigation measures have been identified and a significant and unavoidable transit impact would occur to Muni bus line 43 as a result of combined Projects 3-1 and 3-2 Option 1 under 2025 Cumulative plus Project conditions in the PM peak hour.

70. Transportation Impact to the Muni bus line 43 from Project 3-2 Option 1 under Existing plus Project conditions (Impact TR-P3-2m).

a) Potentially-Significant Impact

Under Existing plus Project conditions individual Project 3-2 Option 1 would result in a significant transit impact for Muni bus line 43 in the PM peak hour.

b) Mitigation Measure for the Transportation Impact to Muni bus line 43 from Project 3-2 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P3-2m) and Conclusion.

No feasible mitigation measures have been identified for Option 1 under Existing plus Project conditions in the PM peak hour. Therefore, a significant and unavoidable transit impact would occur to Muni bus line 43 as a result of individual Project 3-2 Option 1 under Existing plus Project conditions in the PM peak hour.

71. Transportation Impact to the Muni bus line 43 from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P3-2n).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions, individual Project 3-2 Option 1 would result in a significant impact to transit for Muni bus line 43 in the PM peak hour.

b) Mitigation Measure for the Transportation Impact to Muni bus line 43 from Project 3-2 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P3-2n) and Conclusion.

No feasible mitigation measures have been identified and a significant and unavoidable transit impact would occur to Muni bus line 43 as a result of individual Project 3-2 Option 1 under 2025 Cumulative plus Project conditions in the PM peak hour.

72. Loading impact on Bayshore Boulevard between Cesar Chavez and Industrial Streets as a result of Project 5-4 Modified Option 2 under Existing plus Project conditions. (Impact TR-P5-4h).

a) Potentially-Significant Impact

Project 5-4 Modified Option 2 would construct bicycle lanes and sharrows on Bayshore Boulevard between Cesar Chavez Street and Silver Avenue except between Oakdale and Jerrold Avenues, where the existing southbound Class III bicycle route would remain on Jerrold Avenue, Barneveld Avenue, and Loomis Street and the existing northbound Class III bicycle route would be relocated from Bayshore Boulevard to Oakdale Avenue, Loomis Street, Barneveld Avenue and Jerrold Avenue.

Under Existing plus Project conditions Bayshore Boulevard would experience a significant loading impact, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-4 Modified Option 2.

b) Mitigation Measure for the loading impact on Bayshore Boulevard between Cesar Chavez and Industrial Streets as a result of Project 5-4 Modified Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P5-4h) and Conclusion.

No feasible mitigation measures have been identified. Therefore, a significant loading impact would occur on Bayshore Boulevard between Cesar Chavez and Industrial Streets with implementation of Project 5-4 Modified Option 2 under Existing plus Project conditions.

73. Loading impact on Bayshore Boulevard between Cesar Chavez and Industrial Streets as a result of Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions. (Impact TR-P5-4i).

a) Potentially-Significant Impact

Project 5-4 Modified Option 2 would construct bicycle lanes and sharrows on Bayshore Boulevard between Cesar Chavez Street and Silver Avenue, except between Oakdale and Jerrold Avenues, where the existing southbound Class III bicycle route would remain on Jerrold Avenue, Barneveld Avenue, and Loomis Street and the existing northbound Class III bicycle route would be relocated from Bayshore Boulevard to Oakdale Avenue, Loomis Street, Barneveld Avenue and Jerrold Avenue. Under 2025 Cumulative plus Project conditions Bayshore Boulevard would experience a significant loading impact, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-4 Modified Option 2.

b) Mitigation Measure for the loading impact on Bayshore Boulevard between Cesar Chavez and Industrial Streets as a result of Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-4i) and Conclusion.

No feasible mitigation measures have been identified. Therefore, a significant loading impact would occur on Bayshore Boulevard between Cesar Chavez and Industrial Streets with implementation of Project 5-4 Modified Option 2 under 2025 Cumulative plus Project conditions.

74. Transportation Impact to the intersection of Evans Avenue and Cesar Chavez Street from Project 5-5 Option 1 under Existing plus Project conditions (Impact TR-P5-5a).

a) Potentially-Significant Impact

Project 5-5 would construct bicycle lanes on Cesar Chavez Street between I-280 and US 101 Freeways. Under Existing plus Project conditions the Evans Avenue/Cesar Chavez

Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-5 Option 1

b) Mitigation Measure for the Transportation Impact to the intersection of Evans Avenue and Cesar Chavez Street from Project 5-5 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-5a) and Conclusion.

No feasible mitigation measures have been identified for the Evans Avenue/Cesar Chavez Street intersection under Existing plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Evans Avenue/Cesar Chavez Street intersection with the implementation of Project 5-5 Option 1 under Existing plus Project conditions.

75. Transportation Impact to the intersection of Evans Avenue and Cesar Chavez Street from Project 5-5 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-5b).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Evans Avenue/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-5 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Evans Avenue and Cesar Chavez Street from Project 5-5 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-5b) and Conclusion.

No feasible mitigation measures have been identified for the Evans Avenue/Cesar Chavez Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Evans Avenue/Cesar Chavez Street intersection with the implementation of Project 5-5 Option 1 under 2025 Cumulative plus Project conditions.

76. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6a).

a) Potentially-Significant Impact

Project 5-6 would construct bicycle lanes on Cesar Chavez/26th Street between Sanchez Street and US 101. Under 2025 Cumulative plus Project conditions the Mission Street/Cesar Chavez Street intersection would operate at LOS F in the AM Peak hour, and therefore, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6a) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6a. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection from LOS F to LOS E. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the eastbound and westbound Cesar Chavez Street approaches. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact may occur at the Mission Street/Cesar Chavez Street intersection in the AM Peak hour with the implementation of Project 5-6 Option 1.

77. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-6b).

a) Potentially-Significant Impact

The Mission Street/Cesar Chavez Street intersection would operate unsatisfactorily at LOS E in the AM Peak hour under 2025 Cumulative plus Project conditions for Project 5-6 Option 2. Therefore, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6b) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6b. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at this intersection. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which

feasibility has not yet been determined) is proposed which would provide an additional through lane along the eastbound and westbound Cesar Chavez Street approaches. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 2.

78. Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6c).

a) Potentially-Significant Impact

Under Existing plus Project conditions the Guerrero Street/Cesar Chavez Street intersection would operate at LOS F in the AM Peak hour, and therefore, a significant impact may occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6c) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6c Lane configuration adjustments to the westbound direction on Cesar Chavez Street would improve LOS and reduce the delay for this intersection. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the westbound Cesar Chavez Street approach. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact may occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

79. Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Impact TR-P5-6d).

a) Potentially-Significant Impact

Under Existing plus Project conditions the Guerrero Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at

the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6d) and Conclusion.

No feasible mitigation measures have been identified for the Guerrero Street/Cesar Chavez Street intersection under Existing plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

80. Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6e).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Guerrero Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6e) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6e. Lane configuration adjustments to the westbound direction of Cesar Chavez Street would improve LOS and reduce the delay at the Guerrero Street/Cesar Chavez Street intersection. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the westbound Cesar Chavez Street approach. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 5-6 Option 1.

81. Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-6f).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions the Guerrero Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Guerrero Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6f) and Conclusion.

No feasible mitigation measures have been identified for the Guerrero Street/Cesar Chavez Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

82. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6g).

a) Potentially-Significant Impact

Under Existing plus Project conditions the Mission Street/Cesar Chavez Street intersection would operate unsatisfactorily at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6g) and Conclusion.

No feasible mitigation measures have been identified for the Mission Street/Cesar Chavez Street intersection under Existing plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

83. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Impact TR-P5-6h).

a) Potentially-Significant Impact

Under Existing plus Project conditions for Option 2 the Mission Street/Cesar Chavez Street intersection would operate unsatisfactorily at LOS E, and therefore, a significant impact may occur at this intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6h) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6h. It is proposed that lane configuration adjustments be made to the eastbound and westbound directions on Cesar Chavez Street, to improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection. It is further proposed that on-street parking be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) along Cesar Chavez Street in the eastbound and westbound directions which would provide an additional through lane in both directions. These lane adjustments would decrease the delay and improve LOS from E to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact may occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2. In addition, bicycle lane discontinuity could occur at this location.

84. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6i).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 1, the Mission Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6i) and Conclusion.

No feasible mitigation measures have been identified for the Mission Street/Cesar Chavez Street intersection under 2025 Cumulative plus Project conditions for Option 1. Hence, a significant and unavoidable impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

85. Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-6j).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 2, the Mission Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Mission Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6j) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6j. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) along Cesar Chavez Street in the eastbound and westbound directions which would provide an additional through lane in both directions. These lane adjustments would decrease the delay and improve LOS from F to E. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

86. Transportation Impact to the intersection of Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6k).

a) Potentially-Significant Impact

Under Existing plus Project conditions for Option 1, the South Van Ness Avenue/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact may occur at this intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6k) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6k. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at this intersection. It is proposed that on-street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) in both the eastbound and westbound directions on Cesar Chavez Street which would provide an additional through lane along both approaches. These lane adjustments would decrease the delay and improve LOS from F to D. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact may occur at South Van Ness Avenue/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

87. Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Impact TR-P5-6l).

a) Potentially-Significant Impact

Under Existing plus Project conditions for Option 2, the South Van Ness Avenue/Cesar Chavez Street intersection would operate at LOS E, and therefore, a significant impact may occur at the South Van Ness Avenue/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6l) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6l. Lane configuration adjustments to the westbound direction on Cesar Chavez Street would improve LOS and reduce the delay at this intersection. It is proposed that on-street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P 5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) in the westbound direction on Cesar Chavez Street which would provide an additional through lane along this approach. This lane adjustment would decrease the delay and improve LOS from E to D. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact may occur at this intersection with the implementation of Project 5-6 Option 2.

88. Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6m).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 1, the Cesar Chavez Street/South Van Ness Avenue intersection would operate at LOS F, and therefore, a significant impact would occur at the South Van Ness Avenue/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6m) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6m. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at the Cesar Chavez Street/South Van Ness Avenue intersection. It is proposed that on-street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 of proposed possible Mitigation Measures M-TR-P5-6w in conjunction with proposed

possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) in both the eastbound and westbound directions on Cesar Chavez Street which would provide an additional through lane along both approaches. Nevertheless, this mitigation measure would not reduce Project 5-6 Option 1 impacts to a less-than-significant level.

89. Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-6n).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 2, the South Van Ness Avenue/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at the South Van Ness Avenue/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of South Van Ness Avenue and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6n) and Conclusion.

No feasible mitigation measures have been identified for the South Van Ness Avenue/Cesar Chavez Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the South Van Ness Avenue/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

90. Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6o).

a) Potentially-Significant Impact

Under Existing plus Project conditions for Option 1, the Bryant Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact may occur at this intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6o) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of

mitigation measure M-TR-P5-6o. Lane configuration adjustments to the eastbound direction and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at the Bryant Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) along Cesar Chavez Street along the eastbound and westbound directions which would provide an additional through lane in both directions. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant impact may occur at the Bryant Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 1.

91. Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Impact TR-P5-6p).

a) Potentially-Significant Impact

Under Existing plus Project conditions for Option 2, the Bryant Street/Cesar Chavez Street intersection would operate at LOS E, and therefore, a significant impact would occur at the Bryant Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 2 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6p) and Conclusion.

No feasible mitigation measures have been identified for the Bryant Street/Cesar Chavez Street intersection under Existing plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Bryant Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

92. Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6q).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 1, the Bryant Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6q) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6q. Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at this intersection. It is proposed that on-street parking be removed (applying either Option 1 or 2 of proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q for which feasibility has not yet been determined) along Cesar Chavez Street in the eastbound and westbound directions which would provide an additional through lane along both approaches. Nevertheless, this mitigation measure would not reduce the impacts of Project 5-6 Option 1 to a less-than-significant level.

93. Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P5-6r).

a) Potentially-Significant Impact

Under 2025 Cumulative plus Project conditions for Option 2, the Bryant Street/Cesar Chavez Street intersection would operate at LOS F, and therefore, a significant impact would occur at this intersection with the implementation of Project 5-6 Option 2.

b) Mitigation Measure for the Transportation Impact to the intersection of Bryant Street and Cesar Chavez Street from Project 5-6 Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6r) and Conclusion.

No feasible mitigation measures have been identified for the Bryant Street/Cesar Chavez Street intersection under 2025 Cumulative plus Project conditions for Option 2. Hence, a significant and unavoidable impact would occur at the Bryant Street/Cesar Chavez Street intersection with the implementation of Project 5-6 Option 2.

94. Transportation Impact to Muni bus line 12 from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6s).

a) Potentially-Significant Impact

Muni bus line 12 would experience significant delays under Existing plus Project conditions for Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 12 from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6s) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6r. The implementation of Option 1 under Existing plus Project conditions would add 474 seconds (7.9 minutes) of total delay for Muni bus line 12 westbound. With mitigation as described in proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q above, this delay would be reduced. This would reduce total delay below the transit delay threshold of six minutes. However, because of the uncertainty regarding the feasibility of this mitigation measure, a significant transit impact would occur for Muni bus line 12 for Project 5-6 Option 1 under Existing plus Project conditions.

95. Transportation Impact to Muni bus line 27 from Project 5-6 Option 1 under Existing plus Project conditions (Impact TR-P5-6t).

a) Potentially-Significant Impact

Muni bus line 27 would experience significant delays under Existing plus Project conditions for Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 27 from Project 5-6 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-6t) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6t. The implementation of Option 1 under Existing plus Project conditions would add 867 seconds (14.5 minutes) of total delay for Muni bus line 27. With mitigation as described in proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q above, delay in the westbound direction would be reduced. Total transit delay would be below the transit delay threshold of six minutes. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur to Muni bus line 27 for Project 5-6 Option 1 under Existing plus Project conditions.

96. Transportation Impact to Muni bus line 12 from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6u).

a) Potentially-Significant Impact

Muni bus line 12 would experience significant delays under 2025 Cumulative plus Project conditions for Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 12 from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6u) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6u. The implementation of Option 1 under 2025 Cumulative plus Project conditions would add approximately 1,487 seconds (24.7 minutes) of total delay for Muni bus line 12 westbound. With mitigation as described in proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6qabove, this delay would not change. Therefore, a significant transit impact to Muni bus line 12 would occur with implementation of Project 5-6 Option 1 under 2025 Cumulative plus Project conditions.

97. Transportation Impact to Muni bus line 27 from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-6v).

a) Potentially-Significant Impact

Muni bus line 27 would experience significant delays under 2025 Cumulative plus Project conditions for Project 5-6 Option 1.

b) Mitigation Measure for the Transportation Impact to Muni bus line 27 from Project 5-6 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-6v) and Conclusion.

The City finds the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level even with implementation of mitigation measure M-TR-P5-6v. The implementation of Option 1 under 2025 Cumulative plus Project conditions would add approximately 1,487 seconds (24.7 minutes) of total delay for Muni bus line 12 westbound. With mitigation as described in proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k,

M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6qabove, this delay would not change. Therefore, a significant transit impact to Muni bus line 12 would occur with implementation of Project 5-6 Option 1 under 2025 Cumulative plus Project conditions.

98. Transportation Impact to the four intersections along Cesar Chavez for the segment between Bryant and Guerrero Streets analyzed under Project 5-6 Option 1 or Option 2 (Impact TR-P5-6w).

a) Potentially-Significant Impact

Intersections along Cesar Chavez for the segment between Hampshire and Guerrero Streets analyzed under Project 5-6 Option 1 or Option 2 would operate at unsatisfactory level of service, therefore, a significant impact would occur at these intersections with the implementation of Project 5-6 Option 1 or Option 2.

b) Mitigation Measure for the Transportation Impact to the four intersections along Cesar Chavez for the segment between Bryant and Guerrero Streets analyzed under Project 5-6 Option 1 or Option 2 (Mitigation Measure M-TR-P5-6w) and Conclusion.

As referenced in the above Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q, the traffic analysis conducted for Project 5-6 included four study intersections along Cesar Chavez for the segment between Bryant and Guerrero Streets. Analysis indicates that if the lane configurations corresponding to the No Project conditions can be provided, some impacts will be mitigated at these intersections. The following two options are part of proposed possible mitigation measures, for which feasibility has not yet been determined, to reinstate the lane configuration under No Project conditions.

- Option 1

Removal of parking – For the four study intersections analyzed, approximately 100 spaces would need to be removed on Cesar Chavez Street to mitigate the impacts at these locations. However, additional parking spaces may need to be removed to reduce impacts along the entire corridor.

- Option 2

Implementing a discontinuous bicycle lane –The consultant recommends the bicycle lane be discontinued at selected intersection approaches along Cesar Chavez Street. This option may reduce the number of parking spaces that need to be removed on Cesar Chavez Street compared to Option 1.

99. Transportation Impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue from Project 5-13 Option 1 under Existing plus Project conditions (Impact TR-P5-13a).

a) Potentially-Significant Impact

Project 5-13 would construct bicycle lanes on San Bruno Avenue between Paul Avenue and Silver Avenue. Project 5-13 would result in a significant impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue with implementation of Option 1 under Existing plus Project conditions.

b) Mitigation Measure for the Transportation Impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue from Project 5-13 Option 1 under Existing plus Project conditions (Mitigation Measure M-TR-P5-13a) and Conclusion

No feasible mitigation measures have been identified for Option 1. Hence, a significant and unavoidable loading impact would occur on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue with the implementation of Project 5-13 Option 1 under Existing plus Project conditions.

100. Transportation Impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue from Project 5-13 Option 1 under 2025 Cumulative plus Project conditions (Impact TR-P5-13c).

a) Potentially-Significant Impact

Project 5-13 would result in a significant impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue with implementation of Option 1 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to loading on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue from Project 5-13 Option 1 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P5-13c) and Conclusion

No feasible mitigation measures have been identified for Option 1. Hence, a significant and unavoidable loading impact would occur on the west side of San Bruno Avenue between Paul Avenue and Silver Avenue with the implementation of Project 5-13 with Option 1 under 2025 Cumulative plus Project conditions.

101. Transportation Impact to Muni line 48 from Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P6-5j).

a) Potentially-Significant Impact

Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 would result in a significant impact to Muni line 48 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to Muni line 48 from Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P6-5j) and Conclusion

No feasible mitigation measure was identified and therefore the impact on Muni bus line 48 under 2025 Cumulative plus Project conditions would remain significant.

102. Transportation Impact to Muni line 52 from Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 under 2025 Cumulative plus Project conditions (Impact TR-P6-5k).

a) Potentially-Significant Impact

Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 would result in a significant impact to Muni line 52 under 2025 Cumulative plus Project conditions.

b) Mitigation Measure for the Transportation Impact to Muni line 52 from Project 6-2 Option 1, Modified Project 6-5, and 6-6 Modified Option 2 under 2025 Cumulative plus Project conditions (Mitigation Measure M-TR-P6-5k) and Conclusion

No feasible mitigation measure was identified and therefore the impact on Muni bus line 52 under 2025 Cumulative plus Project conditions would remain significant.

Transportation Impacts of Minor Improvements

No significant impacts were identified in relation to Minor Improvements.

Transportation Impacts of Long-Term Improvements

103. Long-term Transportation Impact to roadway capacity and traffic delays from the implementation of long-term improvements (Impact TR-LT1).

a) Potentially-Significant Impact

Both individually, and in a cumulative scenario, the implementation of long-term improvements could result in a reduction in roadway capacity and increased traffic

delays. Reduction in the number of travel lanes could subject vehicles, including transit using the affected roadways, to increased congestion and delays.

b) Mitigation Measures for the Long-term Transportation Impact to roadway capacity and traffic delays from the implementation of long-term improvements (Mitigation Measures; M-TR-LT1.1, M-TR-LT1.2, M-TR-LT1.3, M-TR-LT1.4, and M-TR-LT1.5) and Conclusion

Measures that could potentially reduce significant traffic impacts to less-than-significant levels include:

- M-TR-LT1.1: Unsignalized intersections may be signalized, as appropriate.
- M-TR-LT1.2: Changes may be made to signal timing (including redistributing green time from one phase to another, lengthening of signal cycle times, changing permitted movements to protected movements, signal coordination/progression), as appropriate.
- M-TR-LT1.3: Changes may be made to roadway geometry (e.g., changing shared lanes to exclusive turn lanes, proving exclusive right-turn or left-turn pockets), as appropriate.
- M-TR-LT1.4: Floating bicycle lanes may be implemented, where on-street parking is restricted during peak periods, to provide for additional vehicular capacity, as appropriate.
- M-TR-LT1.5: Parking may be eliminated to provide for additional vehicular capacity, as appropriate.

In some instances, where either existing or projected cumulative conditions at intersections operate at LOS E or LOS F conditions, mitigation measures would not be available, and in these cases traffic impacts would remain significant and unavoidable.

104. Long-term Transportation Impact to transit delays from the implementation of long-term improvements (Impact TR-LT2).

a) Potentially-Significant Impact

Both individually, and in a cumulative scenario, the implementation of long-term improvements may cause transit to experience increased travel time on streets where these improvements reduce capacity of roadways and result in significant increases in delay. Buses may experience increased difficulty pulling into and out of curb bus stops due to reconfiguration of bus stops to accommodate bicycle lanes.

b) Mitigation Measures for the Long-term Transportation Impact to transit delays from the implementation of long-term improvements (Mitigation Measures; M-TR-LT2.1, M-TR-LT2.2, M-TR-LT2.3, and M-TR-LT2.4) and Conclusion

Potential mitigation measures that could reduce significant transit impacts to less-than-significant levels include:

- M-TR-LT2.1: Signal pre-emption or other transit priority techniques may be applied to reduce overall transit travel times, as appropriate.
- M-TR-LT2.2: Bicycle proposals may be modified to create discontinuities in bicycle treatment to avoid transit delays, as appropriate.
- M-TR-LT2.3: Bus stops may be reconfigured to facilitate bus operations, as appropriate.
- M-TR-LT2.4: Parking may be eliminated to substitute for lane removal and/or increase roadway capacity, as appropriate.

In some instances, where either existing or projected cumulative conditions at intersections operate at LOS E or LOS F conditions, feasible mitigation measures would not be available, and transit impacts would remain significant and unavoidable.

105. Long-term Transportation Impact to loading from the implementation of long-term improvements (Impact TR-LT3).

a) Potentially-Significant Impact

Both individually, and in a cumulative scenario, the implementation of long-term improvements may result in elimination of curb space currently dedicated to yellow commercial vehicle freight loading zones, or active passenger loading/unloading zones.

b) Mitigation Measures for the Long-term Transportation Impact to loading from the implementation of long-term improvements (Mitigation Measures;M-TR-LT3.1, and M-TR-LT3.2) and Conclusion

The following mitigation measures could reduce significant loading impacts to less-than-significant levels.

- M-TR-LT3.1: Where feasible and required to respond to loading zone impacts, on-street parking layouts shall be modified to accommodate additional yellow commercial freight loading zones.
- M-TR-LT3.2: Traffic management strategies shall be developed and implemented, where feasible, to accommodate short-term passenger loading/unloading activities.

In some locations, feasible mitigation measures would not be available, and loading impacts would remain significant and unavoidable.

V. Why Subsequent Environmental Analysis or Recirculation is not Required

Finding: For the reasons set forth below and elsewhere in the Administrative Record, none of the factors are present which would necessitate recirculation of the Final EIR under CEQA Guideline Section 15088.5 or the preparation of a subsequent or supplemental EIR under CEQA Guideline Section 15162. The Comments and Responses document thoroughly addressed all public comments that the Planning Department received on the Draft EIR. In response to these comments, the Department added new and clarifying text to the EIR and modified some mitigation measures. In addition, since publication of the Draft EIR, the staff, in response to public comments and additional staff evaluation of the San Francisco Bicycle Plan proposal, made modifications to a number of projects covered in the Bicycle Plan in order avoid or alleviate specific concerns raised by the public and City departments.

The Comments and Responses document, which is incorporated herein by reference, analyzed all of these changes, including the Preferred Project, discussed in greater detail in Section A below, and determined that these changes did not constitute new information of significance that would add new significant environmental effects, or substantially increase the severity of effects identified in the Final EIR. Further, additional changes to the Preferred Project have been incorporated into the project after publication of the Comments and Responses document. These changes have been addressed orally by staff or in staff reports, which statements and reports are incorporated herein by reference and based on this information, the Planning Department has determined that these additional changes do not constitute new information of significance that would alter any of the conclusions of the EIR.

Based on the information set forth above and other substantial evidence in light of the whole record on the Final EIR, the Commission determines that the Preferred Project, is within the scope of project analyzed in the Final EIR; (2) approval of Preferred Project will not require important revisions to the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) taking into account the Preferred Project and other changes analyzed in the Final EIR, no substantial changes have occurred with respect to the circumstances under which the Project are undertaken which would require major revisions to the Final EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final EIR; and (4) no new information of substantial importance to the Project has become available which would indicate (a) the Preferred Project or the approval actions will have significant effects not discussed in the Final EIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or

alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment. Consequently, there is no need to recirculate the Final EIR under CEQA Guideline 15088.5 or to prepare a subsequent or supplemental EIR under CEQA Guideline Section 15162.

VI. Evaluation of Project Alternatives

This Section describes the EIR alternatives ("EIR Options") and the reasons for rejecting the Alternatives. This Article also outlines the Preferred Project's purposes and provides the rationale for selecting or rejecting alternatives, describes the Preferred Project alternative components analyzed in the EIR, and identifies the environmentally superior alternative, where appropriate for the near-term projects.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project, which would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen effects of the project, and evaluate the comparative merits of the project." (*CEQA Guidelines*, Section 15126.6(a)).

CEQA requires that every EIR evaluate a "No Project" alternative as part of the range of alternatives analyzed in the EIR. The San Francisco Bicycle Plan EIR's No Project analysis was prepared in accordance with *CEQA Guidelines* Sections 15126.6(e)(3)(A) and (C).

Alternatives provide a basis of comparison to the Preferred Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Preferred Project.

Reasons for Selection of the Preferred Project - Alternatives Rejected and Reasons for Rejection - Environmentally Superior Alternative

As described above and in this section, the Preferred Project constitutes adoption of the 2009 Bicycle Plan, related amendments to the General Plan and Planning Code, approval of 60 near-term projects of which 55 have preferred options, authorization to implement minor improvements on the bicycle network, identification of 24 long-term projects, and related actions. This Preferred Project encompasses Program-level Alternative A, as identified in the Draft EIR on pages VII – 12-14, which constitutes the minor and long-term improvements as described above.

As stated in Section 15126.6 (a) of the *CEQA Guidelines*, "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

These are presented in Section VII of the DEIR. In regard to alternatives, the Draft EIR states: "[u]nlike most EIRs, this EIR contains no separate chapter analyzing alternatives to the proposed project. This is because this EIR does not analyze a preferred project. Instead, for many of the near-term improvements, this EIR evaluates two options as well as a future No-Project scenario (i.e., year 2025 Cumulative conditions, assuming that none of the bicycle facility options is adopted), at an equal level of detail, as EIR alternatives." The Draft EIR further states: "Because the Bicycle Plan Project includes both project-level and program-level elements, this discussion of Alternatives focuses on a comparison of two project-level alternatives, as well as a comparison of two program-level alternatives . . . . The project-level and program-level alternatives can be paired up with each other in a variety of combinations. In addition, other alternatives would result by combining different near-term improvement options as well as different optional designs within the near-term improvements that offer multiple segment options."

Rejection of the No Project Alternative

The No Project Alternative assumes that no City agency, board, commission, or department would take any action to adopt and/or implement the Preferred Project. The No Project Alternative would not be desirable nor meet the Preferred Project objectives. The No Project Alternative would not satisfy Bicycle Plan Project's overall goal to increase safe bicycle use nor would it meet the Bicycle Plan's specific goals. The No Project Alternative would fail to meet the objectives set forth in San Francisco's Transit First Policy (San Francisco Charter, Section 8A.115), the Regional Transportation Plan, and the SFMTA Climate Action Plan, among other Plans.

The No Project Alternative would not implement any new bicycle facilities, would not build or maintain bicycle pathways beyond current levels, and would not implement new bicycle safety programs beyond current levels. Therefore, the No Project Alternative would fail to increase bicycle safety on San Francisco streets because studies have linked bicycle safety to education and to the existence of a defined space on the roadway, either through striped bicycle lanes or shared lane markings, which make a bicyclist's behavior more predictable to motorists and positions bicyclists outside of the door zone of parked cars.

The No Project Alternative would fail to close gaps in the existing bicycle route network, which surveys have shown is a major impediment to additional increases in bicycle mode share in San Francisco. Studies show a significant increase in the number of people making regular bicycle trips in San Francisco, while recent surveys also reveal that an even greater number would make bicycle trips if there were more bicycle lanes and sharrows on the roadways. Furthermore, the City would not benefit from any potential air quality improvements that could result from an increase in bicycle mode share.

The No Project Alternative would not guarantee the maintenance of roadway capacities and transit service at their current levels. With San Francisco's continued growth as an employment center, and population growth over time, new vehicles would be added to the City's roadways and if alternative commute modes are not enhanced to help serve the City's transportation needs, or a plan for such alternative modes is not undertaken (bicycling, or other new transit service), these future trips would continue to be distributed among personal vehicles, bicycles, pedestrian travel, and transit in much the same proportions as is currently the case. By the year 2025 for the No Project Alternative, city intersection levels-of-service (LOS) would worsen at more than two thirds of the intersections studied for this Bicycle Plan Project analysis, and only a little more than one third of the total intersections studied would remain at LOS D or better.

For the foregoing reasons as well as economic, legal, social, technological, and other considerations set forth herein and elsewhere in the record, the No-Project alternative is hereby rejected.

Rejection of Project-Level Alternatives A and B and Program-Level Alternative B

Project-Level Alternative A would include adoption of the Bicycle Plan along with all near-term improvement projects Option 2 (or Option 1 if there is only one option) as these produce fewer identified significant environmental impacts, and therefore Project-Level Alternative A is the Environmentally Superior Alternative as between Project-Level Alternatives A and B.

Project-Level Alternative A assumes that the Bicycle Plan options would be selected solely on the basis of the number of potential impacts the given option could have on the physical environment in the area of the improvements (identified as "Cluster Areas" in this EIR). However, the number of environmental impacts is not necessarily indicative of the project alternative's full effect. A project alternative could, potentially, have fewer identified impacts than another alternative, but these impacts could have a greater negative effect on City residents, or could contradict City programs and goals to a greater extent, than a scenario with apparently more impacts. This alternative does not attempt to define the value or importance of each impact, or to rank the impacts in order of absolute importance to local residents or the City of San Francisco.

The comparison of impacts resulting from Project-level Alternative A and Project-level Alternative B counts impacts resulting from Existing plus Project Conditions separately from those resulting from 2025 Cumulative plus Project Conditions.

For Project-Level Alternative A there would be: 17 significant and unavoidable traffic impacts at 10 different intersections in Cluster 2; three significant and unavoidable traffic impacts at as many different intersections in Cluster 3; and 10 significant and unavoidable traffic impacts at four different intersections in Cluster 5. There also would be significant and unavoidable transit impacts to four Muni and one SamTrans bus lines, all in Cluster 2. Furthermore there would be: two significant and unavoidable loading impacts in Cluster 1, four significant and unavoidable loading impacts in Cluster 2, and four significant and unavoidable loading impacts in Cluster 5.

Project-Level Alternatives B would include adoption of the Bicycle Plan along with all near-term improvement projects Option 1 as these may result in more identified significant environmental impacts than Alternative A. However, as noted above, the additional impacts related to a project do not necessarily mean that the impacts would result in a greater magnitude of effect on the quality of life or overall transportation network functioning in the City of San Francisco.

For Project-Level Alternative B there would be: 21 significant and unavoidable traffic impacts at 10 different intersections in Cluster 2; seven significant and unavoidable traffic impacts at four different intersections in Cluster 3; 16 significant and unavoidable traffic impacts at as many different intersections in Cluster 5; and 13 significant and unavoidable traffic impacts at two different intersections in Cluster 6. There also would be significant and unavoidable transit impacts to: three Muni bus lines in Cluster 2; one Muni bus line in Cluster 3; two Muni bus lines in Cluster 5; and two Muni bus lines in Cluster 6. Furthermore, there would be: two significant and unavoidable loading impacts in Cluster 1, six significant and unavoidable loading impacts in Cluster 2, and two significant and unavoidable loading impacts in Cluster 5.

Although Project-Level Alternatives A and B would accomplish the Bicycle Plan Project goals, they would not benefit from the project refinements and modifications made by SFMTA to improve upon the project options that were originally analyzed in the DEIR, since some of the refinements are based on Option 1, and some are based on Option 2, of the near-term improvement projects. In several instances, these refinements would avoid or substantially lessen some of the significant effects of the project. And by refining many of the near-term projects SFMTA further expanded the range of alternatives to give decision-makers a wider array of alternatives from which to select. The Preferred Project includes a combination of some Option 1 projects, some Modified Option 1 projects, some Option 2 projects, and some Modified Option 2 projects (with different options selected for different clusters). In contrast, as stated above, Project-Level Alternative A only includes Option 2 projects and Project-Level Alternative B only includes Option 1 projects. Consequently, Project-Level Alternatives A and B would not

improve bicycle network functioning and safety to a greater extent than would be accomplished by the Preferred Project.

Program-Level Alternative B would limit the program-level actions to activities involved in locating, placing, and maintaining sharrows to the streets or areas identified for long-term improvements to complete the bicycle route network. This alternative would have no significant and unavoidable impacts, and therefore it is the Environmentally Superior Alternative as between Program-Level Alternatives A and B. In order to attract the greatest number of riders, a bicycle network must include a combination of bicycle facilities that takes all skill-levels of bicyclists and all potential uses (e.g., commute, recreation, and shopping) into account. Sharrows, in and of themselves, are not as likely to attract novice or even intermediate-level bicyclists, whom surveys have shown prefer the comfort and security of bicycle lanes and paths. This is particularly the case in an urban environment like San Francisco where all available transportation modes occur within a very limited right-of-way. Bicycle lanes and paths provide a greater level of comfort and security for bicyclists, which translates into increased mode share and the aforementioned concomitant benefits thereof. Thus, in contrast to Program-level Alternative B, Program-level Alternative A, which is part of the Preferred Project and includes minor improvements on the Bicycle Network and long-term improvements, would be more successful in promoting this and other goals of the 2009 Bicycle Plan.

For the foregoing reasons as well as economic, legal, social, technological, and other considerations set forth herein and elsewhere in the record, Project-Level Alternatives A and B and Program-Level Alternative B are hereby rejected. Program-level Alternative A is retained as part of the Preferred Project.

Near-term Improvements – Rejection of Options/Alternatives and Reasons for Selection of the Preferred Alternative Design Option

The near-term improvements are bicycle route network improvement projects that will address gaps and deficiencies within the existing bicycle route network. These near-term improvements include bicycle projects that were originally listed as priority projects in the April 2005 draft Network Improvement Document (NID); projects that were already funded, but not implemented prior to the Superior Court of California ruling that prevented implementation; and projects that have been designed subsequently. There are 60 near-term improvements with complete and specific project designs.

The proposed near-term improvements consist of design elements intended to enhance safety and improve bicycle travel in the City. These elements vary from simple improvements such as

pavement markings, including sharrows, to more complex treatments, like the installation of bicycle lanes, pathways or other bicycle facilities. Some of these treatments may be implemented in conjunction with the removal or narrowing of traffic lanes. For most of the specific near-term improvements, more than one design option has been developed for consideration by decision makers. The design options chosen for analysis for each project represent a range in terms of resulting environmental effects. As such, these options now constitute a suite of design elements from which decision-makers may choose in order to address the network deficiencies at a specific location. With certification of the Bicycle Plan Project EIR, no further environmental analysis would be required to implement any such design element that is within the range of design elements studied as part of this environmental review process.

Written project descriptions for each of the 60 near-term improvements are included in the Project Description section of the DEIR and project drawings showing existing and proposed road configurations are provided in Appendix B of the DEIR. The project-level analysis of potential environmental effects is included in Chapter V, Section V.A.3, p. V.A.3-1 of the DEIR. Additional project refinements have been presented and analyzed in the Comments and Response Document (C&R). Please see Section D, staff-initiated changes, as well as Appendix F, for revised project drawings in the C&R document. The implementation of these design-ready projects will close network gaps and improve safety and cyclists' experience, thereby increasing bicycle ridership to meet the overall goal of the Bicycle Plan.

This EIR provides project-level CEQA review for specific near-term bicycle route network improvement projects ("near-term projects"). These near-term projects are evaluated as part of the Preferred Project. The EIR concluded that the Project, and more specifically the near-term projects, will have various significant unmitigated environmental impacts, primarily to traffic and transit. Alternatives are thus presented and discussed below. The Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment. In approving those components of the Preferred Project within its jurisdiction, the Planning Commission has carefully considered the attributes and the environmental effects of the Preferred Project and the scenarios discussed in the EIR. This consideration, along with reports from City staff, public testimony, and community workshops has resulted in the Preferred Project. The Commission finds that the Preferred Project provides the best balance between satisfaction of the project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the EIR, and adopts a statement of overriding considerations.

After consultation with the public, City staff, and other stakeholders, the Municipal Transportation Agency (MTA) staff selected preferred near-term project alternatives (individually and collectively referred to as "Preferred Alternative") that are identified below as each one promotes the greatest achievement of all of the Bicycle Plan goals and provides other benefits, which would not be attained to the same extent by any of the other EIR alternatives/design options. Each Preferred Alternative achieves the Project's goals in the way(s) discussed. In some cases as specified below, the MTA has not identified a Preferred Alternative, but has elected to retain the analyzed options as part of the overall Project for further planning. Further, for the reasons stated above, the No Project Alternative is specifically rejected for each of the near-term projects for the legal, social, technological, and other considerations stated above and elsewhere in this document and the administrative record.

Project 1-1 Broadway Bicycle Lanes, Polk Street to Webster Street

The DEIR analyzed only a single option for Project 1-1, Option 1. However, SFMTA, while approving Option 1 as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of that option at this time. Instead, it will continue to work with the public, stakeholders, and City agencies on the planning effort for this project. Consequently, there is no preferred project at this location.

Option 1 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Broadway corridor, an existing major east-west bicycle route that provides a connection between the Chinatown and Russian Hill neighborhoods, as well as a connection to existing bicycle facilities on Webster, Polk, and Taylor Streets. Option 1 also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The No Project Alternative, which is associated with fewer impacts, is the Environmentally Superior Alternative, but as stated above, this alternative is rejected. However, SFMTA is making no decision to select a preferred project at this location at this time pending further public, stakeholder and City agency input and planning, so it is retaining Option 1 as part of the project approval of the Bicycle Plan.

Project 1-2 Broadway Tunnel Signage Improvements

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 1-2 would install sharrows in

the Broadway tunnel and on Broadway frontage road, and install warning and way-finding signage at the approaches to the tunnel.

The Preferred Alternative for Project 1-2 would promote and encourage safe bicycling in and around the Broadway Tunnel, would fill the gap in the existing bicycle route network on Broadway and would expand the existing bicycle route network by installing sharrows on Broadway and warning and way-finding signage. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Project 1-2 does not create any significant environmental impacts. The Preferred Alternative would improve the current interactions between buses and bicyclists, and could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 1-3 North Point Street Bicycle Lanes, The Embarcadero to Van Ness Avenue

Project 1-3 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle lanes on North Point Street between The Embarcadero and Van Ness Avenue.

The Preferred Alternative for Project 1-3 would promote and encourage safe bicycling along this segment of the North Point Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the North Beach, Russian Hill and Marina neighborhoods, as well as a connection to popular recreational areas like Fisherman's Wharf and Fort Mason. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The difference between Option 1 and the Preferred Alternative is that Option 1 would eliminate two bus zones on North Point Street which would provide a small increase of eight on-street parking spaces as compared to the Preferred Alternative, but also would increase the distance between transit stops. Other than these differences, Option 1 and the Preferred Alternative have similar impacts with significant and unavoidable impacts to traffic at one intersection and to

loading in two locations, as well as transit delays. For both Option 1 and the Preferred Alternative, the implementation of mitigation measure M-TR-P1-3a will reduce the impact at the intersection of Van Ness Avenue and North Point Street to a less than significant level. The Preferred Alternative accomplishes the project goals without additional bus zone changes and associated effects to transit stop spacing. Also, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative also is the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 2-1 2nd Street Bicycle Lanes, King Street to Market Street

Project 2-1 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows on 2nd Street between King Street and Market Street.

The Preferred Alternative for Project 2-1 would promote and encourage safe bicycling along this segment of 2nd Street and would fill a gap in the existing bicycle route network along this important north-south route, providing a connection between Market Street, the southern Financial District, and South Beach neighborhoods, as well as a connection to Bay Area Rapid Transit stations on Market Street, which provide connectivity to the greater San Francisco Bay Area and the San Francisco International Airport. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Although each of the options for this project is associated with numerous impacts, the Preferred Alternative has less severe impacts than Option 1 or Option 2 and it eliminates a number of impacts altogether due to its refined design. The Preferred Alternative would remove substantially fewer parking spaces and freight loading zones than Option 1 or Option 2. Also, the Preferred Alternative includes traffic engineering elements, such as restricting left turns from 2nd Street at several intersections, designed to permit better traffic flow through the single lane of traffic and facilitate better transit service. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative. Also, given the above considerations, both Option 1 and Option 2 are hereby rejected.

Project 2-2 5th Street Bicycle Lanes, Market Street to Townsend Street

The DEIR analyzed two options for Project 2-2, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 2 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows on 5th Street between Market Street and Townsend Street.

The Preferred Alternative for Project 2-2 would promote and encourage safe bicycling along this segment of 5th Street and would fill a gap in the existing bicycle route network along this important north-south route, providing a connection between Market Street, the southern Financial District, South of Market, and Mission Bay neighborhoods, as well as a connection to Bay Area Rapid Transit stations on Market Street, which provide connectivity to the greater San Francisco Bay Area and the San Francisco International Airport. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

All of the options for this project have similar impacts with significant and unavoidable impacts to traffic at three intersections. The Preferred Alternative eliminates the impacts associated with Option 1 at the 5th and Bryant Streets intersection in both the existing and cumulative scenarios. Yet, it shares the same impacts as Option 2. However, the Preferred Alternative has benefits over Option 1 and Option 2 due to the Preferred Alternatives refined design. The Preferred Alternative includes traffic engineering elements such as lane configuration changes that would maintain sufficient capacity for northbound traffic entering or exiting the freeway on and off-ramps at Bryant Street and Harrison Street, respectively, and for northbound traffic accessing the 5th and Mission Streets public parking garage, which serves the South of Market and Union Square areas. Other traffic engineering elements, such as restricting left turns and installing right-turn lanes at key intersections, would permit better traffic flow through the single lane of traffic in the southbound direction. The Preferred Alternative also would provide enhanced bicycle accommodations such as better aligned continuous bicycle lanes with fewer lateral shifts, as compared to Option 1 or Option 2, and would result in fewer parking spaces removed than Option 1 or Option 2. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative. In addition, for the reasons set forth herein, both Option 1 and Option 2 are hereby rejected.

Project 2-3 14th Street Bicycle Lane, Dolores Street to Market Street

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for Project 2-3. The Preferred Alternative would install an eastbound bicycle lane on 14th Street from Market Street to Dolores Street and convert this segment of 14th Street from two-way operation to one-way eastbound operation.

The Preferred Alternative would promote and encourage safe bicycling along this segment of the 14th Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between Market Street and other points west with the Mission and South of Market neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative was implemented on March 27, 2006 prior to the Bicycle Plan Injunction, and certification of the EIR. Therefore, Option 2 would require a change to the existing traffic operations by converting this segment of 14th Street back to two-way operation from one-way eastbound operation. While this could provide a minor improvement to traffic circulation in the area, it also would require traffic signal modifications and decrease the eastbound traffic capacity of the street, which could result in higher traffic volumes and increased delays on Market Street, a major transit corridor. The Preferred Alternative achieves the project goals without these potentially adverse consequences. The Preferred Alternative, when considered alone, has no significant impacts to traffic, transit, parking, pedestrians, bicycle or loading, but could have the beneficial effect of improving roadway conditions and safety for bicyclists. For the foregoing reasons, the Preferred Alternative is the environmentally superior alternative, and Option 2 is hereby rejected.

Project 2-4 17th Street Bicycle Lanes, Corbett Avenue to Kansas Street, including connections to the 16th Street BART Station via Hoff Street or Valencia Street, and 17th Street to Division Street via Potrero Avenue

Project 2-4 involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative is divided into three segments: the west segment, between Corbett Avenue and Church Street; the central segment, between Church Street and Potrero Avenue; and the east segment, between Potrero Avenue and Kansas Street.

In the west segment the Preferred Alternative would install sharrows on eastbound 17th Street between from Castro Street to Hartford Street and install bicycle lanes on eastbound 17th Street from Hartford Street to Church Street. In the westbound direction the Preferred Alternative would move the existing bicycle route on 17th Street between Sanchez Street and Market Street to a new route with sharrows on northbound Sanchez Street from 17th Street to 16th Street, and a left-turn bicycle lane on westbound 16th Street from Sanchez Street to Market Street.

In the center segment the Preferred Alternative would install bicycle lanes in both directions on 17th Street between Church Street and Potrero Avenue.

In the east segment the Preferred Alternative would install bicycle lanes in both directions on 17th Street between Potrero Avenue and Kansas Street, a combination of bicycle lanes and sharrows in both directions on Potrero Avenue between 17th Street and Division Street, and bicycle lanes in both directions on Kansas Street between 16th Street and 17th Street.

The Preferred Alternative for Project 2-4 would promote and encourage safe bicycling along this segment of the 17th Street corridor and the other adjacent streets as described. The Preferred Alternative would fill a gap in the existing bicycle route network along this important east-west route, providing a connection between the Mission Bay, Potrero Hill, Mission, and Castro neighborhoods. In addition, it would provide a connection to existing and planned bicycle facilities on 16th Street, Division Street, Harrison Street, Valencia Street, and Market Street, as well as a connection to Bay Area Rapid Transit stations on 16th Street and Market Street, which provide connectivity to the greater San Francisco Bay Area and the San Francisco International Airport. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2 would result in significant and unavoidable impacts at the 16th Street/Potrero Avenue intersection and to two bus lines. Both Option 1 and the Preferred Alternative have similar impacts with significant and unavoidable impacts at the 10th/Potrero/Brannan/Division Streets intersection. The Preferred Alternative would add sharrows instead of a westbound bicycle lane on 17th Street between Eureka and Douglass Streets, as proposed in Option 1, which results in the removal of fewer parking spaces as compared to Option 1 or Option 2. The Preferred Alternative would provide an enhanced bicycle connection at the west end of Project 2-4 as compared to Option 1, via Sanchez and 16th streets, similar to Option 2, which avoids the light-rail tracks on 17th Street approaching Castro Street. Under the Preferred Alternative, a westbound left-turn bicycle lane would be added for the entire length of 16th Street, from Sanchez Street to Market Street. The Preferred Alternative also would provide an enhanced

bicycle facility along the center segment of 17th Street between Church Street and Potrero Avenue by removing parking along one or both sides of 17th Street. This design would improve safety and operating conditions for bicyclists as compared to Option 1. At the east end of Project 2-4, the Preferred Alternative would add a southbound left-turn lane on Potrero Avenue approaching Alameda Street, and sharrows would be added on northbound Potrero Avenue between Alameda and Division streets instead of removing a travel lane and adding a bicycle lane, which eliminates a traffic impact as compared to Option 2 and makes some of the traffic impacts that remain less severe. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative.

However, SFMTA, although identifying the Preferred Alternative as described above, has elected not to proceed with legislation or implementation of the central segment portion of Project 2-4. Instead, it will continue to work with the public, stakeholders, and City agencies on the planning effort for this portion of the project. As such, there is no preferred project for the central segment. Consequently, both Option 1 and Option 2 are hereby rejected for the east and west segments only of Project 2-4. For the central segment, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 2-5 Beale Street Bicycle Lane, Bryant Street to Folsom Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-5 would add a new route to the City's existing bicycle route network and install a southbound bicycle lane on Beale Street from Folsom Street to Bryant Street.

The Preferred Alternative for Project 2-5 would promote and encourage safe bicycling in the rapidly developing, densely populated area of San Francisco, providing a connection between the South of Market and the South Park neighborhoods, as well as a connection to existing bicycle facilities on Folsom Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 2-5. The Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-6 Division Street Bicycle Lanes, 9th Street to 11th Street

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 2 as the Preferred Alternative for this project. The Preferred Alternative for Project 2-6 would install bicycle lanes on Division Street between 9th Street and 11th Street.

The Preferred Alternative for Project 2-6 would promote and encourage safe bicycling along this segment of the Division Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the South of Market area with points to the west and to the north, as well as a connection to existing bicycle facilities on 11th Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither Option 1 nor the Preferred Alternative has significant impacts to transit, parking, pedestrians, bicycles or loading. And although the Preferred Alternative removes approximately 25 more parking spaces than Option 1, it maintains the current number of travel lanes and therefore the Preferred Alternative does not have significant impacts to traffic, which would be associated with Option 1. Also, the Preferred Alternative would have the added benefit of eliminating the hazard for 'dooring' by parking vehicles and could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative also is the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 2-7 Fremont Street southbound Bicycle Lane, Harrison Street to Howard Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-7 would add a new route to the City's existing bicycle route network and install a combination of bicycle lanes and sharrows on Fremont Street between Folsom Street and Harrison Street.

The Preferred Alternative for Project 2-7 would promote and encourage safe bicycling along this segment of the Fremont Street corridor and would fill the gap in the existing bicycle route network, providing a connection between the South of Market area with points to the north and to the south, as well as a connection to existing bicycle facilities on Howard Street and Folsom Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 2-7, when considered alone, has no impacts to traffic, transit, parking, pedestrians, bicycle or loading, but the Preferred Alternative would benefit pedestrians by providing more buffer space for increased pedestrian safety and circulation. It also could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-8 Howard Street westbound Bicycle Lane, short extension at 9th Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-8 would install a bicycle lane in the westbound direction on Howard Street approaching 9th Street.

The Preferred Alternative for Project 2-8 would promote and encourage safe bicycling along this segment of the Howard Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the Embarcadero and the South of Market and Mission neighborhoods, as well as a connection to existing bicycle facilities on 11th Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 2-8. The Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-9 Howard Street, westbound Bicycle lane, The Embarcadero to Fremont Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-9 would install a bicycle lane in the westbound direction on Howard Street between The Embarcadero and Fremont Street.

The Preferred Alternative for Project 2-9 would promote and encourage safe bicycling along this segment of the Howard Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the Embarcadero and the South of Market neighborhoods, as well as a connection to existing bicycle facilities on

The Embarcadero. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 2-9 has no impacts to transit, parking, pedestrians, bicycles or loading, but it has traffic impacts at the intersection of Fremont Street and Howard Street that are significant and unavoidable in both the existing plus project and 2025 cumulative plus project scenarios. Nevertheless, these impacts are isolated to a single intersection and would be outweighed by the added benefit the Preferred Alternative would provide to transit operations at another intersection in the project area as well as the beneficial effect of improving roadway conditions and safety for bicyclists. Given that the Preferred Alternative is associated with significant and unavoidable impacts, the no project alternative is considered the Environmentally Superior Alternative. Nevertheless, for the reasons stated above, the no project alternative is rejected.

Project 2-10 Market Street and Valencia Street Intersection Improvements

Project 2-10 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle signal heads at the intersection of Market Street and Valencia Street, and narrow the existing sidewalk, from 15 feet to 10 feet, to provide a queuing area for bicyclists traveling from westbound Market Street to southbound Valencia Street.

The Preferred Alternative for Project 2-10 would promote and encourage safe bicycling along this segment of the Market Street corridor, and would provide a critical link at this juncture of two important east-west (Market Street) and north-south (Valencia Street) routes in the existing bicycle route network. The Preferred Alternative also would provide a connection between the Noe Valley and Mission neighborhoods to destinations on Market Street and to points north of Market Street such as the Civic Center and Union Square areas, and the Financial District. Moreover the Preferred Alternative would connect bicyclists with the Bay Area Rapid Transit stations on Market Street, which provide connectivity to the greater San Francisco Bay Area and the San Francisco International Airport. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The principal difference between design Option 1 and the Preferred Alternative is that Option 1 would install a westbound left-turn bicycle lane from Market Street to Valencia Street in addition to the queuing area for these left turns. The Preferred Alternative accomplishes the project goal of providing designated space on the right side of the road for bicyclists traveling from westbound Market Street to southbound Valencia Street. The addition of a bicycle left-turn lane in Option 1 would simply be redundant and therefore unnecessary. In addition, Option 1 would require bicyclists to merge across lanes of vehicular traffic and light-rail tracks to access the left-turn lane, which introduces conflict points. The Preferred Alternative also could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative. In addition, for the foregoing considerations, Option 1 is hereby rejected.

Project 2-11 Market Street Bicycle Lanes, 17th Street to Octavia Boulevard

Project 2-11 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle lanes on short segments of Market Street between 17th Street and Octavia Boulevard to close gaps in otherwise continuous bicycle lanes.

The Preferred Alternative for Project 2-11 would promote and encourage safe bicycling along this important segment of the Market Street corridor, which is part of the City's most heavily used bicycle route. It would provide a connection between the Castro and Civic Center neighborhoods, connections to destinations on Market Street, and to points north and south of Market Street by connecting with existing and planned bicycle facilities on 17th Street, Sanchez Street, 16th Street, 14th Street, Duboce Avenue, and Octavia Boulevard. Moreover the Preferred Alternative would connect bicyclists with the Bay Area Rapid Transit stations on Market Street, which provide connectivity to the greater San Francisco Bay Area and the San Francisco International Airport. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Both Option 1 and Modified Option 1 have significant and unavoidable impacts to traffic at one intersection and to loading at one location. However, the Preferred Alternative reduces that traffic impact to a less than significant level in the existing plus project scenario. Option 2 would

remove fewer parking spaces than Option 1 or the Preferred Alternative, but option 2 would narrow the existing sidewalk at several locations, thereby increasing the pedestrian crossing distances at several intersections. The Preferred Alternative would remove fewer parking spaces than Option 1. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative, and Option 1 and Option 2 are hereby rejected.

Project 2-12 Market Street Bicycle Lanes, Octavia Boulevard to Van Ness Avenue

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-12 would install a combination of bicycle lanes and sharrows in both directions on Market Street between Octavia Boulevard and Van Ness Avenue.

The Preferred Alternative for Project 2-12 would promote and encourage safe bicycling along this segment of the Market Street corridor and would fill the gap in the existing bicycle route network along this critical east-west route. Market Street is the main artery in the City's downtown street network, therefore the Preferred Alternative would provide a connection between the Civic Center, Mid-Market, and Union Square areas, and to points in almost every direction by connecting with existing bicycle facilities on Octavia Boulevard, Valencia Street, Page Street and 11th Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 2-12 was implemented on May 15, 2006, prior to the Bicycle Plan Injunction and certification of the EIR. The Preferred Alternative results in a net loss of six motorcycle parking spaces. However, the Preferred Alternative has increased motor vehicle driver's awareness that bicyclists may be on the road and has helped bicyclists identify a safe travel pathway outside the 'door zone'. It also has had the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-13 McCoppin Street Bicycle Path, Market Street to Valencia Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-13 would install a bi-directional bicycle path connecting the intersection of Market Street and Octavia Boulevard to the intersection of McCoppin Street and Valencia Street.

The Preferred Alternative for Project 2-13 would promote and encourage safe bicycling along this critical link in the existing bicycle route network by providing a connection between the most heavily used north-south bicycle route on Valencia Street with the most heavily used east-west bicycle route on Market Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 2-13. The Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-14 McCoppin Street Bicycle Lane, Gough Street to Valencia Street

Project 2-14 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a bicycle lane on westbound McCoppin Street from Gough Street to Valencia Street.

The Preferred Alternative for Project 2-14 would promote and encourage safe bicycling along this segment of the McCoppin Street corridor and would fill the gap in the existing bicycle route network along this east-west route, providing a connection between the Civic Center and Mission neighborhoods, as well as a connection to existing and proposed bicycle facilities on McCoppin Street and Valencia Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with this project, and while Option 1 would result in a net loss of one parking space, the Preferred Alternative would result in a net gain of four parking spaces. Also, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative also is the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 2-15 Otis Street westbound Bicycle Lane, Gough Street to South Van Ness Avenue

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 2-15 would install a bicycle lane on Otis Street from South Van Ness Avenue to Gough Street.

The Preferred Alternative for Project 2-15 would promote and encourage safe bicycling along this segment of the Otis Street corridor and would fill the gap in the existing bicycle route network by providing a connection between the Civic Center area and points to the south, as well as a connection to planned bicycle facilities on McCoppin Street, which connects with the existing north-south bicycle route on Valencia Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 2-15. The Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 2-16 Townsend Street Bicycle Lanes, 8th Street to The Embarcadero

Project 2-16 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows on Townsend Street between 8th Street and The Embarcadero.

The Preferred Alternative for Project 2-16 would promote and encourage safe bicycling along this segment of Townsend Street and would fill a gap in the existing bicycle route network along this important east-west route, providing a connection between the South of Market and South Beach neighborhoods and the Caltrain Depot at 4th and Townsend streets. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Although each of the options for this project is associated with numerous significant and unavoidable impacts, the Preferred Alternative is less impactful than Option 1 or Option 2 due to

its refined design. The Preferred Alternative has eight fewer significant impacts than Option 2 and it reduces two of the impacts it shares with Option 1 to a less than significant level. The Preferred Alternative would result in more overall parking loss than Option 1 or Option 2 but this is almost entirely because the Preferred Alternative formalizes the existence of a 10-foot wide sidewalk on the north side of Townsend Street in those areas where it is has not yet been constructed, and as a result, motorists have adopted the convention of parking perpendicular to the roadway. Although this perpendicular parking is technically illegal given the legislated sidewalk, such parking regulations are typically not enforced until sidewalks are constructed, therefore the parking 'loss' associated with converting this parking from perpendicular to parallel has been included in the EIR analysis for this project.

Option 1 and Option 2 do not fully account for the planned changes to 4th Street that are part of the Central Subway project. The Central Subway project would convert 4th Street into a two-way street north of Townsend Street, add rail tracks down the center of the street, and eliminate two southbound left turn lanes on 4th Street. The proposed configuration on southbound 4th Street would be one through lane and one shared through-right turn lane. On northbound 4th Street there would be a shared through-right turn lane.

The Preferred Alternative would not add a two-way left-turn lane on Townsend Street between 3rd and 4th streets and would convert the angled parking on the south side of Townsend Street from 150 feet west of 5th Street to 4th Street to parallel parking. These refinements were made to maintain two eastbound lanes between 5th Street and 4th Street to accommodate the anticipated increase in Muni bus traffic due to the above-described changes by the Central Subway.

For these considerations, the Preferred Alternative is the Environmentally Superior Alternative. Also, based on the reasons cited above and elsewhere in this document and the administrative record, both Option 1 and Option 2 are hereby rejected.

Project 3-1 Fell Street and Masonic Avenue Intersection Improvements

In response to the large number of reported collisions and in order to improve pedestrian and bicycle safety at the intersection of Fell Street and Masonic Avenue, the City requested relief from the Bicycle Plan injunction to implement Project 3-1 prior to the completion of the Bicycle Plan EIR. In May 2008, the Superior Court granted the City's motion to modify the injunction so as to allow implementation of the recommended safety improvements at the intersection of Fell Street and Masonic Avenue. Modifications to the existing traffic signal and lane configuration of the intersection were made, and as of September 16, 2008, SFMTA has implemented Project 3-1.

Therefore, the environmental analysis of Project 3-1 is being presented as part of the Bicycle Plan EIR for informational purposes.

The DEIR analyzed only a single option for this project, Option 1, and SFMTA identified this as the Preferred Alternative. The Preferred Alternative for Project 3-1 involved signal phasing and timing changes that would eliminate the conflict between Fell Street westbound left-turn vehicles and pedestrians and bicycles crossing Masonic Avenue on the south side of Fell Street. The traffic signal phasing was changed to provide exclusive phases for westbound Fell Street left turns and for Panhandle Pathway traffic.

The Preferred Alternative for Project 3-1 would promote and encourage safe bicycling at this critical point along the heavily used east-west multi-use pedestrian/bicycle pathway in the Panhandle, providing a connection to existing and planned bicycle facilities on Fell Street and access to and from Golden Gate Park. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative has significant and unavoidable impacts to traffic in both the existing and cumulative scenarios in combination with Project 3-2, however, with the implementation of mitigation measure M-TR-P3-1a impacts in the existing scenario would be reduced to a less than significant level. The Preferred Alternative also eliminates the conflict between westbound left-turning vehicles on Fell Street and bicyclists and pedestrians on the Panhandle Pathway, which provides a significant increase in safety. Even though this project is associated with significant and unavoidable impacts, it already has been implemented. Technically, the no project alternative would have been the Environmentally Superior Alternative in comparative terms, but the no project alternative is rejected for the reasons stated above.

Project 3-2 Masonic Avenue Bicycle Lanes, Fell Street to Geary Boulevard

The DEIR analyzed two options for Project 3-2, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Masonic Avenue corridor, an existing major north-south bicycle route that provides a connection to existing and planned

bicycle facilities on Post Street, Geary Boulevard, Turk Street, Golden Gate Avenue, Fell Street and the Pan Handle multi-use path that lead to and from Golden Gate Park. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 3-3 McAllister Street Bicycle Lane, Market Street to Masonic Avenue

The DEIR analyzed only a single option for Project 3-3, Option 1. However, SFMTA, while approving Option 1 as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of that option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Option 1 would promote and encourage safe bicycling by providing on-street bicycle facilities along this segment of the McAllister Street corridor, an existing major east-west bicycle route that provides a connection between the Central Market Street, Civic Center, Tenderloin, and Western Addition neighborhoods, as well as a connection to existing and planned bicycle facilities on Market, Polk, Webster, Steiner, Scott, and Baker Streets, and Masonic Avenue. Option 1 also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 1 for Project 3-12 has no impacts to traffic, transit, parking, pedestrians, bicycles or loading; but Option 1 has the potential to increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 3-4 Polk Street Bicycle Lane, Market Street to McAllister Street

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for this project. The Preferred Alternative for Project 3-4 would install a bicycle lane in the northbound direction on Polk Street between Market Street and McAllister Street.

The Preferred Alternative for Project 3-4 would promote and encourage safe bicycling along this segment of the Polk Street corridor and would fill the gap in the existing bicycle route network along this important north-south route, providing a connection between Market Street and areas to the south with the Civic Center area, as well as a connection to existing and planned bicycle facilities on Market, Grove, and McAllister Streets. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither the Preferred Alternative nor Option 2 has significant impacts to transit, parking, pedestrians, bicycles or loading. Option 2 would require a change to the existing traffic operations by converting Polk Street between Market Street and Hayes Street to two-way operation from one-way southbound operation. Although this could provide a minor improvement to traffic circulation in the immediate area, it also would require major traffic signal modifications and decrease the southbound traffic capacity of the street, which could result in higher traffic volumes and increased delays on Polk Street, a major transit corridor. Option 2 would also force northbound traffic to make a left turn at Hayes Street, which could offset any traffic circulation improvement, and it removes more parking than Option 1. The Preferred Alternative achieves the project goals without these potentially adverse consequences and public inconveniences. The Preferred Alternative also could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative and Option 2 is hereby rejected.

Project 3-5 Scott Street Bicycle Lane, Fell Street to Oak Street

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for this project. The Preferred Alternative for Project 3-5 would install a northbound left-turn bicycle lane on Scott Street between Oak Street and Fell Street.

The Preferred Alternative for Project 3-5 would promote and encourage safe bicycling along this segment of Scott Street and would provide an enhanced bicycle facility at this important north-south connection point between the 'Wiggle' and the major east-west bicycle route on Fell Street. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither Option 1 nor the Preferred Alternative has significant impacts to transit, parking, pedestrians, bicycles or loading. Option 2 would remove three on-street parking spaces. The

Preferred Alternative would increase the on-street parking supply, improve the ability of bicyclists to access the bicycle lanes on Fell Street, and could have the beneficial effect of improving roadway conditions and safety for bicyclists. Based on these considerations, the Preferred Alternative is the Environmentally Superior Alternative. In addition, Option 2 is hereby rejected for the reasons set forth above.

Project 3-6 The "Wiggle" Improvements

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 3-6 would install sharrows on Duboce Avenue, Steiner Street, Waller Street, Pierce Street, Haight Street, and Scott Street. It would install a northbound bicycle lane on Scott Street between Haight and Oak Streets, and a bicycle box and right turn restriction on northbound Scott Street at Oak Street

The Preferred Alternative for Project 3-6 would promote and encourage safe bicycling along this important segmented, multi-street that provides the primary for bicyclists traveling between the north and northwest parts of the City, and the east and southeast parts of the City. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 3-6 was implemented on May 13, 2006 prior to the Bicycle Plan Injunction and certification of the EIR. The Preferred Alternative has no impacts and has increased the motor vehicle drivers' awareness that bicyclists may be on the road as well as identified for bicyclists the pathway outside the 'door zone'. It also has had the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 4-1 16th Street Bicycle Lanes, 3rd Street to Terry Francois Boulevard

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 4-1 would install bicycle lanes in both directions on 16th Street between 3rd Street and Terry A. Francois Boulevard.

The Preferred Alternative for Project 4-1 would promote and encourage safe bicycling in the Mission Bay, a rapidly developing area of the City, and would fill the gap in the existing bicycle route network. The Preferred Alternative also would be consistent with and promote the Bicycle

Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 4-1. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 4-2 Cargo Way Bicycle Lanes, 3rd Street to Jennings Street

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for this project. The Preferred Alternative for Project 4-2 would install bicycle lanes in both directions on Cargo Way between 3rd Street and Jennings Street.

The Preferred Alternative for Project 4-2 would promote and encourage safe bicycling along this segment of Cargo Way and would fill the gap in the existing bicycle route network along this important east-west route, providing bicycle facilities where none currently exist and providing a connection between the San Francisco Bay Trail and existing or planned bicycle facilities on Illinois Street, which links to bicycle facilities providing access to all areas of the City, including Mission Bay and China Basin. The Preferred Alternative would provide access to the 3rd Street light rail corridor and its multi-modal connections, and would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither Option 2 nor the Preferred Alternative has significant impacts. And although the Preferred Alternative removes approximately 160 on-street parking spaces, the demand for these spaces is very low due to the fact that the adjacent land is either undeveloped or not fronting Cargo Way, and those buildings which do front Cargo Way have off-street parking lots to accommodate their demand. Option 2 would involve substantial capital expenses to construct the off-street bicycle path and to modify and upgrade the intersections at cross streets to the path to regulate right-of-way, and to connect the path, which would be on the south side of roadway, with the new bicycle facility on the Illinois Street bridge. For these reasons an on-street bicycle facility is preferable from both an operational and economic viewpoint, Also, the Preferred Alternative would have the added benefit of eliminating the hazard for 'dooring' by parking vehicles and could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative, and Option 2 is hereby rejected.

Project 4-3 Illinois Street Bicycle Lanes, 16th Street to Cargo Way

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 4-3 would install bicycle lanes in both directions on Illinois Street between 16th Street and Cargo Way.

The Preferred Alternative for Project 4-3 would promote and encourage safe bicycling on the Illinois Street corridor and would fill the gap in the existing bicycle route network along this important north-south route, providing a connection between the Mission Bay and India Basin areas, and connections to existing or planned bicycle facilities on 16th Street, Mariposa Street, Cesar Chavez Street, and Cargo Way. The Preferred Alternative would provide access to the 3rd Street light rail corridor and its multi-modal connections, and would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 4-3. However, the Preferred Alternative would substantially increase the on-street parking supply by converting the pull-in angled on-street parking on Illinois Street into back-in angled parking, which would potentially benefit bicyclists by increasing the drivers' visibility of oncoming bicyclists and other vehicles both when entering and exiting a parking stall. The Preferred Alternative also could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 4-4 Innes Avenue Bicycle Lanes, Donahue Street to Hunters Point Boulevard

The DEIR analyzed two options for Project 4-4, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Innes Avenue corridor, an existing east-west bicycle route that provides a connection between the 3rd Street Corridor and the Hunter's Point Shipyard area. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 4-5 Mississippi Street Bicycle Lanes, 16th Street to Mariposa Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 4-5 would install bicycle lanes in both directions on Mississippi Street between 16th Street and Mariposa Street.

The Preferred Alternative for Project 4-5 would promote and encourage safe bicycling in the Mission Bay area, a rapidly developing area of the City, and would fill the gap in the existing bicycle route network, providing a connection between Mission Bay and Potrero Hill. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 4-5. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 5-1 23rd Street Bicycle Lanes, Kansas Street to Potrero Avenue

Project 5-1 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows in both directions on 23rd Street between Kansas Street and Potrero Avenue.

The Preferred Alternative for Project 5-1 would promote and encourage safe bicycling along this segment of 23rd Street and would fill a gap in the existing bicycle route network along this important east-west route, providing a connection between the Mission and Potrero Hill neighborhoods and San Francisco General Hospital. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither Option 1 nor the Preferred Alternative has significant impacts. The Preferred Alternative would remove 36 on-street parking spaces on the north side of 23rd Street between Kansas Street

and Potrero Avenue. It also would add sharrows instead of a bicycle lane on eastbound 23rd Street from Potrero Avenue to Utah Street, and on westbound 23rd Street from 50 feet west of Utah Street to Potrero Avenue. The Preferred Alternative would provide an enhanced bicycle facility on 23rd Street as compared to Option 1. The removal of parking along the non-residential side of the street would provide sufficient street space for bicycle lanes in both directions on 23rd Street between Utah and Kansas Streets and wider traffic lanes, which could reduce potential conflicts between bicycles and parked cars and between bicycles and motor vehicles in the adjacent lane. In addition, installing sharrows instead of bicycle lanes in the block generally between Potrero Avenue and Utah Street, maintains the existing lane configuration and therefore would not affect traffic operations at the 23rd Street and Potrero Avenue intersection. In contrast, Option 1 proposed a bicycle lane in the eastbound direction only, with sharrows in the westbound direction, and narrowing of the traffic lanes from 12 feet to 10 feet, and narrowing of the south side parking strip from 8 feet to 7 feet. The Preferred Alternative achieves the project goals without these potential adverse consequences. For these reasons, the Preferred Alternative also is the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 5-2 Alemany Boulevard Bicycle Lanes, Bayshore Boulevard to Rousseau Street

Project 5-2 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows in both directions on Alemany Boulevard between Bayshore Boulevard and Rousseau Street.

The Preferred Alternative for Project 5-2 would promote and encourage safe bicycling along this segment of Alemany Boulevard and would fill a gap in the existing bicycle route network by providing a new route connecting the Bayview, Bernal Heights, Excelsior and Portola neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither Option 1 nor the Preferred Alternative has significant impacts. Option 1, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. The Preferred Alternative would remove approximately 375 on-street parking spaces, but the

demand for many of these spaces is very low due to the fact that the adjacent land is either undeveloped or where developed off-street parking is available. The Preferred Alternative require bicyclists to ride adjacent to fast-moving traffic on portions of Alemany Boulevard near the I-280 on and off ramps. The Preferred Alternative would remove a travel lane in these areas in order to provide a buffer lane between fast moving traffic and the proposed bicycle lane. This lane removal would not impact intersection operating conditions or cause delay, but it would provide an enhanced level of comfort and safety for bicyclists. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For the foregoing reasons, Option 1 is hereby rejected.

Project 5-3 Alemany Boulevard Bicycle Lanes, Rousseau Street to San Jose Avenue

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 5-3 would install a combination of bicycle lanes and sharrows in both directions on Alemany Boulevard between Rousseau Street and San Jose Avenue.

The Preferred Alternative for Project 5-3 would promote and encourage safe bicycling on this portion of the Alemany Boulevard corridor and would fill the gap in the existing bicycle route network along this very important north-south route, providing a connection between the outer Mission, Excelsior and Mission neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 5-3 was implemented on April 28, 2006 prior to the Bicycle Plan Injunction and certification of the EIR. The Preferred Alternative has no significant impacts and has increased the motor vehicle drivers' awareness that bicyclists may be on the road as well as identified for bicyclists the pathway outside the 'door zone'. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 5-4 Bayshore Boulevard Bicycle Lanes, Cesar Chavez Street to Silver Avenue

Project 5-4 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 2 as the Preferred Alternative. The Preferred Alternative would install a combination of

bicycle lanes and sharrows on Bayshore Boulevard between Cesar Chavez Street and Silver Avenue, except between Oakdale and Jerrold Avenues, where the existing southbound Class III bicycle route would remain on Jerrold Avenue, Barneveld Avenue, and Loomis Street and the existing northbound Class III bicycle route would be relocated from Bayshore Boulevard to Oakdale Avenue, Loomis Street, Barneveld Avenue and Jerrold Avenue. The Preferred Alternative also would add a shared transit and bicycle lane on northbound Bayshore Boulevard between Helena Street and Marengo Street.

The Preferred Alternative for Project 5-4 would promote and encourage safe bicycling along this segment of the Bayshore Boulevard corridor and would fill a gap in the existing bicycle route network along this important north-south route, providing a connection between the Bayview, Mission, Potrero Hill and Portola neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

All of the options for this project have similar impacts with significant and unavoidable impacts to traffic (at two intersections), to transit, and to loading. The Preferred Alternative eliminates the impacts associated with Option 1, and shares the same impacts as Option 2. However, the Preferred Alternative has benefits over Option 1 and Option 2 due to the Preferred Alternative's refined design. The Preferred Alternative includes design modifications at the intersection of Bayshore Boulevard and Oakdale Avenue that would improve intersection operating conditions slightly compared to Option 2. In addition, the Preferred Alternative would add a shared transit and bicycle lane on northbound Bayshore Boulevard between Helena Street and Marengo Street. Currently the right-side travel lane on northbound Bayshore Boulevard is used by buses, regular traffic, and bicycles. A shared bus and transit lane would carry less traffic than a general traffic lane, and therefore, it would be an improvement over the existing condition for transit vehicles. Furthermore, with the implementation of mitigation measures M-TR-P5-4f and M-TR-P5-4g, the Preferred Alternative would reduce the aforementioned loading impacts to less than significant levels. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 5-5 Cesar Chavez Street Bicycle Lanes, I-280 to US 101 Freeways

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for this project. The Preferred Alternative for Project 5-5

would install bicycle lanes in both directions on Cesar Chavez Street between the I-280 and US-101 freeways, or generally between Pennsylvania Avenue and Kansas Street.

The Preferred Alternative for Project 5-5 would promote and encourage safe bicycling along this segment of the Cesar Chavez Street corridor and would fill the gap in the existing bicycle route network along this important east-west route. The Preferred Alternative would also be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative is associated with significant and unavoidable impacts to one intersection in both the existing and cumulative scenarios. However, the Preferred Alternative achieves the project goals, and provides an enhanced bicycle facility because where a traffic lane would be removed, bicyclists generally would be operating next to a single lane of traffic instead of two lanes. The resultant decrease in vehicle speeds from this design feature would provide an enhanced level of comfort and safety for bicyclists. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. Option 2 is associated with the fewest overall impacts, and consequently, is considered the Environmentally Superior Alternative. Nevertheless, for the reasons specified above, Option 2 is hereby rejected.

Project 5-6 Cesar Chavez Street/26th Street Bicycle Lanes, Sanchez Street to US-101

The DEIR analyzed two options for Project 5-6, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Cesar Chavez/26th Streets corridor, an existing major east-west bicycle route that provides a connection between the Mission Bay, Bayview, Mission, and Noe Valley neighborhoods, as well as a connection to existing bicycle facilities on Sanchez, Harrison, and Cesar Chavez Streets, and Potrero Avenue. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 5-7 Glen Park Area Bicycle Lanes, (A) Connection between Alemany Boulevard and San Jose Avenue and (B) Connection between Monterey Boulevard and San Jose Avenue

Project 5-7 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. The project is divided into two segments: A and B. Segment A is the connection between Alemany Boulevard and San Jose Avenue via Arlington Street, Bosworth Street, Lyell Street, Milton Street, Rousseau Street, and Still Street, and it originally had two options. Segment B is the connection between Monterey Boulevard and San Jose Avenue via Monterey Boulevard and San Jose Avenue ramps, and it originally had only one option. For both segments, the Preferred Alternative would install a combination of bicycle lanes and sharrows on portions of the streets listed. SFMTA has identified Modified Option 2 as the Preferred Alternative for this project, in its entirety.

The Preferred Alternative for Project 5-7 would promote and encourage safe bicycling in and around the Glen Park BART station and would fill several gaps in the existing bicycle route network in the Glen Park area, providing connections to the multi-modal BART station from all directions via streets with existing or planned bicycle facilities such as Alemany Boulevard, San Jose Avenue, Diamond Street, Circular Avenue, Arlington Street, and Bosworth Street. The preferred alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 5-7 would create a significant environmental impact. The Preferred Alternative would provide an enhanced bicycle facility such as a bicycle left-turn lane from Alemany Boulevard to Lyell Street providing a shorter, flatter, more direct bicycle route. Also, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative.

However, SFMTA, although identifying the Preferred Alternative as described above, has elected not to proceed with legislation or implementation of the following parts of Segment A: Arlington Street between Wilder and Bosworth Streets, and Bosworth Street between Arlington and Diamond Streets. Instead, SFMTA will continue to work with the public, stakeholders, and City agencies on the planning effort for this part of the project. As such, there is no preferred

project for this part. Consequently, Option 1 and Option 2 are hereby rejected for all of Project 5-7 except for the above-listed parts of Arlington and Bosworth Streets. SFMTA is making no decision to select an alternative pending further public input and planning.

Project 5-8 Kansas Street Bicycle Lanes, 23rd Street to 26th Street

Project 5-8 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle lanes in both directions on Kansas Street between 23rd and 26th Streets.

The Preferred Alternative for Project 5-8 would promote and encourage safe bicycling along this segment of Kansas Street and would fill the gap in the existing bicycle route network along this important north-south route, providing a connection between the southeast area of the City and all points to the north and the west. It also would provide a connection to existing and planned bicycle facilities on Cesar Chavez Street and Potrero Avenue, and provide bicycle access to San Francisco General Hospital. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 5-8. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 5-9 Ocean Avenue Bicycle Lanes, Alemany Boulevard to Lee Avenue

Project 5-9 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 2 as the Preferred Alternative for this project in its entirety. The Preferred Alternative would install a combination of bicycle lanes and sharrows on Ocean Avenue between Alemany Boulevard and Lee Avenue.

The Preferred Alternative for Project 5-9 would promote and encourage safe bicycling along this segment of Ocean Avenue and would fill a gap in the existing bicycle route network along this important east-west route, providing a connection between the Outer Mission and Ingleside/Sunnyside neighborhoods and between the Balboa Park BART and Muni Metro Station

and San Francisco City College. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options has any significant impacts. Options 1 and 2 would remove travel lanes and parking along portions of Ocean Avenue between Lee Avenue and San Jose Avenue to provide bicycle lanes; the Preferred Alternative includes several design changes to Options 1 and 2, including modified travel lane and parking removals, and modified locations for bicycle lanes and sharrows. These design changes would enhance traffic and transit operations compared to Options 1 and 2. The Preferred Alternative would increase the drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone'. Based on the foregoing, the Preferred Alternative is the Environmentally Superior Alternative. In addition, the abovementioned considerations are the basis to reject Options 1 and 2.

Project 5-10 Phelan Avenue Bicycle Lanes, Judson Avenue to Ocean Avenue

The DEIR analyzed two options for Project 5-10, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Phelan Avenue corridor, an existing major north-south bicycle route that provides a connection between the Ingleside neighborhood and points north, and connections to City College of San Francisco, as well as a connection to planned bicycle facilities on Ocean Avenue. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 5-11 Potrero Avenue and Bayshore Boulevard Bicycle Lanes, 25th Street to Cesar Chavez Street

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 5-11 would install bicycle lanes in both directions on Potrero Avenue generally between 25th Street and Cesar Chavez Street.

The Preferred Alternative for Project 5-11 would promote and encourage safe bicycling on this portion of the Potrero Avenue corridor, and would fill the gap in the existing bicycle route network along this very important north-south route, providing a connection between the Bernal Heights and Mission neighborhoods, as well as c facilitate bicycle access to San Francisco General Hospital and nearby recreational facilities. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 5-11. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 5-12 Sagamore Street and Sickles Avenue Bicycle Lanes, Alemany Boulevard to Brotherhood Way

Project 5-12 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative for this project. The Preferred Alternative would install bicycle lanes in both directions on Sagamore Street and Sickles Avenue between Alemany Boulevard and Brotherhood Way.

The Preferred Alternative for Project 5-12 would promote and encourage safe bicycling along these segments of Sagamore Street and Sickles Avenue and would fill a gap in the existing bicycle route network along this east-west route, providing an important connection between the eastern and western halves of the City, as well as a connection to existing and planned bicycle facilities on Alemany Boulevard, San Jose Avenue, and Brotherhood Way. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 5-12 would create a significant environmental impact. The Preferred Alternative would convert the pull-in angled on-street parking on Sagamore Street into back-in angled parking, which would benefit bicyclists by increasing the drivers' visibility of oncoming bicyclists and other vehicles both when entering and exiting a parking stall. The Preferred Alternative also could have the beneficial effect of improving roadway conditions and safety for bicyclists. Option 2, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. However, for the reasons above Option 1 and Option 2 are hereby rejected in favor of the Preferred Alternative.

Project 5-13 San Bruno Avenue Bicycle Lanes, Paul to Silver Avenues

The DEIR analyzed two options for Project 5-13, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Both Options 1 and 2 would install bicycle lanes in both directions on San Bruno Avenue between Paul Avenue and Silver Avenue.

Both options for Project 5-13 would promote and encourage safe bicycling along this segment of the San Bruno Avenue corridor and would fill a gap in the existing bicycle route network along this important north-south route, providing a connection between the Bayview, Outer Excelsior, and Portola neighborhoods. In addition, both options would provide a connection to existing and planned bicycle facilities on Bayshore Boulevard, Paul Avenue, and Silver Avenue. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Both options for this project have the same significant and unavoidable impacts to loading. Additionally, both Option 1 or Option 2 could have the beneficial effect of improving roadway conditions and safety for bicyclists. Notwithstanding the aforementioned loading impacts, Option 2, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. Nevertheless, Option 1 has fewer impacts to bicycles because it would provide a wider parking lane, which would reduce the possibility of bicyclists riding inside the 'door zone'. Option 1 would also provide 10-foot wide traffic lanes, which are common throughout the City and therefore not expected to have any impact on traffic operations. Therefore SFMTA has selected Option 1 as the Preferred Alternative. However, as stated above, SFMTA has elected not to proceed with legislation or implementation of an option at this time and therefore is not rejecting Option 2 pending further public input and planning.

Project 6-1 Claremont Boulevard Bicycle Lanes, Dewey Boulevard to Portola Drive

Project 6-1 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows on Claremont Boulevard between Dewey Boulevard and Portola Drive.

The Preferred Alternative for Project 6-1 would promote and encourage safe bicycling along this segment of Claremont Boulevard and would fill the gap in the existing bicycle route network along this important north-south route, providing a connection between the Forest Hill, West Portal, and St. Francis Wood neighborhoods, as well as a connection to existing and planned bicycle facilities on Dewey Boulevard, Taraval Street, and Portola Drive. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 6-1 would create a significant environmental impact. Yet, Option 1, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. The Preferred Alternative would remove approximately three parking spaces near Portola Drive in order to maintain a sufficient turning radii for traffic turning from westbound Portola Drive to northbound Claremont Boulevard. The Preferred Alternative also would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, Option 1 is hereby rejected in favor of the Preferred Alternative.

Project 6-2 Clipper Street Bicycle Lanes, Douglass Street to Portola Drive

Project 6-2 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA clarified the project limits. As a result, the original Option 1 for Segment II on Diamond Heights Boulevard from the intersection of Diamond Heights Boulevard with Clipper Street to the intersection of Diamond Heights Boulevard and Portola Avenue already has been rejected from further consideration in the Comments and Responses document. Therefore there is only one option for each project segment. Option 1 for Segments I and II is described and analyzed in more detail in the Comments and Responses document for this EIR. The SFMTA identified Option 1 as the Preferred Alternative for Project 6-2. The Preferred Alternative would install a combination of

bicycle lanes and sharrows on Clipper Street and Diamond Heights boulevard between Douglass Street and Portola Avenue.

The Preferred Alternative for Project 6-2 would promote and encourage safe bicycling along these segments of Clipper Street and Diamond Heights Boulevard and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the Noe Valley, Diamond Heights, and Portola neighborhoods, as well as a connection to existing and planned bicycle facilities on Portola Drive. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options retained in the EIR's analysis for Project 6-2 would create a significant environmental impact except for a cumulative transit impact from combined Projects 6-2, 6-5, and 6-6. The Preferred Alternative would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. Based on the abovementioned considerations, the Preferred Alternative is the Environmentally Superior Alternative. Option 1 is hereby rejected on the grounds set forth above and elsewhere in this document.

Project 6-3 Laguna Honda Boulevard Bicycle Lanes, Plaza Street to Woodside

Project 6-3 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 2 as the Preferred Alternative for this project in its entirety. The Preferred Alternative would install bicycle lanes in both directions on Laguna Honda Boulevard between Clarendon Avenue and Woodside Avenue.

The Preferred Alternative for Project 6-3 would promote and encourage safe bicycling along this segment of Laguna Honda Boulevard and would connect and extend the proposed bicycle route on Laguna Honda Boulevard between Portola Drive and Woodside Avenue which connects to the proposed Portola Drive bicycle route. Project 6-3, Option 2 would provide north-south access to the Portola Drive bicycle route which is an important northwest and southwest link for various neighborhoods in the City and also an important link to the other bicycle routes accessing the Financial District and the neighboring districts. The Preferred Alternative also

would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 6-3 would create a significant environmental impact. Option 2, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. However, the Preferred Alternative would extend the northern project boundary from Plaza Street to Clarendon Avenue, and therefore, would provide an enhanced, longer continuous bicycle facility, as compared to Option 1 or Option 2. The Preferred Alternative also could have the beneficial effect of improving roadway conditions and safety for bicyclists. For the reasons contained herein, Option 1 and Option 2 are hereby rejected in favor of the Preferred Alternative.

Project 6-4 Laguna Honda Boulevard Bicycle Lanes, Portola Drive to Woodside Avenue

Project 6-4 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows on Laguna Honda Boulevard between Portola Drive and Woodside Avenue.

The Preferred Alternative for Project 6-4 would promote and encourage safe bicycling along this segment of Laguna Honda Boulevard and would fill the gap in the existing bicycle route network along this important north-south route, providing a connection between the Forest Hill, West Portal, and St. Francis Wood neighborhoods, as well as a connection to existing and planned bicycle facilities on Laguna Honda Boulevard and Portola Drive. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 6-4 would create a significant environmental impact. The Preferred Alternative would remove fewer parking spaces than Option 1, it would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative, and Option 1 is hereby rejected

Project 6-5 Portola Drive Bicycle Lanes, Corbett Avenue to O'Shaughnessy Boulevard

Project 6-5 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install a combination of bicycle lanes and sharrows in both directions on Portola Drive between Corbett Avenue and O'Shaughnessy Boulevard.

The Preferred Alternative for Project 6-5 would promote and encourage safe bicycling along this segment of Portola Drive and would fill a gap in the existing bicycle route network along this important route, providing a connection between the Diamond Heights, Noe Valley and Twin Peaks neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 1 for this project has several significant and unavoidable impacts to traffic and to transit. The significant and unavoidable transit impacts in the cumulative scenario would remain with the Preferred Alternative. However, the Preferred Alternative eliminates all of traffic impacts because it retains the existing lane configurations at the intersections of Woodside Avenue/O'Shaughnessy Boulevard/Portola Avenue and Portola Avenue/Burnett Avenue/Diamond Heights Boulevard/Clipper Street. The Preferred Alternative would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative. Also, these abovementioned considerations are grounds to reject Option 1 from further consideration.

Project 6-6: Portola Drive Bicycle Lanes, O'Shaughnessy Boulevard/Woodside Avenue to Sloat Boulevard/St. Francis Boulevard

Project 6-6 originally involved two options as analyzed in the DEIR, Option 1 and Option 2. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 2. Modified Option 2 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 2 as the Preferred Alternative for this project in its entirety. The Preferred Alternative would install a combination of bicycle lanes and sharrows in both directions on Portola Drive

between O'Shaughnessy Boulevard/Woodside Avenue and Sloat Boulevard/St. Francis Boulevard.

The Preferred Alternative for Project 6-6 would promote and encourage safe bicycling along this segment of Portola Drive and would fill a gap in the existing bicycle route network along this important route, providing a connection between the Diamond Heights, Saint Francis Wood and West Portal neighborhoods. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 1 for this project has several significant impacts to traffic. However, both Option 2 and the Preferred Alternative eliminate those impacts by retaining the existing lane configurations at the intersection of Woodside Avenue/O'Shaughnessy Boulevard/Portola Avenue. Option 2, which is associated with fewer overall impacts than the Preferred Alternative, is the Environmentally Superior Alternative. However, the Preferred Alternative would provide a continuous northbound bicycle lane, which is an enhanced bicycle facility as compared to Option 2. Also, the Preferred Alternative would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, Option 1 and Option 2 are hereby rejected in favor of the Preferred Alternative.

Project 7-1 Intersection Improvements at 7th Avenue and Lincoln Way

Project 7-1 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. The Final EIR analyzed two options for this project, Option 1 and Modified Option 1. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would involve modifications at the intersection of 7th Avenue the Lincoln Way to allow northbound bicyclists to cross Lincoln Way. These modifications would involve the installation of a cut-through in raised median and installation of a northbound bicycle-only lane on the south leg of the intersection.

The Preferred Alternative for Project 7-1 would promote and encourage safe bicycling and would fill the gap in the existing bicycle route network at this intersection, providing a connection between the Inner Sunset area and Golden Gate Park. The Preferred Alternative also

would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 7-1 would create a significant environmental impact. The Preferred Alternative would provide bicyclists with a designated right-of-way for travel and could have the beneficial effect of improving roadway conditions and safety for bicyclists. Based on these considerations, the Preferred Alternative is the Environmentally Superior Alternative. Option 1 also is hereby rejected in reliance on the reasons set forth above and elsewhere in this document and the administrative record.

Project 7-2 7th Avenue Bicycle Lanes, Lawton Street to Lincoln Way

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 7-2 would add a combination of bicycle lanes and sharrows in both directions on 7th Avenue between Lawton Street and Lincoln Way.

The Preferred Alternative for Project 7-2 would promote and encourage safe bicycling along the 7th Avenue corridor and would fill a gap in the existing bicycle route network along this important north-south route, providing a connection between the West Portal, Laguna Honda, and Forest Hill areas with the Inner Sunset and UC Medical Center, as well as a connection to existing and planned bicycle facilities on Kirkham Street, Parnassus Street, and the intersection of 7th Avenue and Lincoln Way. The preferred alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 7-2 would create a significant environmental impact. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 7-3 Great Highway and Point Lobos Avenue Bicycle Lanes, 48th Avenue/El Camino Del Mar to Fulton Street

Project 7-3 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle lanes in both directions on Great Highway and Point Lobos Avenue between 48th Avenue/El Camino Del Mar

and Fulton Street, and would install sharrows to the following street segments, which would be added to the bicycle route network: Balboa Street, between Point Lobos/Great Highway and La Playa Street; and La Playa Street between Balboa and Cabrillo Streets.

The Preferred Alternative for Project 7-3 would promote and encourage safe bicycling along these segments of Great Highway, Point Lobos Avenue, Balboa Street and La Playa Street, and would fill a gap in the existing bicycle route network along this important route, providing a connection between Golden Gate Park, Ocean Beach and Sutro Heights Park. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 7-3 would create a significant environmental impact. The Preferred Alternative would increase the motor vehicle drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone', and it could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is the Environmentally Superior Alternative. Also, based on the foregoing considerations, Option 1 is hereby rejected.

Project 7-4 John F. Kennedy Drive and Kezar Drive Bicycle Lanes, Stanyan Street to Transverse Drive

Project 7-4 originally involved only a single option as analyzed in the DEIR. Based upon public, stakeholder, and City agency input, SFMTA refined this project and refers to this refinement as Modified Option 1. Modified Option 1 is described and analyzed in more detail in the Comments and Responses document for this EIR. SFMTA has identified Modified Option 1 as the Preferred Alternative. The Preferred Alternative would install bicycle lanes in both directions on John F. Kennedy Drive and Kezar Drive between Stanyan Street and Transverse Drive.

The Preferred Alternative for Project 7-4 would promote and encourage safe bicycling and would fill the gap in the existing bicycle route network along this major east-west route through Golden Gate Park, which serves as a key commuter route between the Richmond and Sunset neighborhoods and downtown business areas, and serves as one of the most popular recreational routes providing access to all of attractions and destinations in Golden Gate Park. In addition the Preferred alternative would connect to the several north-south routes the also pass through Golden Gate Park increasing the overall completeness of the bicycle route network. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's

overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 7-4 would create a significant environmental impact. Parking and travel lane changes that are required to create the Preferred Alternative have already been implemented by the Recreation and Park Department and the Golden Gate Park Concourse Authority as part of the John F. Kennedy Drive Bicycle and Pedestrian Improvements project. These improvements were the subject of a separate EIR on the Music Concourse Underground Garage and Golden Gate Concourse Authority Projects, which the Planning Commission certified on July 23, 2003. The Preferred Alternative would provide bicyclists with a designated right-of-way for travel and could have the beneficial effect of improving roadway conditions and safety for bicyclists. For these reasons, the Preferred Alternative is also the Environmentally Superior Alternative, and Option 1 is hereby rejected.

Project 7-5 Kirkham Street Bicycle Lanes, 9th Avenue to Great Highway

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 1 as the Preferred Alternative for this project. The Preferred Alternative for Project 7-5 would install bicycle lanes in both directions on Kirkham Street between 9th Avenue and Great Highway. The Preferred Alternative is divided into three segments: the east segment, between 9th and 18th Avenues; the central segment between 18th and 20th Avenues; and the west segment, between 20th Avenue and Great Highway.

The Preferred Alternative for Project 7-5 would promote and encourage safe bicycling along the Kirkham Street corridor and would fill a gap in the existing bicycle route network along this important east-east route in the Sunset District, providing a connection between the Inner Sunset and Outer Sunset neighborhoods, access to the Pacific Ocean, as well as a connection to existing and planned bicycle facilities on 20th and 34th Avenues, and Great Highway. The preferred alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options analyzed for Project 7-5 would create a significant environmental impact. Option 2, which is associated with fewer overall impacts, is the Environmentally Superior Alternative. Nevertheless, the Preferred Alternative would provide continuous bicycle lanes which would be an enhanced bicycle facility as compared to Option 2. Also, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. However, SFMTA, although identifying the Preferred Alternative as described above, has elected not to proceed with legislation or implementation of the central segment portion of

Project 7-5. Instead, it will continue to work with the public, stakeholders, and City agencies on the planning effort for this portion of the project. As such, there is no preferred project for the central segment. Consequently, Project 7-5 Option 2 is hereby rejected for the east and west segments only. For the central segment, SFMTA is making no decision to select an alternative pending further public input and planning.

Project 7-6 Page and Stanyan Streets Intersection Traffic Signal Improvements

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 7-6 would signalize the Page and Stanyan Streets intersection and add pedestrian push buttons and bicycle signal heads.

The Preferred Alternative for Project 7-6 would promote and encourage safe bicycling at this intersection which is the connection between the east-west route on page Street and Golden Gate Park. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Project 7-6 does not create any significant environmental impacts. The Preferred Alternative would improve pedestrian and bicyclist safety by signalizing the intersection and eliminating right-of-way conflicts. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 8-1 19th Avenue Mixed-use Path, Buckingham Way to Holloway Avenue

The DEIR analyzed two options for this project, Option 1 and Option 2. SFMTA has selected Option 2 as the Preferred Alternative for this project. The Preferred Alternative for Project 8-1 would construct a new mixed-use pedestrian/bicycle pathway within the San Francisco State University campus between Buckingham Way and Holloway Avenue and a mixed-use pedestrian/bicycle bridge extending between the student housing complex at University Park North and the north side of Thornton Hall.

The Preferred Alternative for Project 8-1 would promote and encourage safe bicycling through the SFSU campus and would provide a connection to existing and planned bicycle facilities on Buckingham Way and Holloway Avenue. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

network along this important east-west route. The Preferred Alternative would also be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative is associated with significant and unavoidable impacts to one intersection in both the existing and cumulative scenarios. However, the Preferred Alternative achieves the project goals, and provides an enhanced bicycle facility because where a traffic lane would be removed, bicyclists generally would be operating next to a single lane of traffic instead of two lanes. The resultant decrease in vehicle speeds from this design feature would provide an enhanced level of comfort and safety for bicyclists. Additionally, the Preferred Alternative could have the beneficial effect of improving roadway conditions and safety for bicyclists. Option 2 is associated with the fewest overall impacts, and consequently, is considered the Environmentally Superior Alternative. Nevertheless, for the reasons specified above, Option 2 is hereby rejected.

Project 5-6 Cesar Chavez Street/26th Street Bicycle Lanes, Sanchez Street to US-101

The DEIR analyzed two options for Project ~~4-4~~ 5-6, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Cesar Chavez/26th Streets corridor, an existing major east-west bicycle route that provides a connection between the Mission Bay, Bayview, Mission, and Noe Valley neighborhoods, as well as a connection to existing bicycle facilities on Sanchez, Harrison, and Cesar Chavez Streets, and Potrero Avenue. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

The Preferred Alternative for Project 8-3 would promote and encourage safe bicycling along this segment of the Holloway Avenue corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the Ingleside and Park Merced neighborhoods, as well as a connection to the San Francisco State University campus and planned bicycle facilities therein. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Neither the Preferred Alternative nor Option 2 has any significant impacts. However, Option 2 would remove approximately 50 parking spaces along Holloway Avenue, which is a residential area. When classes are in session, these parking spaces are used mostly by San Francisco State University students. The Preferred would achieve the project goals without the public inconvenience associated with this parking loss and could have the beneficial effect of improving roadway conditions and safety for bicyclists. In light of the reasons described above, the Preferred Alternative is the Environmentally Superior Alternative. Also, based on the considerations set forth herein and elsewhere in the record, Option 2 is hereby rejected.

Project 8-4 John Muir Drive Bicycle Lanes, Lake Merced Blvd to Skyline Boulevard

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 8-4 would install bicycle lanes in both directions on John Muir Drive between Lake Merced Boulevard and Skyline Boulevard.

The Preferred Alternative for Project 8-4 would promote and encourage safe bicycling along this segment of John Muir Drive and provide a connection between existing bicycle facilities on Lake Merced and Skyline Boulevards, as well as improve bicyclists' access to recreational facilities at Lake Merced and Fort Funston. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

The Preferred Alternative for Project 8-4 has no significant impacts. The Preferred Alternative would convert the pull-in angled on-street parking on John Muir Drive into back-in angled parking which would potentially benefit bicyclists by increasing the drivers' visibility of oncoming bicyclists and other vehicles both when entering and exiting a parking stall. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Project 8-5 Sloat Boulevard Bicycle Lanes, Great Highway to Skyline Boulevard

The DEIR analyzed only a single option for this project, Option 1, and SFMTA has identified this as the Preferred Alternative. The Preferred Alternative for Project 8-5 would install bicycle lanes in both directions on Sloat Boulevard between the Great Highway and Skyline Boulevard.

The Preferred Alternative for Project 8-5 would promote and encourage safe bicycling along this segment of Sloat Boulevard and provide a connection between existing and planned bicycle facilities on the Great Highway and Lake Merced Boulevard, as well as improve bicyclists' access to recreational facilities at the Pacific Ocean, the San Francisco Zoo, and Lake Merced. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

There are no significant impacts associated with Project 8-5. The Preferred Alternative would benefit transit operation on Sloat Boulevard between 37th and 39th Avenues, and could have the beneficial effect of improving roadway conditions and safety for bicyclists. As the only option presented, and given that this project is associated with no significant impacts, it is considered the Environmentally Superior Alternative.

Additional Alternatives Proposed by the Public

During the term of analysis of the 2009 Bicycle Plan and its associated EIR and their related comment period, various property owners, residents, and commentators proposed alternative near-term project design options to the Preferred Project(s). To the extent that these comments addressed the adequacy of the EIR analysis, they were described and analyzed in the Responses to Comments document. As presented in the record, the Final EIR reviewed a reasonable range of alternatives, and CEQA does not require the project sponsor to consider every proposed alternative so long as the CEQA requirements for alternatives analysis have been satisfied. For the foregoing reasons as well as economic, legal, social, technological, and other considerations set forth herein and elsewhere in the record and this document, these alternatives are hereby rejected in favor of the Preferred Project.

and San Francisco City College. The Preferred Alternative also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

None of the options has any significant impacts. Options 1 and 2 would remove travel lanes and parking along portions of Ocean Avenue between Lee Avenue and San Jose Avenue to provide bicycle lanes; the Preferred Alternative includes several design changes to Options 1 and 2, including modified travel lane and parking removals, and modified locations for bicycle lanes and sharrows. These design changes would enhance traffic and transit operations compared to Options 1 and 2. The Preferred Alternative would increase the drivers' awareness that bicyclists may be on the road as well as identify for bicyclists the pathway outside the 'door zone'. Based on the foregoing, the Preferred Alternative is the Environmentally Superior Alternative. In addition, the abovementioned considerations are the basis to reject Options 1 and 2.

Project 5-10 Phelan Avenue Bicycle Lanes, Judson Avenue to Ocean Avenue

The DEIR analyzed two options for Project ~~4-4~~ 5-10, Option 1 and Option 2. However, SFMTA, while approving both options as part of the Bicycle Plan approval, has elected not to proceed with legislation or implementation of either option at this time. Instead, it will continue to work with the public and other stakeholders on the planning effort for this project. Consequently, there is no preferred project at this location.

Both Option 1 and Option 2 would promote and encourage safe bicycling by providing on-street bicycle facilities, where none currently exist, along this segment of the Phelan Avenue corridor, an existing major north-south bicycle route that provides a connection between the Ingleside neighborhood and points north, and connections to City College of San Francisco, as well as a connection to planned bicycle facilities on Ocean Avenue. Both options also would be consistent with and promote the Bicycle Plan Project's overall goal to increase safe bicycle use, as well as the Bicycle Plan's specific goals 1, 3, 4, 6, and 7 above.

Option 2, which is associated with fewer impacts, is the Environmentally Superior Alternative. However, as stated above, SFMTA is making no decision to select an alternative pending further public input and planning.

c. the Global Warming Solutions Act of 2006, otherwise known as AB 32, a California state law that requires the state's greenhouse gas emissions be reduced to 1990 levels by 2020.

d. United Nations Urban Environmental Accords, a series of implementable goals that can be adopted at a city level to achieve urban sustainability, promote healthy economies, advance social equity and protect the world's ecosystem. Adopted in 2005, and signed by San Francisco, the Accords, among other goals, advocates for policies to reduce the percentage of commute trips by single occupancy vehicles by ten percent in seven years.

5. Approval of the Project, will allow the City to be eligible for substantial amounts of bicycle funding. For example, to be eligible for many sources of funds, California cities and counties must have a Bicycle Transportation Plan (BTP) that discusses items (a) through (k) in Section 891.2 of the California Streets and Highways Code. The city or county must adopt the BTP or certify that it has been updated and complies with Section 891.2 of the California Streets and Highways Code and the Regional Transportation Plan (RTP). Approval of the Bicycle Plan will enable the City to use money from these sources instead of requiring the use of General Fund or other money.

6. The Project has identified eight specific goals whose achievement would result in substantial and measurable positive benefits to the City. These goals are outlined below and their specific benefits provide further evidence that the implementation of the Project outweighs its unavoidable adverse environmental effects.

a. Goal 1 – Refine and Expand the Existing Bicycle Route Network: Achievement of this goal would significantly improve the connectivity of the Bicycle Route Network throughout the City. The proposed infrastructure improvements, namely the addition of striped Class II bike lanes and marked shared lane pavement markings, or "sharrows," would nearly double the number of miles of bike routes. Achievement of this goal and its proposed actions would also result in improved coordination with other City agencies, more robust data systems for monitoring network performance, the integration of best practices for facility design, and a revision of the City's project evaluation methodologies so that they better respond to the multimodal nature of the City's transportation system.

b. Goal 2 – Ensure Plentiful, High-Quality Bicycle Parking: Achievement of this goal and its proposed actions will result in a significant increase of bicycle parking in key locations throughout the City and improved access to crucial destinations. Achievement of this goal would also modify the Planning Code to better prioritize bicycle parking in new and existing residential and commercial

developments, while ensuring well-defined guidelines for bicycle facility design, parking outreach, and enforcement of bicycle theft.

c. Goal 3 – Expand Bicycle Access to Transit and Bridges: Achievement of this goal and its proposed actions would result in bicyclists being able to utilize existing transit services much more effectively through expanded installation of bicycle racks and the implementation of policies that permit bicyclists on transit vehicles. Ultimately, the achievement of this goal will result in enhanced connections to regional destinations for bicyclists.

d. Goal 4 – Educate the Public about Bicycle Safety: In recent years, bicycling in the City has increased by 43 percent, and now bicycle trips make up 6 percent of all daily trips. This goal seeks to ensure that current and future bicyclists are well-trained and knowledgeable about how to ride a bicycle safely. Achievement of this goal and its proposed actions would result in expanded and targeted training and outreach to all bicyclists, but especially for youth and novice bicyclists. Implementation of these actions will ultimately reduce bicycle collisions and the number of traffic conflicts in the City.

e. Goal 5 – Improve Bicycle Safety through Targeted Enforcement: Achievement of this goal and its proposed actions would result in increased enforcement of both bicyclist and motorist violations that most frequently cause injuries and fatalities, while ensuring that all SFPD police officers are better informed about the rights and responsibilities of bicyclists and techniques required for safe and legal sharing of the roadway. The proposed actions for this goal also call for more standardized reporting procedures for bicycle collisions, thereby facilitating the City's ability to measure the effectiveness of its facilities and programs, as well as respond to locations with a high number of bicycle collisions.

f. Goal 6 – Promote and Encourage Safe Bicycling: Achievement of this goal and its proposed actions would result in more awareness about the benefits of bicycling to residents, especially among diverse age, income, and ethnic populations. This goal also prioritizes more coordinated outreach efforts, economic development of bicycle-related business, and the development of public bicycle sharing in the City, a program that has been demonstrably successful in cities around the world.

g. Goal 7 – Adopt Bicycle-Friendly Practices and Policies: Achievement of this goal and its proposed actions would result in modifications to the General Plan's Transportation Element, Downtown Area Plan and to the City's environmental review guidelines. As a result of these changes, bicycling as a safe and sustainable transportation mode would be better integrated and prioritized in the future development and growth of the City. In addition, this goal seeks to provide City

staff with more robust data about the growth, impact, and scope of bicycling in the City.

h. Goal 8 - Prioritize and Increase Bicycle Funding: Achievement of this goal and its proposed actions would enable the City to fund the proposed improvements to the City's bicycle network. Funds dedicated to bicycling infrastructure are very scarce and competition amongst municipalities is fierce. In order for the City to be able to fund its desired bicycle improvements, it must comprehensively develop a long-range funding plan, as outlined in this goal.

7. With its temperate climate, dense neighborhoods, limited supply of automobile parking and compact geography, the City offers and ideal venue for a diverse group of bicyclists: commuters, shoppers, recreational riders, and tourists. Bicycling in the City has increased dramatically in recent years, and implementation of this Project will ensure a continued increase in the number of people that use bicycles as a safe transportation mode. Such an increase in bicycling is a critical component to improving the future health and prosperity of San Francisco. By investing in and implementing the bicycle facility improvements, educational efforts, and innovative policies and programs recommended in the Project, the City will make bicycling a more viable mobility option. Finally, this Project supports larger City efforts to revitalize and transform its streets into more inviting public spaces that prioritize non-motorized travel.

8. The benefits of increased bicycle usage are varied and well-documented. Bicycling not only has health benefits for the bicyclist, but also it contributes to an improved quality of life for society as a whole. More specifically, bicycling as a safe and ubiquitous mode of travel can benefit the City in the following ways:

a. Transportation: Bicycling can significantly reduce gridlock on, and facilitate more efficient use of, City streets. The vast majority of trips made by automobile are within a few miles of their origins. These short trips could be accomplished by bicycle, provided there is adequate and safe infrastructure. By promoting the policies and implementing the projects in this Project, the City can dramatically shift the number of people driving to more sustainable modes of travel. Augmented bicycle infrastructure and enhanced policies that promote bicycling, as proposed in this Project, can also improve connections to other public transportation modes, further reducing the number of trips made by private automobile.

b. Health and safety: Bicycling not only provides an efficient mode of travel, but also a great way for people to exercise. As rates of obesity and physical inactivity continue to rise in America, the importance of bicycling cannot be understated. Even minimal amounts of bicycling have been shown to produce measurable

physical and mental health benefits. Investments in increased physical activity have also been shown to reduce long-term health care costs. Implementation of the near-term projects, enforcement policies, and education efforts in this Project will also result in increased visibility of bicyclists, a reduction in moving violations, and increased awareness of driver and bicyclist responsibilities. The end result will be a reduction in the number of bicycle collisions on City streets.

c. Environmental: Bicycles are the most environmentally sustainable vehicle available. They produce none of the greenhouse gases associated with global warming, nor any of the pollutants linked to asthma or other chronic health problems. Furthermore, bicycles are quiet and do not contribute to noise pollution. Implementation of this Project will undoubtedly facilitate the City's push to become a more sustainable City that preserves and protects its natural resources for future generations.

d. Economic: The annual costs of congestion, pollution, traffic accidents, as well as constructing new, and maintaining existing, automobile infrastructure are significant. Augmenting and improving bicycling infrastructure in the City can significantly reduce the economic costs associated with driving by shifting drivers to more cost-effective transportation options. Furthermore, increased bicycling infrastructure can improve access to many of the City's commercial corridors. Studies have shown that in a dense urban environment such as the City many shoppers do not access commercial centers by automobile, but rather through transit or other non-motorized modes. This Project would stimulate significant economic growth by facilitating access to commercial zones and encouraging the development of these zones not just as shopping "centers," but rather as vibrant public spaces.

e. Equity: The annual costs of driving are in thousands of dollars, leaving many segments of the population unable to afford the luxury of owning an automobile. Conversely, bicycles are one of the cheapest modes of transportation available. For many low-income individuals, bicycles constitute their predominant mode of travel. The implementation of the projects and policies in this Project will significantly expand bicycle infrastructure in the City, thereby providing enhanced transportation access to underserved segments of the population.

Project-level Significant and Unavoidable Impacts and Overriding Considerations

Project 1-3: North Point Bicycle Lanes, Embarcadero to Van Ness Avenue, Mod. Option 1

This project is associated with a significant and unavoidable loading impact (North Point east of Columbus) in both the existing and cumulative conditions, as further detailed in the section on

significant and unavoidable impacts. Notwithstanding these impacts, the preferred project is acceptable because the bike lanes on North Point are a critical link between the waterfront, Van Ness Avenue (a major north-south arterial and US Route 101), and Fort Mason, which provides further connections to the Marina District, Chrissy Field and the Golden Gate Bridge. Project 1-3 is already part of the Route 2 of Bicycle Network and would extend existing Class II bike lanes from the Embarcadero to Fort Mason. Furthermore, this route is the flattest east-west bicycle route option in this area. Finally, although on-street loading will be impacted on North Point during peak commute hours, the proposed North Point bicycle lanes will make on-street, double-parked loading activities easier during non-peak hours. Loading is legally allowed from Class II bicycle lanes when curb-side loading is not available. Therefore, between 9:00 a.m. and 3:30 p.m. double parked loading will actually be safer and more convenient for legitimate commercial loading on North Point.

Project 2-1: 2nd Street Bicycle Lanes, King Street to Market Street, Mod. Option 1

This project is associated with a variety of significant and unavoidable intersection impacts, transit delays, and loading impacts in both the existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Notwithstanding these impacts, the preferred project benefits the City because 2nd Street serves as a vital element of the Bicycle Network. As part of Bicycle Route 11, 2nd Street provides a critical link between Market Street (Route 50 – a major bicycle thoroughfare), Bicycle Routes 30/5, the Montgomery Street BART station, and key destinations in SoMa – the 4th and King Caltrain station, AT&T Park, and the waterfront. Bicyclists are currently using 2nd Street as a route through SoMa and to/from downtown, and recent bicycle counts have shown an increase in the number of bicyclists using this corridor (a 39 percent increase at 2nd/Townsend from 2006 to 2008). Unfortunately, the narrow width of the street and high traffic volumes make 2nd Street a particularly challenging bicycling environment. The addition of bicycle lanes on 2nd Street would reduce the likelihood of "dooring" collisions, while improving bicyclist visibility and reducing vehicle speeds.

Project 2-2: 5th Street Bicycle Lanes, Market Street to Townsend Street, Mod. Option 2

This project is associated with numerous significant and unavoidable intersection impacts in both the existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Even with these impacts, the preferred project is acceptable because 5th Street serves as a crucial element of the Bicycle Network. As part of Bicycle Route 19, 5th Street provides a critical link between Market Street (Route 50 – a major bicycle thoroughfare), Bicycle Routes 30/36, the Powell Street BART station, and key destinations in SoMa – the 4th and King Caltrain station, AT&T Park, and the waterfront. 5th Street provides the most proximate north-south bicycle route between the 4th and King Caltrain station and downtown, and, therefore, is essential to connecting bicyclists to regional transit services. Bicycle ridership in this corridor has also increased substantially in recent years (a 21 percent increase at 5th/Townsend

and a 31 percent increase at 5th/Market since 2006). At the same time, the 5th Street corridor ranked 10th in 2007 in the number of bicycle collisions. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on 5th Street will ensure that a growing number of bicyclists can travel safely between downtown and important destinations in SoMa.

Project 2-3: 14th Street Bicycle Lanes, Dolores Street to Market Street, Option 1; Project 2-11: Market Street Bicycle Lanes, 17th Street to Octavia Boulevard, Mod. Option 1

Project 2-3 by itself is not associated with any significant and unavoidable impact. However, the combined design modifications of Project 2-3 and Project 2-11 produces a significant and unavoidable intersection impact (Church/Market/14th) in the cumulative condition, as further detailed in the section on significant and unavoidable impacts. Notwithstanding these impacts, Project 2-3 provides multiple benefits by filling a gap within the Bicycle Route Network that extends bicycle lanes on Route 30 from Dolores Street to Market Street. The installation of bicycle lanes will have a number of positive results for pedestrians and bicyclists, including reduced crossing distances, improved visibility, slower vehicular speeds, and reduced numbers of bicyclists using the sidewalks. Motorists will also benefit from this project as traffic circulation will improve because the proposed lane design is consistent with the configuration east of Dolores Street. Finally, the widened parking lane will facilitate more convenient and safer parking conditions. See below for more on the statement of overriding consideration for Project 2-11.

Project 2-4: 17th Street Bicycle Lanes, Corbett Avenue to Kansas Street, Mod. Option 1; Project 2-6: Division Street Bicycle Lanes, 9th Street to 11th Street, Option 2

The combined design modifications of Project 2-4 and Project 2-6 result in a number of significant and unavoidable intersection and transit delay impacts, as further detailed in the section on significant and unavoidable impacts. Project 2-4 outweighs these impacts because 17th Street serves as a vital east-west route in the Bicycle Route Network. 17th Street is Route 40 in the Bicycle Route Network and bicycle lanes on this street would dramatically improve east-west travel for bicyclists, as well as enhance connectivity to transit services at the 16th Street BART Station and the Castro Muni station. Furthermore, Route 40 offers connections to numerous other north-south bicycle routes. The 17th Street corridor also has seen substantial growth in the number of bicyclists (a 57 percent increase at 17th/Valencia since 2006). The benefits of Project 2-6 also outweigh these impacts. Project 2-6 would promote and encourage safe bicycling along the Division Street corridor and would fill the gap in the existing bicycle route network along this important east-west route, providing a connection between the South of Market area with points to the west and to the north, as well as a connection to existing bicycle facilities on 11th Street. Because of its location under the US 101 freeway, and the prevalence of vehicular traffic, this segment of Division Street is especially inhospitable to bicyclists. The addition of Class II

bicycle lanes on Division Street would greatly enhance the road environment and bicycling experience in this corridor. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, the addition of bicycle lanes on 17th Street and Division Street will ensure that a growing number of bicyclists can travel safely through the these areas.

Project 2-7: Fremont Street Bicycle Lane, Harrison Street to Howard Street, Option 1; Project 2-9: Howard Street Bicycle Lane, Embarcadero to Fremont Street, Option 1

Project 2-7 by itself is not associated with any significant or unavoidable impact. However, the combined design modifications of Project 2-7 and Project 2-9 produces a significant and unavoidable intersection impact (Fremont/Howard) in both the existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Notwithstanding this impact, Project 2-7 is acceptable because it would add an important new segment to the City's Bicycle Route Network. The addition of Class II and III bicycle facilities on Fremont Street would facilitate connections to Route 30 on Folsom Street and the larger bicycle route network. Fremont Street also serves as a major off-ramp from I-80 into San Francisco and high vehicle speeds make Fremont Street a particularly challenging bicycling environment. Finally, the nearby construction of the Transbay Terminal and planned residential growth in this area necessitates an improved environment for bicyclists and pedestrians. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Fremont Street will ensure that a growing number of bicyclists can travel safely in this area. See below for more on the statement of overriding consideration for Project 2-9.

Project 2-9: Howard Street Bicycle Lane, Embarcadero to Fremont Street, Option 1

In addition to the significant and unavoidable impact generated by the combination of Project 2-7 and Project 2-9 (as discussed above), Project 2-9 by itself results in a significant and unavoidable intersection impact (Howard/Fremont) for both existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Even with this impact, the preferred project will benefit the City in that it would extend existing bicycle lanes on Howard Street (Route 30) east to the Embarcadero. These new lanes would provide a needed connection between the Embarcadero and destinations west into SoMa. Bicycle ridership along the Howard Street corridor is also on the rise (47 percent increase at 11th/Howard since 2006), and this project would ensure additional safe connections for growing numbers of riders. Finally, Route 30 will help to enhance regional transit connections for bicycle riders due to its proximity to the Transbay Transit Terminal.

Project 2-11: Market Street Bicycle Lanes, 17th Street to Octavia Boulevard, Mod. Option 1

This project is associated with a significant and unavoidable intersection impact (Church/Market/14th Streets) in the cumulative condition. This project is also associated with a significant and unavoidable loading impact (north side of Market Street near Noe Street) in both the existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Notwithstanding these significant and unavoidable impacts, the benefits of the preferred project outweigh these detriments because the project creates continuous bicycle infrastructure on Market Street, the primary bicyclist connection to/from downtown and a major connector to local and regional transit services. Bicycle ridership on Market Street during the P.M. peak has increased dramatically in recent years a 33 percent increase at 11th/Market and a 31 percent increase at 5th/Market since 2006. At the same time, the Market Street corridor ranked first in the number of bicycle injury collisions from 2003 to 2007 with 179. By reducing lane width, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Market Street will ensure that a growing number of bicyclists can travel safely to and from the downtown core.

Project 2-16: Townsend Bicycle Lanes, 8th Street to Embarcadero, Mod. Option 1

Numerous significant and unavoidable intersection and transit delay impacts accompany this project as further detailed in the section on significant and unavoidable impacts. These impacts, however, are balanced against the benefits of the preferred project supporting a crucial element of the Bicycle Network along Townsend Street. As part of Bicycle Route 36, Townsend Street provides a critical link from the Embarcadero west through SoMa, as well as connections to numerous north-south bicycle routes to/from downtown and key destinations in SoMa – the 4th and King Caltrain station, AT&T Park, and the waterfront. Townsend Street provides the most proximate east-west bicycle route to the 4th and King Caltrain station and is essential to connecting bicyclists to regional transit services. Bicycle ridership in this corridor has also increased substantially in recent years (a 39 percent increase at 2nd/Townsend since 2006). By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Townsend Street will ensure that a growing number of bicyclists can travel safely to destinations in SoMa. The abovementioned benefits outweigh the identified impacts of this project.

Project 3-2: Masonic Avenue Bicycle Lanes, Fell Street to Geary Boulevard, Preferred Option not yet determined; Project 3-1: Fell Street and Masonic Avenue Intersection Improvements

Project 3-2 by itself results in significant and unavoidable intersection and transit delay impacts as further detailed in the section on significant and unavoidable impacts. In addition, the combined design modifications of Project 3-2 and Project 3-1 generates a significant and unavoidable intersection impact (Masonic/Fell) in the cumulative condition. Nevertheless, this

Project provides an important north-south connection between the Panhandle/Golden Gate Park vicinity and Geary Boulevard, a primary east-west corridor in the western part of the City. Masonic Avenue (Route 55) is a major north-south route for bicyclists and connects to several east-west bicycle routes, as well as the University of San Francisco, a significant generator of bicycle trips. Bicycle ridership in this corridor is also on the rise, as the 2008 bicycle counts revealed a 39 percent increase in bicyclists at Masonic Avenue and the Panhandle since 2006. The presence and speed of vehicles in this area also presents a particularly challenging environment for bicyclists. From 2003 to 2007, the Masonic Avenue Corridor ranked 10th in the number of bicycle injury collisions, while the intersection of Fell Street and Masonic Avenue ranked 1st. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Masonic Avenue will ensure that a growing number of bicyclists can travel safely in this area.

Due to a high number of bicycle injury collisions and escalating safety concerns at the Fell Street and Masonic Avenue intersection, Project 3-1 was granted relief from the Bicycle Plan injunction and was implemented in September of 2008. As a result, Project 3-1 is not included in this statement of overriding considerations.

Project 5-4: Bayshore Boulevard Bicycle Lanes, Cesar Chavez Street to Silver Avenue, Mod. Option 1

This project is associated with a significant and unavoidable loading impact (Bayshore Boulevard between Cesar Chavez and Industrial Streets) for both the existing and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Notwithstanding these significant and unavoidable impacts, the Project 5-4 is acceptable because it promotes and encourages safe bicycling along this segment of the Bayshore Boulevard corridor and would fill a gap in the existing bicycle route network, providing a connection between the Bayview, Mission, Potrero Hill and Portola neighborhoods. The new bicycle lanes and sharrows on Bayshore Boulevard would greatly improve the north-south bicycle network in this vital corridor, as well as enhance bicyclists' links to numerous east-west bicycle routes. The proximity of Route 25 to both the US-101 and I-280 freeways make Project 5-4 essential to improving bicyclist safety. The presence of and speed of vehicles in this corridor make it a challenging environment for bicyclists. The dedication of exclusive street space to bicyclists will greatly improve bicyclist visibility, limit the number of conflicts with parked vehicles, and reduce vehicle speeds. As a result, Project 5-4 is consistent with the City goal of improving road conditions and safety for bicyclists.

Project 5-5: Cesar Chavez Bicycle Lanes, I-280 to US 101 Freeways, Mod. Option 1

This project is associated a significant and unavoidable intersection impact (Evans/Cesar Chavez) in both the existing and cumulative conditions, as further detailed in the section on

significant and unavoidable impacts. However, the preferred project provides substantial City-wide benefit as it provides a critical east-west connection between I-280 and US 101. Bicycle lanes on Cesar Chavez Boulevard (Route 60) would enhance connections between Potrero Hill and the Mission neighborhood and help to overcome the significant barrier presented by US 101. Route 60 also links with Route 525 and Route 68, which connect to major destinations like S.F. General Hospital and China Basin. Bicycle lanes on Cesar Chavez also would improve safety for bicyclists by increasing space dedicated to bicycle travel and reducing traffic conflicts in one of the more auto-oriented section of the City.

Project 5-6: Cesar Chavez/26th Street Bicycle Lanes, Sanchez Street to US 101, Preferred Option not yet determined

This project results in numerous significant and unavoidable intersection and transit delay impacts as further detailed in the section on significant and unavoidable impacts. Yet, even with such impacts, the Cesar Chavez bicycle segment serves as valuable elements of the Bicycle Network. As part of Bicycle Route 60, Cesar Chavez and 26th Street provide a critical east-west route through the Bernal Heights and Mission neighborhoods. Bicycle ridership in this corridor also has increased substantially in recent years (a 39 percent increase at Cesar Chavez/Harrison since 2006). However, Cesar Chavez is one of the major arteries that serve US 101. The prevalence and speed of vehicular traffic in this area has made this corridor especially inhospitable to bicyclists and pedestrians. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Cesar Chavez and 26th Street will ensure that a growing number of bicyclists can travel safely in this area. Finally, this Project supports larger City efforts to revitalize and transform the Cesar Chavez corridor into a more "liveable" neighborhood that prioritizes non-motorized travel and inviting public spaces.

Project 5-13: San Bruno Avenue Bicycle Lanes, Paul Avenue to Silver Avenue, Preferred Option net yet determined

This project has significant and unavoidable loading impacts (west side of San Bruno between Paul and Silver Avenues) for Options 1 & 2 in both the current and cumulative conditions, as further detailed in the section on significant and unavoidable impacts. Even with such impacts, the preferred project would create an important new segment to the City's Bicycle Route Network with multiple benefits. Bicycle lanes on San Bruno Avenue would offer a new north-south connection between Route 70 on Silver Avenue and Route 5 on Paul Avenue, thereby enabling bicyclists to access the nearby Caltrain stations with greater ease. The addition of bicycle lanes also would facilitate more efficient use of roadway capacity and the narrowed lanes in the southbound direction would slow vehicular speeds. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility,

bicycle lanes on San Bruno Avenue will ensure that a growing number of bicyclists can travel safely in this area.

Project 6-5: Portola Drive Bicycle Lanes, Corbett Avenue to O'Shaughnessy Boulevard, Mod. Option 1; Project 6-6: Portola Drive Bicycle Lanes, O'Shaughnessy Boulevard/Woodside Avenue to Sloat Boulevard/St. Francis Boulevard, Modified Option 2; Project 6-2: Clipper Street Bicycle Lanes, Douglass Street to Portola Drive, Option 1

As a result of changes to project designs, Project 6-5 by itself is not associated with any significant or unavoidable impact. However, the combined design modifications of Project 6-5, Project 6-6, and Project 6-2 produces a significant and unavoidable transit delay impact in the cumulative condition, as further detailed in the section on significant and unavoidable impacts. Nevertheless, Project 6-5 provides many benefits as Portola Drive is an essential component to the City's Bicycle Route Network. Portola Drive already serves as Bicycle Routes 50, 55, and 60 which connect to Sloat Blvd., Clipper Street, 17th Street, Market Street, and Haight Street. Portola Drive also offers the primary flat route through this topographically challenging area of the City. By creating space specifically for bicyclists this project will greatly enhance the environment for bicyclists, while reducing the conflicts associated with large numbers of bicyclists riding on the sidewalk in this corridor. Motorists will also benefit from 8 additional parking spaces and a wider parking lane. By reducing lane width, dedicating more space for bicyclists, slowing vehicle speed, and improving bicyclist visibility, bicycle lanes on Portola Drive will ensure that a growing number of bicyclists can travel safely in this area. As a result, this project's benefits will outweigh the environmental detriments cited above.

The benefits of Project 6-6 also outweigh the impacts generated by its implementation. Project 6-6 serves as a necessary complement to Project 6-5. This project would promote and encourage safe bicycling along this segment of Portola Drive and complete a gap in the existing bicycle route network along this important route, providing a connection between the Diamond Heights, Saint Francis Wood, and West Portal neighborhoods.

Finally, Project 6-2 it will close a gap on Route 60 of the Bicycle Route Network and offer enhanced connectivity to numerous other routes (749/49/55/50) in the area. Clipper Street offers the only east-west connection between Noe Valley and Portola Drive and is essential component to ensuring that bicyclists can travel through the challenging topography of this neighborhood. Ridership in this area has also shown an increase in recent years (26 percent increase at Portola and O'Shaughnessy since 2006) and this new infrastructure is essential to safely accommodating new bicyclists. Thus, this project's benefits outweigh the identified environmental impacts.

Bicycle Plan and Long-Term Project Related Significant and Unavoidable Impacts and Overriding Considerations

The following section addresses the Bicycle Plan-related and Long term project-related significant and unavoidable impacts. Below is a list referring to the traffic, transit, and loading impacts related to these approval actions. Such impacts are further detailed in the section on significant and unavoidable impacts.

A. Plan-related Significant and Unavoidable Impacts

1. Bicycle Route Network Goals, Objectives and Action Items

   a) Impact – TR-A1.1: Traffic, Transit and Loading Impacts

   b) Impact – TR-A1.2: Traffic, Transit and Loading Impacts

   c) Impact – TR-A1.4: Traffic, Transit and Loading Impacts

2. General Plan Amendments, Environmental Review, and Citywide Coordination Goals, Objectives and Action Items

   a) Impact – TR-A7.1: Traffic, Transit and Loading Impacts

   b) Impact – TR-A7.3: Traffic, Transit and Loading Impacts

   c) Impact – TR-A7.4: Traffic, Transit and Loading Impacts

3. Bicycle Funding Goals and Objectives

   a) Impact – TR-A8.1: Traffic, Transit and Loading Impacts

B. Long-Term Improvements-related Significant and Unavoidable Impacts

1. Impact – TR-LT1: Traffic Impacts

2. Impact – TR-LT2: Transit Impacts

3. Impact – TR-LT3: Loading Impacts

Notwithstanding the significant and unavoidable impacts noted above related to the Plan and Long-Term improvements, the Commission finds, after considering the Final EIR and based on substantial evidence in the record and as set forth elsewhere in these findings and herein, that specific overriding economic, legal, social, technological, or other considerations outweigh the identified significant effects on the environment related to these actions.

1. The 2009 Bicycle Plan and long-term improvements are necessary components to ensuring that San Francisco becomes a world-class bicycling City for residents and visitors alike. As bicycling continues to emerge in San Francisco as a preferred and safe alternative transportation option, it will be essential for the City to continue to expand and modify the Bicycle Route Network and respond to changes in demand for bicycling infrastructure. These approval actions would enable the City to complete the bicycle route network, close network gaps, refine and rationalize the bicycle route network, and continue to improve bicyclist safety and riding experience.

2. Using bicycles instead of automobiles is considerably cheaper and often more effective. Bicycles can be more effective for police enforcement wherever there is considerable traffic congestion and at locations difficult to patrol by motor vehicle. Approval of the Bicycle Plan would allow for better promotion of the use of bicycles by City employees when attending meetings, performing field work, or conducting site inspections, as well as the establishment and expansion of programs designed to prioritize adding bicycles to the City's fleet whenever replacing or upgrading motor vehicles.

3. A large number of the long-term improvements are planned for areas of the City that are underserved by bicycling infrastructure, such as Mission Bay and Hunter's Point. As growth in the areas continues and planned development takes shape it is essential that these long-term improvements be implemented to provide existing and new residents access to a safe transportation option.

4. The long-term improvements at the Transbay Terminal will be essential to ensuring that bicyclists are able to access regional transit services. These long-term improvements will enable commuters, visitors, and residents to reduce their number of automobile trips and access parts of the region via safe, sustainable, and cost-effective transportation options.

5. Many of the long-term improvements have not been finalized and will be undergoing significant levels of additional study. As these projects undergo further design and environmental study it is expected that some of the identified impacts will be addressed through design changes or reduced to a less than significant level via mitigation.

Having considered these specific Project benefits, including the overall benefits of bicycling discussed above, the Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

Exhibit 1
Mitigation Monitoring and Reporting Program

Exhibit 1
Mitigation Monitoring and Reporting Program

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
A-1 MITIGATION MEASURES AGREED TO BY THE PROJECT SPONSOR WHICH REDUCE THE IMPACT TO LESS-THAN-SIGNIFICANT					
MITIGATION MEASURES FROM THE INITIAL STUDY					
CULTURAL AND PALEONTOLOGICAL RESOURCES					
Mitigation Measure 1: Archaeological Deposits Mitigation Measure (Accidental Discovery)					
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc.	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource "ALERT" sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to any soil disturbing activities.
The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.	Project sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of "ALERT" sheet but prior to any soils disturbing activities.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	
If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/ cultural significance.	Project sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Archeological consultant	In case of accidental discovery	Identify and evaluate archeological resources.	Make recommendation to the ERO	
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		
Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The MEA division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project sponsor		Distribution of Final FARR.		

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
BIOLOGICAL RESOURCES					
Mitigation Measure 3: Protection of Nesting Birds Mitigation Measure					
The project sponsor shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. Pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project implementation. A preconstruction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest.	Project sponsor and qualified ornithologist or wildlife biologist.	Prior to any on-site construction activities.	Pre-construction surveys for nesting birds to be conducted by a qualified ornithologist or wildlife biologist. If an active nest is found close to construction area, the ornithologist, in consultation with CDFG, shall determine construction-free buffer zone extent established around the nest.		

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES FROM THE DRAFT EIR					
TRANSPORTATION, CIRCULATION, AND PARKING					
NEAR-TERM IMPROVEMENTS					
Cluster 1: Financial District/North Beach Area					
M-TR-P1-1a: An alternative school passenger drop-off location would have to be identified to accommodate passenger loading demand, such as expanding the existing passenger drop-off location along the east side of Franklin Street between Pacific Avenue and Broadway on the west side of the school building. Alternatively, the passenger drop off zone on Broadway could be maintained by eliminating the proposed eastbound bicycle lane between Franklin Street and Van Ness Avenue and having bicyclists share the curb lane with motor vehicles, similar to existing conditions. With the implementation of either of these mitigation measures, the significant impact on loading for the students of Saint Brigid School would be reduced to less than significant under Existing plus Project conditions for Project 1-1.	SFMTA	Prior to implementation of Project 1-1.	SFMTA to identify and implement an alternative passenger loading zone as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P1-1b: Refer to Mitigation Measure M-TR-P1-1a, above for mitigation of this impact. With the implementation of either of these mitigation measures, the significant impact on loading for the students of Saint Brigid School would be reduced to less than significant under 2025 Cumulative plus Project conditions for Project 1-1.	SFMTA	Prior to implementation of Project 1-1.	SFMTA to identify and implement an alternative passenger loading zone as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P1-1c: Extend the existing passenger loading zone on the north side of Broadway near Webster Street towards the east, all the way to Buchanan Street. The passenger zone extension would be located to the right of the proposed bicycle lane and would be operational during school arrival and dismissal periods only (typically from 7:00 to 8:30 a.m. and from 2:00 to3:30 p.m.). This mitigation would reduce or eliminate incidents of double parking related to passenger loading and alleviate any associated congestion. With the implementation of this mitigation measure, the significant impact regarding loading for the students of Hamlin School would be reduced to less than significant under Existing plus Project conditions for Project 1-1.	SFMTA	Prior to implementation of Project 1-1.	SFMTA to implement the changes to passenger loading zone on the north side of Broadway near Webster Street as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P1-1d: Refer to Mitigation Measure M-TR-P1-1c, above, for mitigation of this impact. With the implementation of this mitigation measure, the significant impact on loading for the students of Hamlin School would be reduced to less than significant under 2025 Cumulative plus Project conditions for Project 1-1.	SFMTA	Prior to implementation of Project 1-1.	SFMTA to implement the changes to passenger loading zone on the north side of Broadway near Webster Street as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P1-3a: Per the California Manual on Uniform Traffic Control Devices (MUTCD), a signal warrant analysis was conducted to determine the feasibility of signalization of the Van Ness/North Point Street intersection. The criteria for signal warrants were satisfied. Therefore, signalization of this intersection was proposed as the mitigation measure. The intersection shall be converted from a three-way stop- controlled (FWSC) intersection to a signalized intersection (with the application of 90 seconds of cycle length) to improve intersection operations. With this improvement, the intersection operation would improve to LOS B, with 19 seconds of delay and a V/C ratio of 0.65. The intersection operations would improve from LOS E to LOS B for 2025 Cumulative plus Project conditions. Minimum green times required for pedestrians to cross the intersection would be maintained to the signal. Hence, this mitigation measure would reduce impacts of Project 1-3 to a less-than-significant level.	SFMTA	Prior to implementation of Project 1-3.	SFMTA to convert the intersection from a three-way stop-controlled intersection into a signalized intersection as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
Cluster 2: South of Market Area					
M-TR-P2-1o (Projects 2-1 and 2-16 combined): The implementation of Option 1 of the combined Projects 2-1 and 2-16 under Existing plus Project conditions would add approximately 863 seconds (14.4 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/ Harrison Street, and 2nd Street/ Folsom Street intersections, approximately 27 seconds of delay southbound and 266 seconds (4.4 minutes) of delay northbound would be added to Muni bus line 10. The total added delay of 293 seconds (4.8 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 from Modified Option 1 of the combined Projects 2-1 and 2-16 under Existing plus Project conditions would be reduced to a less-than-significant level.	SFMTA	Prior to Implementation of Project 2-1 and 2-16 combined.	SFMTA to modify the southbound 2nd Street traffic signal phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-1s: The implementation of Project 2-1 Modified Option 1 under Existing plus Project conditions would add approximately 845 seconds (14.1 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/ Harrison Street, and 2nd Street/Folsom Street intersections, approximately 27 seconds of delay southbound and 249 seconds (4.2 minutes) of delay northbound would be added to Muni bus line 10. The total added delay of 276 seconds (4.6 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 for individual Project 2-1 Modified Option 1 under Existing plus Project conditions would be reduced to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-1.	SFMTA to modify the southbound 2nd Street traffic signal phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-1u: The implementation of individual Project 2-1 Option 1 under 2025 Cumulative plus Project conditions would add approximately 450 seconds (7.5 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/ Harrison Street, and 2nd Street/Folsom Street intersections, delay would be reduced by approximately 170 seconds (2.8 minutes) southbound with approximately 403 seconds (6.7 minutes) of delay added northbound to Muni bus line 10. The total added delay of 233 seconds (3.8 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to Muni bus line 10 for individual Project 2-1 Modified Option 1 under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-1.	SFMTA to modify the southbound 2nd Street traffic signal phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-16c: Six seconds of green time shall be added to the eastbound Townsend Street approach and six seconds of green time shall be reduced from the northbound 7th Street approach, to improve the 7th Street/Townsend Street intersection operations from LOS F to LOS D, with 35.2 seconds of delay. It has been ensured that the minimum green times required for pedestrians to cross the intersection have been maintained even after the green time adjustments to the signal. Hence, this mitigation measure would reduce the project impacts of Project 2-16 Modified Option 1 to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to modify the traffic signal timing for the northbound 7th Street approach as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-16g: The westbound Townsend Street approach shall be modified from a permitted phase to a protected signal phase. In addition, five seconds of green time shall be added to the westbound Townsend Street approach and five seconds of green time shall be reduced from the southbound 4th Street approach. This would improve the 4th Street/Townsend Street intersection operations from LOS F to LOS D, with 42.2 seconds of delay. It has been ensured that the minimum green times required for pedestrians to cross the intersection have been maintained even after the green time adjustments to the signal. Hence, this mitigation measure would reduce the project impacts of Project 2-16 Modified Option 1 to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to modify the signal phase timing to the westbound Townsend Street direction as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Cluster 3: Civic Center/Western Addition					
M-TR-P3-1a (Projects 3-1 and 3-2 combined): Four seconds of green time shall be added to the northbound and southbound directions of Masonic Avenue and four seconds of green time shall be reduced from the westbound direction of Fell Street. With these adjustments, Masonic Avenue/Fell Street intersection operations will improve to LOS D, with 52.7 seconds of delay. It has been ensured that the minimum green times required for pedestrians to cross the intersection would be maintained even after the green time adjustments to the signal. Hence, this mitigation measure would reduce impacts from combined Projects 3-1 and 3-2 Option 1 to a less-than-significant level under Existing plus Project conditions.	SFMTA	Prior to implementation of Project 3-1 and 3-2 combined.	SFMTA to implement the signal phase timing changes as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P3-2f: Four seconds of green time shall be added to the northbound and southbound Masonic Avenue directions, with a corresponding reduction in green time in the westbound Fell Street direction of four seconds. With these adjustments, the Masonic Avenue/Fell Street intersection operations would improve to LOS D, with 45.8 seconds of delay and a V/C ratio of 1.1. It has been ensured that the minimum green times required for pedestrians to cross the intersection have been maintained even after the green time adjustments to the signal. Hence, this mitigation measure would reduce the project impacts at the Masonic Avenue/Fell Street intersection to a less-than-significant level for Project 3-2 Option 2 under Existing plus Project conditions.	SFMTA	Prior to implementation of Project 3-2.	SFMTA to implement the signal phase timing change as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Cluster 5: Mission/Glen Park/Excelsior Area					
M-TR-P5-4f (Projects 5-2 and 5-4 combined): The implementation of Modified Option 1 under 2025 Cumulative plus Project conditions for Projects 5-2 and 5-4 combined would add approximately 417 seconds (7.0 minutes) of total delay for Muni bus lines 9, 9X, 9AX and SamTrans 292. With mitigation as described above in Mitigation Measure 5.4e, transit delay would be reduced to approximately 70 seconds (1.2 minutes) of delay northbound and 13 seconds of delay southbound. The total added delay of approximately 83 seconds (1.4 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to transit for Muni bus lines 9, 9X, 9AX and SamTrans 292 for Projects 5-2 and 5-4 with Modified Option 1 combined under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.	SFMTA	Prior to implementation of Projects 5-2 and 5-4 combined.	SFMTA to implement the signal timing changes as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P5-4g: The implementation of Modified Option 1 under 2025 Cumulative plus Project conditions for Project 5-4 only would add approximately 417 seconds (7.0 minutes) of total delay for Muni bus lines 9, 9X, 9AX and SamTrans 292. With mitigation as described above in Mitigation Measure 5.4e, transit delay would be reduced to approximately 70 seconds (1.2 minutes) of delay northbound and 13 seconds of delay southbound. The total added delay of approximately 83 seconds (1.4 minutes) would be less than the transit delay threshold of six minutes. Therefore, impacts to transit for Muni bus lines 9, 9X, 9AX and SamTrans 292 for Project 5-4 only with Modified Option 1 combined under 2025 Cumulative plus Project conditions would be reduced to a less-than-significant level.	SFMTA	Prior to implementation of Project 5-4.	SFMTA to implement the signal timing changes as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
A-2 MITIGATION MEASURES AGREED TO BY THE PROJECT SPONSOR FOR WHICH IMPLEMENTATION WOULD IMPROVE CONDITIONS BUT WOULD NOT REDUCE THE EFFECTS TO LESS-THAN-SIGNIFICANT					
NEAR-TERM IMPROVEMENTS					
Cluster 2: South of Market Area					
M-TR-P2-1c: It is proposed that five seconds of green time be added to the northbound 2nd Street approach and five seconds of green time be reduced from the eastbound Harrison Street approach. This would improve the intersection operations from LOS F to LOS E. It has been ensured that the minimum green times required for pedestrians to cross the 2nd Street/Harrison Street intersection have been maintained even after the green time adjustments to the signal. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 2-1 Modified Option 1.	SFMTA	Prior to implementation of Project 2-1.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-1e: It is proposed that five seconds of green time be added to the northbound 2nd Street approach and five seconds of green time be reduced from the eastbound Harrison Street approach, thus improving the 2nd Street/Harrison Street intersection operations and reducing average delay. It has been ensured that the minimum green times required for pedestrians to cross the intersection have been maintained even after the green time adjustments to the signal. Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level for Project 2-1 Modified Option 1.	SFMTA	Prior to implementation of Project 2-1.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-1i: It is proposed that the southbound 2nd Street approach be modified from a protected phase to a permitted phase with no changes to green time allocation. This would improve the 2nd Street/Folsom Street intersection operations and reduce the average delay. Nevertheless, this mitigation measure would not reduce the project impacts of Project 2-1 Modified Option 1 to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-1.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-1q (Projects 2-1 and 2-16 combined): The implementation of combined Projects 2-1 and 2-16 Modified Option 1 under 2025 Cumulative plus Project conditions would add approximately 672 seconds (11.2 minutes) of delay for Muni bus line 10. With mitigation as described for the 2nd Street/Harrison Street (M-TR-P2-1c through M-TR-P2-1f), and 2nd Street/Folsom Street (M-TR-P2-1g through M-TR-P2-1j) intersections, delay would be reduced by approximately 169 seconds (2.8 minutes) southbound with approximately 625 seconds (10.4 minutes) of delay added northbound to Muni bus line 10. The total added delay of 495 seconds (7.6 minutes) would be greater than the transit delay threshold of six minutes. Therefore, a significant transit impact to Muni bus line 10 would occur resulting from implementation of Modified Option 1 of the combined Projects 2-1 and 2-16 under 2025 Cumulative plus Project conditions.	SFMTA	Prior to implementation of Project 2-1 and 2-16.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-7a (Projects 2-7 and 2-9 combined): The cycle length at the Fremont Street/Howard Street intersection shall be increased by 35 seconds (from 60 seconds to 95 seconds), so that the intersection will operate at LOS D with 54.9 seconds of delay. However, 54.9 seconds of delay is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. Therefore, this mitigation measure would not reduce the project impacts of combined Projects 2-7 and 2-9 to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-7 and 2-9 combined.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-7b (Projects 2-7 and 2-9 combined): The Fremont Street/Howard Street intersection operates at LOS D with 54.9 seconds of delay under Existing plus Project conditions relative to Existing conditions, with mitigation shown in Mitigation Measure M-TR-P2-7a. This is determined to be a significant impact since it is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. As a consequence, a corresponding LOS deterioration is expected at this intersection for 2025 Cumulative plus Project compared to 2025 Cumulative conditions. Therefore, a significant impact would occur at the Fremont Street/Howard Street intersection.	SFMTA	Prior to implementation of Project 2-7 and 2-9 combined.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-9a: It is proposed that the cycle length at the Fremont Street/ Howard Street intersection be increased by 35 seconds (from 60 seconds to 95 seconds). With this improvement, the intersection will operate at LOS D with 54.9 seconds of delay. However, 54.9 seconds of delay is close to the threshold of 55 seconds of delay which is deemed unsatisfactory operation. Therefore, this mitigation measure would not reduce the project impacts of Project 2-9 to a less-than-significant level.	SFMTA	Prior to implementation of Project 2-9.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-P2-9b: It is proposed that lane configuration adjustments be made to the westbound Howard Street direction to improve LOS and reduce the delay at the Fremont Street/Howard Street intersection. The westbound Howard Street approach shall be modified from one through lane and one shared through-right turn lane, into two through lanes and one exclusive right-turn lane. The LOS will remain at level F. Therefore, this mitigation measure would not reduce the project impacts of Project 2-9 to a less-than-significant level for 2025 Cumulative plus Project conditions.	SFMTA	Prior to implementation of Project 2-9.	SFMTA to modify the traffic signal timing phase as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements Are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-16e: It is proposed that lane configuration adjustments be made to the eastbound Townsend Street direction to improve LOS and decrease the amount of average delay. Assuming that the existing railroad alignment would be removed, the eastbound Townsend Street approach would be modified from one shared through-left turn lane and one exclusive right-turn lane to one shared through-left turn lane and one shared through-right turn lane. Hence, this lane adjustment decreases the amount of average delay and reduces the V/C ratio by 78 percent (from 5.52 to 1.24). This would improve intersection operations. Nevertheless, a significant impact would occur at the 7th Street/Townsend Street intersection with the implementation of Project 2-16 Option 1 under 2025 Cumulative conditions.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to make lane configuration adjustments to the eastbound Townsend Street direction as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO if new improvements are implemented.
Cluster 3: Civic Center/Western Addition					
M-TR-P3-2j: It is proposed that ten seconds of green time be added to the northbound Masonic Avenue direction, with a corresponding reduction of green time in the eastbound Turk Street direction of ten seconds, to improve intersection operations at the Masonic Avenue/Turk Street intersection to LOS E, with 72.5 seconds of delay and a V/C ratio of 1.29. It has been ensured that the minimum green times required for pedestrians to cross the intersection have been maintained even after the green time adjustments to the signal. However, the Masonic Avenue/Turk Street intersection would continue to operate at an unacceptable LOS, therefore the traffic impact would be significant even after this improvement measure is implemented.	SFMTA	Prior to implementation of Project 3-2.	SFMTA to implement signal phase timing change as described.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
A-3 MITIGATION MEASURES FOR WHICH THE FEASABILITY OF IMPLEMENTATION IS UNCERTAIN					
SAN FRANCISCO BICYCLE PLAN GOALS, OBJECTIVES, AND ACTION ITEMS					
M-TR-A1.1: Mitigation Measures defined in Subsection V.A.3 [of the Draft EIR] shall be implemented in association with the 60 near-term improvements proposed and implemented under the Bicycle Plan. For those identified significant impacts with respect to traffic, transit, and loading in Subsection V.A.3 for which no feasible mitigation measures have been identified, the impacts remain significant and unavoidable.	SFMTA	Prior to implementation of near-term improvements.	SFMTA to implement the feasible mitigation measures described below for the near-term improvements. Please see also mitigation measures for which feasibility has not been determined in the next section.	SFMTA to provide a report to ERO.	Quarterly report to ERO as new improvements are implemented.
M-TR-A1.2: Mitigation Measures discussed and defined in Subsection V.A.5 shall be implemented in association with long-term improvements proposed and implemented under the Bicycle Plan. Specific designs for the long-term improvements are unknown at this time. Once specific project designs for the long-term improvements are developed and analyzed for potential environmental impacts with respect to traffic, transit, parking, pedestrian, bicycles and loading, mitigation measures may be identified and implemented.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO as new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-A1.4: The indirect impacts of Action 1.4 could result in the implementation of improvements to support the City's Transit First Policy. Therefore, it would include potential impacts identified under all sections of this environmental review for the Bicycle Plan such as those discussed in the transportation impact analysis of the potential impacts of the near-term improvements, long-term improvements, and minor improvements as well as impacts that may result from future projects which would be similar to those discussed in this analysis. Physical improvements known at this time are analyzed in Subsections V.A.3, V.A.4, and V.A.5 of this EIR. As discussed in Subsection V.A.4, no significant impacts would result from implementation of the minor improvements. Mitigation measures have been identified in Subsections V.A.3 and V.A.5 that would address some of the significant impacts for near-term and long- term improvements. However, there are some impacts that would remain significant and unavoidable and those are also discussed in the above referenced sections.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements. Feasible mitigation measures for the near-term improvements are as described in the previous section.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-A7.1: As described under the mitigation measures M-TR-A1.1 and M-TR-A1.2 above for potential significant impacts TR-A1.2 and TR-A 1.2 resulting from Actions A1.1 and A1.2, Mitigation Measures defined in Subsections V.A.3 and V.A.5 shall be implemented in association with improvements proposed and implemented under the Bicycle Plan for potential indirect impacts resulting from Action 7.1.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements. Feasible mitigation measures for the near-term improvements are as described in the previous section.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-A7.3: As described under the mitigation measure M-TR-A1.4 above for potential significant impact TR-A1.4 resulting from Action A1.4, Mitigation Measures defined in Subsections V.A.3 and V.A.5 shall be implemented in association with improvements proposed and implemented under the Bicycle Plan for potential indirect impacts resulting from Action 7.3.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements. Feasible mitigation measures for near-term improvements are as described in previous section.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-A7.4: As described under the mitigation measure M-TR-A1.4 for potential indirect impact TR-A1.4 resulting from Action A1.4, Mitigation Measures defined in Subsections V.A.3 and V.A.5 shall be implemented in association with improvements proposed and implemented under the Bicycle Plan to address potential indirect impacts resulting from Action 7.4.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements. Feasible mitigation measures for the near-term improvements are as described in the previous section.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-A8.1: As described under the mitigation measures M-TR-A1.1 and M-TR-A1.2 above for potential significant impacts TR-A1.2 and TR-A 1.2 resulting from Actions A1.1 and A1.2, Mitigation Measures defined in Subsections V.A.3 and V.A.5 shall be implemented in association with improvements proposed and implemented under the Bicycle Plan to address potential indirect impacts resulting from Action 8.1.	SFMTA	Prior to implementation of long-term improvements.	SFMTA to identify and continue to investigate the effectiveness of potential feasible mitigation measures, whenever possible, for the long-term improvements. Feasible mitigation measures for the near-term improvements are described above.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
LONG-TERM IMPROVEMENTS					
M-TR-LT1.1: Unsignalized intersections may be signalized, as appropriate.	SFMTA	Prior to implementation of Long-term improvement.	SFMTA to implement intersection signalization, where appropriate, as described and to investigate the effectiveness of any potential mitigation measure.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT1.2: Changes may be made to signal timing (including redistributing green time from one phase to another, lengthening of signal cycle times, changing permitted movements to protected movements, signal coordination/ progression), as appropriate.	SFMTA	Prior to implementation of Long-term Improvements.	SFMTA to implement changes to signal timing, where appropriate, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
M-TR-LT1.3: Changes may be made to roadway geometry (e.g., changing shared lanes to exclusive turn lanes, proving exclusive right-turn or left-turn pockets), as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement roadway geometry changes, where appropriate, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT1.4: Floating bicycle lanes may be implemented, where on-street parking is restricted during peak periods, to provide for additional vehicular capacity, as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement floating bicycle lanes appropriate, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
M-TR-LT1.5: Parking may be eliminated to provide for additional vehicular capacity, as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement parking space removal as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT2.1: Signal pre-emption or other transit priority techniques may be applied to reduce overall transit travel times, as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement signal pre-emption or other transit priority techniques as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
M-TR-LT2.2: Bicycle proposals may be modified to create discontinuities in bicycle treatment to avoid transit delays, as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to create discontinuity in bicycle treatments as described, where appropriate, to facilitate transit operations, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT2.3: Bus stops may be reconfigured to facilitate bus operations, as appropriate.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement bus stops reconfiguration, where appropriate to facilitate bus operations, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
M-TR-LT2.4: Parking may be eliminated to substitute for lane removal and/or increase roadway capacity, as appropriate. In some instances, where either existing or projected cumulative conditions at intersections operate at LOS E or LOS F conditions, feasible mitigation measures would not be available, and transit impacts would remain significant and unavoidable.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to determine whether or not parking may be eliminated to substitute for lane removal and/or increase roadway capacity, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT3.1: Where feasible and required to respond to loading zone impacts, on-street parking layouts shall be modified to accommodate additional yellow commercial freight loading zones.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to determine where on-street parking layouts shall be modified to accommodate additional yellow commercial freight loading zones, where feasible and required, in order to respond to loading zone impacts, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-LT3.2: Traffic management strategies shall be developed and implemented, where feasible, to accommodate short-term passenger loading/unloading activities.	SFMTA	Prior to implementation of Long-term improvements.	SFMTA to implement traffic management strategies to accommodate short-term passenger loading/unloading activities, where appropriate, as described, and to continue to investigate the effectiveness of any potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
NEAR-TERM IMPROVEMENTS					
Cluster 2: South of Market Area					
M-TR-P2-16h: Feasibility of the following mitigation measures has not yet been determined. There is a range of potential treatments to address the issue at this intersection. One would be repositioning of the bus zone along the south side of Townsend Street. Another treatment would be reconfiguring the approach lanes to the intersection of 4th and Townsend Streets. Finally, installation of discontinuous bicycle lanes at the approach of the intersection could also be considered. Therefore, a significant transit impact would occur with implementation of Project 2-16 Modified Option 1 under Existing plus Project conditions.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to implement one of the identified potential treatments as described and to continue to investigate the effectiveness of the potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-16i: Refer to Mitigation Measure 2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant transit impact would occur to Muni bus line 45 under Existing plus Project conditions for Project 2-16 Modified Option 1.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to implement one of the identified potential treatments as described and to continue to investigate the effectiveness of the potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.
M-TR-P2-16l: Refer to Mitigation Measure M-TR-P2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant transit impact would occur to Muni bus line 30 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to implement one of the identified potential treatments as described and to continue to investigate the effectiveness of the potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P2-16m: Refer to Mitigation Measure M-TR-P2-16h above for mitigation of this transit impact. However, without determination of the feasibility of these measures, a significant transit impact would occur to Muni bus line 45 under 2025 Cumulative plus Project conditions for Project 2-16 Modified Option 1.	SFMTA	Prior to implementation of Project 2-16.	SFMTA to implement one of the identified potential treatments as described and to continue to investigate the effectiveness of the potential mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Cluster 5: Mission/Glen Park/Excelsior Area					
M-TR-P5-6a: Lane configuration adjustments to the eastbound and westbound direction on Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection from LOS F to LOS E. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the eastbound and westbound Cesar Chavez Street approaches. This additional capacity will help reduce the delay and improve the V/C ratio by 9 percent (from 1.31 to 1.18). However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact may occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6b: Lane configuration adjustments to the eastbound and westbound directions on Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M- TR-P6-5w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the eastbound and westbound Cesar Chavez Street approaches. This additional capacity will help reduce the delay and improve the V/C ratio by 23 percent (from 1.17 to 0.90). However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6c: Lane configuration adjustments to the westbound direction of Cesar Chavez Street would improve LOS and reduce the delay for the Guerrero Street/Cesar Chavez Street. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the westbound Cesar Chavez Street approach. This lane adjustment would decrease the delay and improve the V/C ratio by 28 percent (from 1.23 to 0.88) and improve LOS from F to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact may occur at the Guerrero Street/Cesar Chavez Street intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6e Lane configuration adjustments to the westbound direction along Cesar Chavez Street would improve LOS and reduce the delay at the Guerrero Street/Cesar Chavez Street intersection. The removal of on-street parking along Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) is proposed which would provide an additional through lane along the westbound approach of Cesar Chavez Street. This lane adjustment would decrease the delay and improve the V/C ratio by 26 percent (from 1.76 to 1.30). Nevertheless, this mitigation measure would not reduce the project impacts at Guerrero Street/Cesar Chavez Street to a less-than-significant level.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6h: Lane configuration adjustments to the eastbound and westbound directions along Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed from Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined, along Cesar Chavez Street in eastbound and westbound directions which would provide an additional through lane in both directions. These lane adjustments would decrease the delay and improve LOS from E to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6. In addition, bicycle lane discontinuity could occur at this location.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6j: Lane configuration adjustments to the eastbound and westbound directions along Cesar Chavez Street would improve LOS and reduce the delay at the Mission Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed from Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) along Cesar Chavez Street in the eastbound and westbound directions which would provide an additional through lane in both directions. These lane adjustments would decrease the delay and improve LOS from F to E. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Mission Street/Cesar Chavez Street intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6k: Lane configuration adjustments to the eastbound and westbound directions along Cesar Chavez Street would improve LOS and reduce the delay at the Cesar Chavez Street/South Van Ness Avenue intersection. It is proposed that on-street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) in both the eastbound and westbound directions on Cesar Chavez Street, which would provide an additional through lane along both approaches. These lane adjustments would decrease the delay and improve LOS from F to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Cesar Chavez Street/South Van Ness Avenue intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6l: Lane configuration adjustments to the westbound direction along Cesar Chavez Street would improve LOS and reduce the delay at the Cesar Chavez Street/South Van Ness Avenue intersection. It is proposed that on-street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) in the westbound direction which would provide an additional through lane along this approach. This lane adjustment would decrease the delay and improve LOS from E to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Cesar Chavez Street/South Van Ness Avenue intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6m: Lane configuration adjustments to the eastbound direction and westbound direction on Cesar Chavez Street would improve LOS and reduce the delay at the Cesar Chavez Street/South Van Ness intersection. It is proposed that on- street parking along Cesar Chavez Street be removed (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined) in both the eastbound and westbound directions on Cesar Chavez Street, which would provide an additional through lane along both approaches. These lane adjustments decrease the amount of average delay and reduce the V/C ratio by 22 percent (from 1.91 to 1.49). Nevertheless, this mitigation measure would not reduce the project impacts to a less-than-significant level.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6o: Lane configuration adjustments to the eastbound direction and westbound direction along Cesar Chavez Street would improve LOS and reduce the delay at the Bryant Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed along the eastbound and westbound directions on Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined), which would provide an additional through lane in both directions. These lane adjustments would decrease the delay and improve the V/C ratio by 29 percent (from 1.34 to 0.95) and improve LOS from F to D. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur at the Bryant Street/Cesar Chavez Street intersection with the implementation of Project 5-6.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6q: Lane configuration adjustments to the eastbound and westbound directions along Cesar Chavez Street would improve LOS and reduce the delay at the Bryant Street/Cesar Chavez Street intersection. It is proposed that on-street parking be removed in the eastbound and westbound directions along Cesar Chavez Street (applying either Option 1 or 2 per proposed possible Mitigation Measure M-TR-5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined), which would provide an additional through lane along both approaches. These lane adjustments would decrease the delay and improve the V/C ratio by 28 percent (from 2.04 to 1.47). Nevertheless, this mitigation measure Chavez Street intersection with the implementation of Project 5-6. would not reduce the project impacts to a less-than-significant level. Hence a significant impact would occur at the Bryant Street/Cesar Chavez Streets.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6s: The implementation of Modified Option 1 under Existing plus Project conditions would add 474 seconds (7.9 minutes) of total delay for Muni bus line 12 westbound. With mitigation as described in Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k,.M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined, this delay would be reduced to 262 seconds (4.4 minutes) of delay westbound for Muni bus line 12. This would reduce total delay below the transit delay threshold of six minutes. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur to Muni bus line 12 for Project 5-6 Modified Option 1 under Existing plus Project conditions.	SFMTA	Prior to implementation of Project 5-6 Option 1.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6t: The implementation of Option 1 under Existing plus Project conditions would add 867 seconds (14.5 minutes) of total delay for Muni bus line 27. With mitigation as described in Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined, delay in the westbound direction would be reduced to 324 seconds (5.4 minutes) of delay westbound and 29 seconds eastbound for a total added delay of 353 seconds (5.8 minutes). This would reduce total delay below the transit delay threshold of six minutes. However, because of the uncertainty of the feasibility of this mitigation measure, a significant impact would occur to Muni bus line 27 for Project 5-6 Option 1 under Existing plus Project conditions.	SFMTA	Prior to implementation of Project 5-6 Option 1.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6u: The implementation of Option 1 under 2025 Cumulative plus Project conditions would add approximately 1,487 seconds (24.7 minutes) of total delay for Muni bus line 12 westbound with mitigation as described in Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR- P5-6q, for which feasibility has not yet been determined. Therefore, a significant transit impact to Muni bus line 12 would occur with implementation of Project 5-6 with Option 1 under 2025 Cumulative plus Project conditions.	SFMTA	Prior to implementation of Project 5-6 Option 1.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6v: The implementation of Option 1 under 2025 Cumulative plus Project conditions would add approximately 2,429 seconds (40.5 minutes) of total delay for Muni bus line 27. With mitigation as described in Mitigation Measure M-TR-P5-6w in conjunction with proposed possible Mitigation Measures, M-TR-P5-6e, M-TR-P5-6h, and M-TR-P5-6j, M-TR-P5-6k, M-TR-P5-6l, M-TR-P5-6m, M-TR-P5-6o, M-TR-P5-6q, for which feasibility has not yet been determined, this delay would not be reduced westbound but would be reduced to 99 seconds (1.6 minutes) of delay eastbound. The total added delay of 1,897 seconds (31.6 minutes) would be greater than the transit delay threshold of six minutes. Therefore, a significant transit impact to Muni bus line 27 would occur with implementation of Project 5-6 with Option 1 under 2025 Cumulative plus Project conditions.	SFMTA	Prior to implementation of Project 5-6 Option 1.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
M-TR-P5-6w: As referenced in the above Mitigation Measures M-TR-P5-6e, M-TR-P5-6h, M-TR-P 5-6j, M-TR-P 5-6k, M-TR-P 5-6l, M-TR-P 5-6m, M-TR-P 5-6o, and M-TR-P 5-6q, the traffic analysis conducted for Project 5-6 included four study intersections along Cesar Chavez for the segment between Hampshire and Guerrero Streets. Analysis indicates that if the lane configurations corresponding to the No Project conditions can be provided, some impacts will be mitigated at these intersections. The following two options are part of proposed possible mitigation measures, for which feasibility has not yet been determined, to reinstate the lane configuration under No Project conditions. • **Option 1** Removal of parking – For the four study intersections analyzed, approximately 100 spaces would need to be removed on Cesar Chavez Street to mitigate the impacts at these locations. However, additional parking spaces may need to be removed to reduce impacts along the entire corridor. • **Option 2** Implementing a discontinuous bicycle lane – The consultant recommends the bicycle lane be discontinued at selected intersection approaches along Cesar Chavez Street. This option may reduce the number of parking spaces that need to be removed on Cesar Chavez Street compared to Option 1.	SFMTA	Prior to implementation of Project 5-6.	SFMTA to provide lane configuration adjustments corresponding to the No Project conditions with the implementation of one of the two options described in M-TR-P5-6w, and to continue to investigate the effectiveness of the potential mitigation measures as described in the referenced mitigation measures.	SFMTA to provide a report to ERO detailing feasible mitigation measures and the extent to which they reduce the identified impacts.	Quarterly report to ERO if new improvements are implemented.

Adopted Improvement Measures	Implementation Responsibility	Schedule	Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
B-1 IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR RELATED TO THE NEAR-TERM IMPROVEMENTS:					
I-P2-1a: To improve freight loading conditions in the 2nd Street corridor, metered parking spaces on Mission Street east of 2nd Street would be converted to yellow commercial freight loading zones. .	SFMTA	Prior to implementation of Modified Project 2-1.	SFMTA to convert metered parking spaces immediately adjacent to the two commercial freight loading zones on the west side of Hawthorne Street north of Folsom Street on 2nd Street would be converted to yellow commercial freight loading zones.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.

Adopted Improvement Measures	Implementation Responsibility	Schedule	Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
I-P2-1b: To improve freight loading conditions in the 2nd Street corridor, two metered parking spaces immediately adjacent to the aforementioned commercial freight loading spaces on Hawthorne Street would be converted to yellow commercial freight loading spaces.	SFMTA	Prior to implementation of Modified Project 2-1.	SFMTA to convert two metered parking spaces immediately adjacent to the aforementioned commercial freight loading spaces on Hawthorne Street to yellow commercial freight loading spaces.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.
I-P2-4a: In order to address improvements for the non-significant parking impacts resulting from the loss of on-street parking spaces under Existing plus Project and 2025 Cumulative plus Project Conditions, it is recommended that the existing parallel parking on some cross streets along 17th Street is converted to perpendicular parking. This improvement measure would reduce the net parking loss from 212 to 166 parking spaces.	SFMTA	Prior to implementation of Modified Project 2-4	SFMTA to investigate conversion of existing parallel parking on some cross streets along 17th Street along the project alignment to perpendicular parking.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.

Adopted Improvement Measures	Implementation Responsibility	Schedule	Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
I-P2-11a: In order to address improvements for the non-significant loading impacts resulting from the loss of on-street loading spaces under Existing plus Project and 2025 Cumulative plus Project conditions, it is recommended that the City conduct a loading needs analysis to determine how many and where additional on-street yellow commercial freight loading spaces are required on or near Market Street between Laguna and Noe Streets.	SFMTA	Prior to implementation of Modified Project 2-11	SFMTA to conduct a loading needs analysis to determine how many and where additional on-street yellow commercial freight loading spaces are required on or near Market Street between Laguna and Noe Streets.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.
I-P5-7a: This improvement measure is recommended to improve parking conditions with implementation of Project 5-7. The second phase design study for the Glen Park Station area conducted by the SFMTA could further investigate parking management strategies in this area, such as parking pricing, better striping and potential expansion of the existing parking lot on the north side of Bosworth Street. The Glen Park neighborhood has been working closely with the City on the development of a transportation concept plan for this area. It should consider potential loss of an additional 56 to 59 parking spaces due to the proposed bicycle improvements and identify acceptable strategies with the neighborhood organizations to address the issue of parking loss.	SFMTA	Prior to implementation of Project 5-7a	SFMTA could further investigate parking management strategies in this area, such as parking pricing, better striping and potential expansion of the existing parking lot on the north side of Bosworth Street.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.

Adopted Improvement Measures	Implementation Responsibility	Schedule	Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
B-2 IMPROVEMENT MEASURES RELATED TO THE LONG-TERM IMPROVEMENTS FOR WHICH FEASIBILITY HAS YET TO BE DETERMINED					
I-TR-LT3.1: Converting metered parking to yellow commercial freight loading zones, where feasible.	SFMTA	Prior to implementation of a long-term improvement	SFMTA to determine locations to convert metered parking to yellow commercial freight loading zones, where appropriate, and feasible.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.
I-TR-LT3.2: Developing and implementing traffic management strategies to accommodate short-term passenger loading/unloading activities, where feasible.	SFMTA	Prior to implementation of a long-term improvement	SFMTA to develop and implement traffic management strategies to accommodate short-term passenger loading/unloading activities, where appropriate and feasible.	SFMTA to provide a report to ERO detailing the implementation of improvement measures.	Quarterly report to ERO as new improvements are implemented.

Appendix G-4: CEQA documentation for amendments to the Planning Code addressing bicycle parking requirements in parking garages

Planning Department Case No. 98.280E- Amending Planning Code Sections 155.1, 155.2, 155.3 requiring bicycle parking in City owned parking facilities and privately owned parking garages; and requiring shower and locker facilities in new buildings and in buildings undergoing major renovations.

PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION FAX: 558-6409 ADMINISTRATION FAX: 558-6426 CURRENT PLANNING/ZONING FAX: 558-6409 LONG RANGE PLANNING FAX: 558-6426

CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title: 98.280E: Bicycle Transit Enhancement Plan
Location: Regulatory provision applicable to all properties within San Francisco
City and County: San Francisco

Description of Nature and Purpose of Project: Consideration of a proposal to amend Planning Code Section 155.1 to clarify the definitions and obligations of a "Responsible City Official" and "Landlord" and to delete obsolete implementation schedule provisions. The proposal also adds Planning Code 155.2 to require bicycle parking in City owned parking facilities and privately owned parking garages. Finally, the proposal adds Planning Code 155.3 requiring shower and locker facilities in new buildings and in buildings undergoing major renovations. The proposal would also amend the San Francisco Traffic and Administrative Codes to establish protections for existing bicycle facilities and lanes, to codify the rights and responsibilities of bicycle riders and to encourage development of guidelines for bicycle parking at public events.

Name of Person, Board, Commission or Department Proposing to Carry Out Project: San Francisco Board of Supervisors (Board File 98-0564)

EXEMPT STATUS: (Check One)

X General Rule Exclusion (State Guidelines, Section 15061(b)(3)).

REMARKS:

The proposed amendments to the Planning Code have no immediate physical attributes. They would clarify the definition of a "Responsible City Agency"and a "Landlord." In addition, they would require bicycle parking in City owned parking facilities and privately owned parking garages. Finally, they would require shower and locker facilities in new buildings and buildings undergoing major renovation. The provision of bicycle parking and shower/locker facilities would take up a small portion of the buildings and structures in which they would be located. They would have little, if any, impact on the public spaces within or outside of these buildings. The proposed amendments to the Traffic and Administrative Codes would either be non-physical, or would merely protect and preserve existing physical features related to bicycle usage in the City. Therefore, it can be seen with certainty that the proposal could not have a significant effect on the environment.

Contact Person: Tim Blomgren 558-6373

Date of Determination:

June 18, 1998

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

HILLARY E. GITELMAN,
Environmental Review Officer

cc: Paul Rosetter
Sponsor
Bulletin Board
M.D.F.
Exemption/Exclusion File

98.280E

PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION FAX: 558-6409 ADMINISTRATION FAX: 558-6426 CURRENT PLANNING/ZONING FAX: 558-6409 LONG RANGE PLANNING FAX: 558-6426

June 18, 1998

To: ALL INTERESTED PARTIES

From: Tim Blomgren
San Francisco Planning Department

Subject: Bicycle Transit Enhancement Plan
General Rule Exclusion
Case Number: 98.280E

Attached please find the Certificate of Determination of Exception/Exclusion from Environment Review for the Bicycle Transit Enhancement Project. This General Rule Exclusion supercedes the one previously issued. The current GRE has beeen expanded based on suggestions of the Planning Staff. Please discard the previous GRE. Thank you.

Appendix G-5

Appendix G-5: CEQA documentation for amendments to the Planning Code in connection with the Eastern Neighborhoods Rezoning.

The following materials include the Planning Code revisions pursuant to the Eastern Neighborhoods Area and Rezoning Plans. Applicable sections of the Planning Code that are updated include Planning Code Section 163 (Transportation Management Programs) and Planning Code Sections 151.1 (Parking Requirements).

Planning Department Case No. 2004.0160E- San Francisco Planning Commission Motion No. 17661 adopting environmental findings (and a statement of overriding considerations) under the California Environmental Quality Act and State Guidelines in connection with the adoption of the Eastern Neighborhoods rezoning and area plans project and related actions necessary to implement such plants. The plan area generally includes the eastern portion of the South of Market Area ("East SoMA"), the Mission, Showplace Square/Potrero Hill, and the Central Waterfront neighborhoods of San Francisco.

File No. 081153- Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plan comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of the Planning Code Section 101.1

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

SAN FRANCISCO

CITY PLANNING COMMISSION

MOTION NO. 17661

ADOPTING ENVIRONMENTAL FINDINGS (AND A STATEMENT OF OVERRIDING CONSIDERATIONS) UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE EASTERN NEIGHBORHOODS REZONING AND AREA PLANS PROJECT AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLANS. THE PLAN AREA GENERALLY INCLUDES THE EASTERN PORTION OF THE SOUTH OF MARKET AREA ("EAST SOMA"), THE MISSION, SHOWPLACE SQUARE/POTRERO HILL, AND THE CENTRAL WATERFRONT NEIGHBORHOODS OF SAN FRANCISCO.

Whereas, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken a planning and environmental review process for the proposed Eastern Neighborhoods Rezoning and Area Plans Project ("Project") and provided for appropriate public hearings before the Planning Commission.

Whereas, the Planning Department seeks to increase housing supply by identifying appropriate locations for residential use in the City's industrially zoned land to meet a citywide need for more housing, affordable housing in particular, in conjunction with retaining some industrial land supply to meet the current and future needs of the City's production, distribution and repair (PDR) businesses and the City's economy.

Whereas, the Planning Department facilitated a public planning process, which refined a series of proposals for land use, building heights, bulk and design, historic preservation, community facilities, streets (transportation, parking and loading), open space, public benefits, and other controls for the Eastern Neighborhoods Plan Area. The resulting Eastern Neighborhoods Area Plans Project is a comprehensive proposal for the area, including new Planning Code (zoning) controls, implementation strategy and a public improvements funding structure.

Whereas, the Eastern Neighborhoods Area Plan proposes nine new zoning districts in the area of San Francisco generally located on the eastern edge of the City as described in the preamble, including the following: Urban Mixed Use (UMU); Mixed-Use General (MUG); Mixed-Use Office (MUO); Mixed-Use Residential (MUR); Neighborhood Commercial Transit District-2 (NCT-2); Production, Distribution, Repair-1-General (PDR-1-G); Production, Distribution, Repair-1 Design (PDR-1-D); the Life

Sciences and Medical Special Use District (SUD); and the Innovative Industries Incubator SUD.

Whereas, the above mentioned use districts, depending on the District, would (1) permit only PDR uses; (2) permit at least some PDR uses in combination with commercial and/or residential uses; (3) permit a mix of residential and commercial uses; and (4) permit residential-only as described in detail in the *Materials for the Eastern Neighborhoods Initiation Hearing* (Volumes 1 through 3) transmitted to the City Planning Commission and made available to the general public on April 17, 2008. These use districts would replace existing industrial, commercial and residential single-use districts within the Project Area.

Whereas, the Planning Commission will consider— in conjunction with the proposed new use districts— adoption of General Plan amendments, including new and/or amended goals, objectives and policies as part of the East SoMa, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans in addition to other Planning Code amendments and procedures articulated in the *Materials for the Eastern Neighborhoods Initiation Hearing*. These include, but are not limited to, zoning map amendments, a community benefits fee program, and other zoning changes applicable not only to the Eastern Neighborhoods but other zoning districts.

Whereas, the actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Eastern Neighborhoods Area Plans and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Whereas, the Planning Department determined that an Environmental Impact Report ("EIR") was required for the proposed Eastern Neighborhoods Rezoning and Area Plans, and provided public notice of that determination by publication in a newspaper of general circulation on December 17, 2005.

Whereas, the Planning Department on June 30, 2007, published the Draft Environmental Impact Report ("DEIR"). The DEIR was circulated for public review in accordance with the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines, 14 California Code of Regulations, Section 15000 *et seq.*, ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning Commission held a public hearing on the DEIR on August 9, 2007.

Whereas, the Planning Department prepared responses to comments on the DEIR and published the Comments and Responses document on May 29, 2008, which together with the DEIR and additional information that became available, constitute the Final Environmental Impact Report ("FEIR").

Whereas, the Planning Commission, on August 7, 2008, by Motion No. 17659, reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the provisions of CEQA, the CEQA Guidelines, and Chapter 31.

Whereas, the Planning Commission by Motion No. 17659, also certified the FEIR and found that the FEIR was adequate, accurate, and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR that would have required recirculation under CEQA Guidelines Section 15088.5, and adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

Whereas, the Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the FEIR and overriding considerations for approving the Preferred Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and the actions associated with the Eastern Neighborhoods Area Plans Rezoning and hereby adopts the Project Findings attached hereto as Attachment A including a statement of overriding considerations, and including as Exhibit 1 the Mitigation Monitoring and Reporting Program.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of August 7, 2008.

Linda Avery
Commission Secretary

AYES:	Borden, More, Lee, Olague, Sugaya
NOES:	None
ABSENT:	None
EXCUSED:	Antonini, Miguel

ACTION: Adoption of CEQA Findings

ATTACHMENT A

EASTERN NEIGHBORHOODS REZONING AND AREA PLANS PROJECT

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Eastern Neighborhoods Rezoning and Area Plans Project and related approval actions (the "Preferred Project" or "Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the project, the Planning Commission actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than significant levels;

Section V discusses why a subsequent or supplemental EIR is not required;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support the rejection of the alternatives and access options analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the Planning Commission's actions and its rejection of the Alternatives not incorporated into the Project.

Attached to these findings as Exhibit 1 is the Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption. The Mitigation Monitoring and Reporting Program is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation

measure listed in the Final EIR ("FEIR") that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

a. Project Description

The subject of the proposed rezoning is an approximately 2,200-acre project area that includes four neighborhoods on the eastern side of San Francisco as illustrated on FEIR Figure 1: East SoMa, the Mission, Showplace Square/Potrero Hill and the Central Waterfront. The proposed rezoning would introduce new use (zoning) districts, including: (1) districts that would permit some production, distribution and repair (PDR) uses in combination with commercial uses; (2) districts mixing residential and commercial uses; (3) residential and PDR uses; and (4) new residential-only districts. The new districts would replace existing industrial, commercial and residential single-use districts. The Project would also include certain adjustments to height limits.

In conjunction with the proposed rezoning, the Planning Department has developed area plans for inclusion within the General Plan for the four neighborhoods in the project area. These plans address policy-level issues pertaining to historic resources, urban design (including building heights and urban form), transportation, open space, and community facilities. Adoption of the proposed area plans would necessitate amendments to the Planning Code, zoning maps, General Plan as well as adoption of interim historic preservation procedures.

b. Environmental Review

The Planning Department determined that an Environmental Impact Report ("EIR") was required for the Project. The Planning Department published the Draft EIR and provided public notice of the availability of the Draft EIR for public review and comment on June 30, 2007.

On June 30, 2007, a Notice of Completion and copies of the Draft EIR were distributed to the State Clearinghouse. Notices of availability for the Draft EIR of the date and time of the public hearings were posted on the Planning Department's website on June 30, 2007.

The Planning Commission held a duly noticed public hearing on the Draft EIR on August 9, 2007. At this hearing, opportunity for public comment was given, and public comment was received on the Draft EIR. The Planning Department accepted public comments on the Draft EIR from June 30, 2007 to September 14, 2007.

The Planning Department published the Comments and Responses on the Draft EIR on May 29, 2008. This document includes responses to environmental comments on the Draft EIR made at the public hearing on August 9, 2007 as well as written comments submitted on the Draft EIR from June 30, 2007 to September 14, 2007. The comments and responses document also contains text changes to the Draft EIR made by EIR prepares to correct or clarify information presented in the DEIR, including changes to the DEIR text made in response to comments.

c. Planning Commission Actions

The Planning Commission is being requested to take the following actions to approve and implement the Preferred Project.

- Certify the Final EIR.
- Adopt CEQA findings and a Mitigation Monitoring and Reporting Program.
- Determine consistency of the Eastern Neighborhoods Rezoning and Area Plans Project with the General Plan and Planning Code Section 101.1 Priority Policies, and recommend adoption to the Board of Supervisors.
- Approve adoption of amendments to the General Plan constituting the Eastern Neighborhoods Area Plans, pending approval by the Board of Supervisors.
- Approve and recommend to the Board of Supervisors related amendments to the San Francisco Planning Code and Zoning Maps.

d. Location of Records

The record upon which all findings and determinations related to the Project are based includes the following:

- The four Area Plans (East SoMa, Mission, Showplace Square/Potrero Hill and the Central Waterfront).
- The EIR, and all documents referenced in or relied upon by the EIR.
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives ("Options") set forth in the EIR.
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR, or incorporated into reports presented to the Planning Commission.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- All applications, letters, testimony and presentations presented to the City by the project sponsor and its consultants in connection with the Project.
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR.
- For documentary and information purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

- The MMRP.

- All other documents comprising the record pursuant to Public Resources Code Section 2116.76(e)

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, Suite 400, San Francisco. Linda Avery, Commission Secretary, is the custodian of these documents and materials.

II. Impacts Found Not To Be Significant, Thus Requiring No Mitigation

Finding: Based on substantial evidence in the whole record of this proceeding, the City finds that the implementation of the Preferred Project and associated Area Plans would not result any significant environmental impacts in the following areas: Visual Quality and Urban Design; Population, Housing, Business Activity and Employment (Growth Inducement); Parks, Recreation and Open Space; Mineral and Agricultural Resources; Wind; Utilities and Public Services; Biology; Geology/Topography; Water; and Energy and Natural Resources. Each of these topics is analyzed and discussed in detail including, but not limited to, in the EIR (and Initial Study or "IS") Chapters: 4.B; 4.C; 4.D; 4.H; 4.M; 6.D; 7.A-C (IS); 8.A-C (IS); 9.A, B (IS); 10.A-C (IS); 11.A-B (IS).

III. Findings of Potentially Significant Impacts That Can Be Avoided Or Reduced To A Less Than Significant Level

Finding: The California Environmental Quality Act (CEQA) requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible.

The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. These findings discuss mitigation measures as proposed in the FEIR and recommended for adoption by the Board of Supervisors, which can be implemented by City agencies or departments. Except for minor revisions shown in double underline and ~~strike-through~~ text in the language of Mitigation Measures F-3, G-2, G-3, E-11, K-2 and K-3 in Response to Comments on the DEIR, the mitigation measures proposed for adoption in this section are identical to the mitigation measures identified in the FEIR.

As explained previously, **Exhibit 1**, attached, contains the Mitigation Monitoring and Reporting Program required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in Chapter V of the EIR that is required to reduce or avoid a significant adverse impact. **Exhibit 1** also specifies the agency responsible for implementation of each measure, establishes monitoring actions and a monitoring schedule.

The Planning Commission finds that, based on the record before it, the mitigation measures proposed for adoption in the FEIR are feasible, and that they can and should be carried out by the identified agencies at the designated time. This Planning Commission urges other agencies to adopt and implement applicable mitigation measures set forth in the FEIR that are within the jurisdiction and responsibility of such entities. The Planning Commission acknowledges that if such measures are not adopted

and implemented, the Project may result in additional significant unavoidable impacts. For this reason, and as discussed in Section VI, the Planning Commission is adopting a Statement of Overriding Considerations as set forth in Section VII.

All mitigation measures identified in the FEIR that would reduce or avoid significant adverse environmental impacts are proposed for adoption and are set forth in **Exhibit 1**, in the Mitigation Monitoring and Reporting Program. With the exception of Mitigation Measure A-1 which is rejected due to infeasibility, all mitigation measures set forth in the FEIR are agreed to and adopted by the Planning Commission.

A. Transportation

1. Impact – Delays at Unsignalized Intersections
   a) Potentially Significant Impact

      Implementation of the Preferred Project could result in degradation of service levels to unsignalized study intersections in the Eastern Neighborhoods, a significant, adverse environmental impact.

   b) Mitigation Measure E-1 and Conclusion

      The City finds the potentially significant impacts listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure E-1, which would require the installation of traffic signals at the following intersections: De Haro/Division/King; Rhode Island/16th Streets; Rhode Island/Division Streets; and, 25th/Indiana. EIR p. 502 indicates that a number of proposed developments in the immediate vicinity of these intersections would contribute to growth in future traffic volumes and increased delays, and that implementation of signalization at specific intersections could be linked to subsequent development projects.

B. Noise

1. Impact – Construction Noise, Pile-driving
   a) Potentially Significant Impact

      Subsequent development proposals under the Preferred Project in the Eastern Neighborhoods plan area could entail pile-driving activities as part of construction. Pile driving would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. In general, pile-driving noise could be between about 90 and 105 dBA at 50 feet from pile-driving activity.

   b) Mitigation Measure F-1 and Conclusion

      The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-1, which would require that project sponsors ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration; no impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory

sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.

2. Impact – Construction Noise, Site Specific Noise Reduction Measures
   a) Potentially Significant Impact

      Subsequent development proposals under the Preferred Project in the Eastern Neighborhoods plan area could generate intermittent and temporary noisy construction procedures in proximity to sensitive land uses.

   b) Mitigation Measure F-2 and Conclusion

      The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-2. This measure, as discussed in detail on EIR pp. 507-508, requires the sponsors of subsequent development projects to develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. Measures could include, but are not limited to: erecting temporary noise barriers, utilizing noise control blankets, monitoring noise attenuation measures and posting signs during construction with contractor contact information of who to notify of complaints.

3. Impact – Interior Noise Levels
   a) Potentially Significant Impact

      For subsequent residential development not subject to the California Noise Insulation Standards (e.g., single-family dwellings) that could be developed in the Eastern Neighborhoods plan area, traffic noise could potentially result in a significant effect if interior noise were not adequately reduced, consistent with the state standards for multi-family housing. Other noise-sensitive uses such as schools, libraries, churches, and hospitals, where General Plan-recommended threshold for detailed noise reduction analysis is 65 dBA (Ldn) would be subject to this measure at many locations in the plan area.

   b) Mitigation Measure F-3 and Conclusion

      The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-3. This measure, as described in detail on EIR p. 508, would require the project sponsors of subsequent development projects to conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

4. Impact – Siting of Noise-Sensitive Uses

a) Potentially Significant Impact

The Preferred Project would facilitate some residential development in proximity to a mix of other uses including PDR uses that can generate operational noise, as well as other non-residential uses such as retail and entertainment, cultural/institutional/educational uses, and offices in the Eastern Neighborhoods plan area. Potential, short-term exceedences of ambient noise levels would result in a potentially significant effect on nearby sensitive receptors, if present in proximity to the noise sources.

b) Mitigation Measure F-4 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-4. This measure, as described in detail on EIR p. 508, would be implemented by the Planning Department, which would require the preparation of an analysis that includes a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

5. Impact – Siting of Noise-Generating Uses

a) Potentially Significant Impact

Given that the Preferred Project proposes a mix of land use types existing and new use districts adjacent to one another, subsequent development proposals in the Eastern Neighborhoods plan area could generate noise from industrial, commercial or entertainment uses in proximity to sensitive land uses in excess of General Plan-recommended levels.

b) Mitigation Measure F-5 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-5. To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the

proposed use would comply with the use compatibility requirements in the General Plan and in Police Code Section 2909l, would not adversely affect nearby noise-sensitive uses.

6. Impact – Open Spaces in Noisy Environments

a) Potentially Significant Impact

Depending on the type and design of residential development proposed, outdoor areas associated with subsequent residential uses that could be developed in the Eastern Neighborhoods plan area could also be exposed to noise levels above 60 dBA (Ldn). Residential developments often provide a roof deck or an interior courtyard that could create a noise-protected location for exterior recreation. Where such features are included, balconies associated with each residential unit are considered an architectural feature, not an outdoor recreational area that must comply with the San Francisco Land Use Compatibility Guidelines for Community Noise. However, these exterior features could be subject to potentially significant noise impacts if located in particularly noisy locations.

b) Mitigation Measure F-6 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure F-6. The Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.

C. Air Quality

1. Impact – Construction Air Quality

a) Potentially Significant Impact

Construction activities associated with subsequent development projects in the Eastern Neighborhoods plan area would occur intermittently at different sites in the project area as individual projects are proposed, approved, and implemented. Although the related impacts at any one location would be temporary, construction of these subsequent development projects could cause adverse effects on local air quality within the plan area. Construction activities could generate dust (including PM-10 and PM-2.5) primarily from fugitive sources (e.g., emissions released through means other than through a stack or tailpipe) and other criteria air pollutants primarily from operation of heavy construction equipment and machinery (primarily diesel operated) and construction worker trips.

b) Mitigation Measure G-1 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure G1 and shall condition approval of individual development proposals under the proposed project upon implementation of an appropriate dust abatement program, patterned after the Bay Area Air Quality Management District (BAAQMD) approach.

The BAAQMD approach to dust abatement, as put forth in the BAAQMD CEQA Guidelines, calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions. Specific actions of the overall program as described in detail on EIR pp. 509-511 include, but are not limited to: watering active construction sites, covering trucks hauling soils and loose materials, applying soil stabilizers and sweeping streets, limiting traffic speeds, replanting vegetation, and installing wind breaks.

San Francisco Ordinance 175-91 requires that non-potable water be used for dust control activities. Therefore, project sponsors would require that construction contractors obtain reclaimed water from the Clean Water Program for this purpose. Each subsequent project sponsor/contractor would also be required to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

2. Impact – Air Quality for Sensitive Land Uses

a) Potentially Significant Impact

Implementation of the Preferred Project would result in new use districts in the Eastern Neighborhoods plan area that could include housing and potentially other sensitive receptors within close proximity to high-volume roadways, as defined in the EIR, p. 511. This could result in potentially adverse affects health effects to sensitive receptors related to the exposure of PM2.5 (fine particulate matter of 2.5 microns or less, including diesel particulate matter, or DPM) and other pollutant emissions.

b) Mitigation Measure G-2 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure G-2. Within the Eastern Neighborhoods, new residential development that is proposed within 500 feet of the I-80, US 101, and I-280 freeways, or at any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles, shall, as part of its CEQA review, include

an analysis of PM2.5 and shall, if warranted based on the results, incorporate upgraded ventilation systems to minimize exposure of future residents to PM2.5 (which includes DPM) and other pollutant emissions, as well as odors. The analysis shall employ either site-specific modeling of PM2.5 concentrations or other acceptable methodology to determine whether the annual average concentration of PM2.5 from the roadway sources within 500 feet would exceed the threshold or action level of 0.2 micrograms per cubic meter.

If the incremental annual average concentration of PM2.5 concentration (from roadway sources only) were to exceed 0.2 micrograms per cubic meter at the project site, the project sponsor shall be required to install a filtered air supply system to maintain all residential units under positive pressure when windows are closed. The ventilation system, the specifics of which are described on EIR p. 511, shall be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution.

Sponsors of subsequent developments in the Eastern Neighborhoods shall also ensure the disclosure to buyers and renters regarding the findings of the analysis and consequent and inform occupant's proper use of any installed air filtration. If active recreation areas such as playgrounds are proposed as part of any future residential development, such areas shall be located at least 500 feet from freeways, if feasible.

Within the Eastern Neighborhoods, new residential development that is proposed within 1,000 feet of warehousing and distribution centers or other uses served by at least 100 trucks per day or 40 refrigerated trucks per day, or uses that generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require a screening-level health risk assessment or other comparable analysis prior to approval of such new residential development to ensure that the lifetime cancer risk from DPM or other TACs emitted from the uses described above is less than 10 in one million, or that the risk can be reduced to less than 10 in one million through mitigation, such as air filtration described above. The standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities.

3. Impact – Siting of Uses that Emit Diesel Particulate Matter (DPM)

a) Potentially Significant Impact

Implementation of the Preferred Project would result in new use districts in the Eastern Neighborhoods that could permit commercial, industrial, or other uses that could emit diesel particulate matter in proximity to sensitive receptors, as detailed below.

b) Mitigation Measure G-3 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure G-3. To minimize potential exposure of sensitive receptors to diesel particulate matter (DPM), for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, based on the ARB Air Quality and Land Use Handbook, the Planning Department shall require that

such uses generating substantial DPM emissions be located no less than 1,000 feet from residential units and other sensitive receptors, including schools, children's day care centers, parks and playgrounds, hospitals, nursing and convalescent homes, and like uses.

4. Impact – Siting of Uses that Emit Other Toxic Air Contaminants (TACs)
   a) Potentially Significant Impact

Implementation of the Preferred Project would result in new use districts in the Eastern Neighborhoods that could permit commercial, industrial, or other uses that could emit toxic air contaminants in proximity to sensitive receptors, as detailed below.

   b) Mitigation Measure G-4 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure G-4. For new development including commercial, industrial or other uses that would be expected to generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within 1,000 feet of the project site, prior to the first project approval action. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.

D. Archeological Resources

1. Impact – Soils Disturbing Activities on Properties with Previous Studies
   a) Potentially Significant Impact

Construction of subsequent development projects in the Eastern Neighborhoods plan area on properties with previously conducted studies could result in soils disturbing construction activities, which would have the potential to adversely affect archeological resources.

   b) Mitigation Measure J-1 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure J-1. This measure would apply to those properties within the project area for which a final archeological research design and treatment plan (ARDTP) is on file at the Northwest Information Center and the Planning Department (Archeological Mitigation Zone A as shown in Figure 29, Chapter IV of the EIR). Properties (listed by Assessor Block) within the project area subject to this measure include the following: 3749, 3762, 3763, 3764, 3765, 3766 in East SoMa; 3531 in the

Mission; 3780, 3781, 3782, 3783, 3910, 3915, and 3935 in Showplace Square/Portero Hill.

Any project resulting in soils-disturbance of 2.5 feet or greater below existing grade proposed within the AMM-A shall be required to submit to the Environmental Review Officer (ERO) for review and approval an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology and follow the reporting requirements as set forth on pp. 512-514 of the EIR.

2. Impact – Soils Disturbing Activities on Properties with No Previous Studies

a) Potentially Significant Impact

Construction of subsequent development projects in the Eastern Neighborhoods plan area on properties with no previously conducted studies could result in soils disturbing construction activities, which would have the potential to adversely archeological resources.

b) Mitigation Measure J-2 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure J-2. This measure would apply to those properties within the project area for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)), with the exception of those properties within Archeological Mitigation Zone B as shown in Figure 29 in Chapter IV, for which Mitigation Measure J-3, below, is applicable). That is, this measure would apply to the entirety of the study area outside of Archeological Mitigation Zones A and B.

For projects proposed outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology and follow the reporting requirements as set forth on pp. 514-515 of the EIR.

Based on the Sensitivity Study, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHP-eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level.

3. Impact – Soils Disturbing Activities in the Mission Dolores Archeological District

a) Potentially Significant Impact

Construction of subsequent development projects in the Mission Dolores Archeological Zones could result in soils disturbing construction activities, which would have the potential to adversely affect archeological resources.

b) Mitigation Measure J-3 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure J-3. This measure would apply to any project within the Mission Dolores Archeological District (Archeological Mitigation Zone B as shown in EIR Figure 29) involving installation of foundations, construction of a sub-grade or partial sub-grade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade.

Based on the presence of archeological properties of a high level of historical, ethnic, and scientific significance within the Mission Dolores Archeological District, the following measure shall be undertaken to avoid any significant adverse effect from soils disturbing activities on buried archeological resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. At the direction of the ERO, the archeology consultant may be required to have acceptable documented expertise in California Mission archeology. The scope of the archeological services to be provided may include preparation of an ARD/TP. The archeological consultant shall undertake an archeological testing and monitoring program, as specified in detail on EIR pp. 515-518.

In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

E. Hazardous Materials

1. Impact – Hazardous Materials during Construction

a) Potentially Significant Impact

The Preferred Project could increase the potential for exposure to hazardous materials, through increased demolition and renovation activities at properties within the Eastern Neighborhoods plan area. To the extent that the Preferred Project would encourage construction activity, temporary impacts or risks would occur during subsequent development in the plan area.

b) Mitigation Measure L-1 and Conclusion

The City finds the potentially significant impact listed above would be reduced to a less-than-significant level with implementation of Mitigation Measure L-1. The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.

IV. Significant Impacts That Cannot Be Avoided or Reduced to a Less Than Significant Level

Finding: Based on substantial evidence in the whole record of these proceedings, the City finds that, where feasible, changes or alterations have been required, or incorporated into, the Plan to reduce the significant environmental impacts listed below as identified in the FEIR. The City determines that the following significant impacts on the environment, as reflected in the FEIR, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the City determines that the impacts are acceptable due to the overriding considerations described in Section VII below. This finding is supported by substantial evidence in the record of this proceeding.

A. Land Use

1. Impact – Loss of PDR land supply, building space, and jobs
   a) Potentially Significant Impact

   Implementation of the Eastern Neighborhoods Rezoning and Area Plan Project would result in a potentially significant, adverse impact in the cumulative supply of land for PDR uses and would not be mitigable without substantial change in use controls on land under Port of San Francisco jurisdiction.

   b) Mitigation Measure and Conclusion

   The EIR identifies Mitigation Measure A-1, which urges the the Planning Commission and Board of Supervisors to ensure that the community planning process currently under way in Western SoMa places a priority on the maintenance of land use to controls to accommodate PDR uses and restricts potentially incompatible uses, such as residential and office development, to minimize conflicts with existing and potential future PDR businesses. Specifically, the land use controls adopted for Western SoMa could incorporate, at a minimum, no net loss of land currently designated for PDR uses, restrict non-PDR uses on industrial (or other PDR-designated) land, and incorporate restrictions on potentially incompatible land uses proximate to PDR zones.

The above measure is judged to be infeasible, because the outcome of the community-based Western SoMa planning process cannot be known at this time. Moreover, the above measure could be seen to conflict with other City policy goals, including the provision of affordable housing.

B. Transportation

c) 1. Significant Impact – Intersection Level of Service (LOS) Failures

A significant, adverse level-of-service impact would occur to the following intersections under Preferred Project conditions: Seventh/Harrison, 13th/Bryant, 13th/Folsom, South Van Ness/Howard/13th, Seventh/Brannan, Seventh/Townsend, Eighth/Bryant, Eighth/Harrison, Third/César Chávez, Third/Evans, and César Chávez/Evans.

d) Mitigation Measure and Conclusion

The EIR identifies Mitigation Measures E-2 through E-4 to address level of service failures at study intersections within the Eastern Neighborhoods. These measures address congestion, primarily peak-period traffic congestion, in the project area by calling for implementation of Intelligent Traffic Management System (SFGo) strategies, which could include system prioritization in critical corridors, using smart parking technology to reduce excessive driving in search of parking, and progressive signal metering; enhanced funding for congestion management programs and alternate modes of transport; as well as measures to reduce the incentive to drive to destinations within the Eastern Neighborhoods, such as by implementing policies that favor short-term parking and progressive parking rate structures to discourage commuter and long-term parking, better management of the residential parking permit program and reductions in the provision of off-street parking for subsequent uses that could be developed in the project area.

In sum, while these measures may reduce traffic congestion and improve intersection levels of service and operational conditions across the Eastern Neighborhoods transportation network, the EIR judged that adverse effects at local intersections could not be fully mitigated. Also, given the inability to determine whether adequate funding would be available to implement the measures detailed above, the feasibility of these mitigation measures is deemed uncertain. Thus, the EIR finds that level of service impacts to Eastern Neighborhood study intersections is significant and unavoidable.

2. Impact – MUNI Service

a) Significant Impact

The Preferred Project would result in a significant, adverse transit impact on Muni service affecting the following seven lines: 9-San Bruno, 22-Fillmore, 26-Valencia, 27-Bryant, 33-Stanyan, 48-Quintara, 49-Van Ness/Mission.

b) Mitigation Measures and Conclusion

The EIR identifies Mitigation Measures E-5 through E-11 to address impacts to Muni service. These measures address increased transit demand through calling for sufficient funding of transit operations; by focusing on transit corridor improvements (e.g., along Mission Street between 14th and Cesar Chavez Streets, 16th Street between Mission and Third Streets, Bryant Street or other parallel corridor between Third and Cesar Chavez Streets, a north-south corridor through portions of SoMa west of Fifth Street, and service connecting Potrero Hill with SoMa and downtown) to reduce headways, so that capacity utilization factors meet Muni's capacity standard of 85 percent; implementing service recommendations from the Transit Effectiveness Project (TEP), Better Streets Plan and Bicycle Plan when available and as feasible; provide additional funding for MUNI maintenance and storage facilities; increase passenger amenities, such as expanded installation of the Next Bus service and new bus shelters; expand use of Transit Preferential Street technologies to prioritize transit circulation in the Eastern Neighborhoods; as well as expansion of the Transportation Demand Management program in the project area to promote the use of alternate modes of transportation.

While these measures may reduce operating impacts and improve transit service within the Eastern Neighborhoods, the EIR judged that adverse effects to the above transit lines could not be fully mitigated. Also, given the inability to determine the outcome of ongoing studies (e.g., TEP, Better Streets, etc.) and whether adequate funding would be available to implement the measures detailed above, the feasibility of these mitigation measures is deemed uncertain. Thus, the EIR finds that impacts to transit impacts in the Eastern Neighborhood study area are significant and unavoidable.

C. Historic Architectural Resources

1. Impact – Material Impairment to Historic Architectural Resources

a) Significant Impact

Implementation of the Preferred Project in the Eastern Neighborhoods plan area would result in a significant, adverse environmental impact related to historical resources. Demolition or significant alteration of buildings that are identified as historical resources, potential resources, or age-eligible properties could be anticipated to occur as a result of development subsequent to implementation of the Preferred Project. The EIR indicates that such impacts could occur individually (to single buildings) as well as cumulatively (to known or potential historic districts).

b) Mitigation Measures and Conclusion

The EIR identifies Mitigation Measures K-1 through K-3 to address impacts historic architectural resources. Measure K-1 entails specific interim actions that the Planning Department would take as part of its review of subsequent building applications for projects in the Eastern Neighborhoods. These actions would take effect upon adoption of the Preferred Project and would sunset when the Landmarks Preservation Advisory Board (LPAB) endorses the Project's

completed historic resource survey findings. Specific measures that could reduce adverse effects to historic resources, though not a level of insignificance, include: LPAB review of all new construction, demolition or major alteration within the entire Plan Area over 50 feet, or 10 feet taller than adjacent buildings, built before 1963; review by a historic technical specialist all permit applications that propose exterior modifications to the street facade(s) of historic resources (as defined in Preservation Bulletin 16); and registration of neighborhood associations in the Department's Block Book Notification program for permit activity on blocks and lots of particular interest.

The EIR also identifies Mitigation Measures K-2 and K-3, as detailed in EIR pp. 520-522 to address potentially significant impacts to the South End and the Dog Patch Historic Districts. These measures require rigorous review of building permit applications in both historic districts, to address potentially adverse changes to individual resources and the integrity of the overall district associated with increased building heights and alterations to the districts' character-defining features.

For purposes of a conservative analysis, and pending completion of historical resources surveys for the entire project area, the Preferred Project's indirect effect on historical resources is judged to be significant and unavoidable even with implementation of the above-cited mitigation, as it is unlikely that no future development proposal in the Eastern Neighborhoods could result in demolition, alteration, or other changes to one or more historical resources such that the historical significance of those resources would be "materially impaired."

D. Shadow

1. Impact – Shadow on Existing Parks and Open Spaces
   a) Significant Impact

Implementation of the Preferred Project could result in significant, adverse shadow impacts on the following parks and open spaces in the Eastern Neighborhoods: Victoria Manalo Draves Park, South of Market Recreation Center/Eugene Friend Recreation Center, Alice Street Community Gardens, and South Park in East SoMa; KidPower Park, Franklin Square, Mission Playground, Alioto Mini-Park, 24th and York Mini Park and the James Rolph Playground in the Mission; Potrero del Sol Park and Jackson Playground in Showplace Square/Potrero Hill; and, Esprit Park, Warm Water Cove and Wood Yard Mini-Park in the Central Waterfront.

   b) Mitigation Measure and Conclusion

Potential shadow impacts from future proposed development—including from buildings not subject to Section 295—would be evaluated on a project-specific basis, and shadow effects could be limited through design of individual projects, in accordance with existing Planning Department guidelines (e.g., Residential Design Guidelines, Industrial Design Guidelines, pertinent provisions of the Planning Code, etc.) that takes into consideration shading effects on nearby parks. However, because the feasibility of complete mitigation for potential new shadow impacts cannot be determined at this time, it cannot concluded that shadow effects of the Preferred Project would be less than significant, and therefore the impact is judged to be significant and unavoidable.

V. Why Subsequent Environmental Analysis or Recirculation is Not Required

Finding: For the reasons set forth below and elsewhere in the Administrative Record, none of the factors are present which would necessitate recirculation of the Final EIR under CEQA Guideline Section 15088.5 or the preparation of a subsequent or supplemental EIR under CEQA Guideline Section 15162. The Comments and Responses document thoroughly addressed all public comments that the Planning Department received on the Draft EIR. In response to these comments, the Department added new and clarifying text to the EIR and modified some mitigation measures. In addition, since publication of the Draft EIR, the staff, in response to public comments and additional staff evaluation of the Eastern Neighborhoods proposal, modified Option B and related Eastern Neighborhood documents in order to craft the Preferred Project as described more fully in the Eastern Neighborhood staff reports and attached materials.

The Comments and Responses document, which is incorporated herein by reference, analyzed all of these changes, including the Preferred Project, and determined that these changes did not constitute new information of significance that would alter any of the conclusions of the EIR. Further, additional changes to the Preferred Project have been incorporated into the project after publication of the Comments and Responses document. These changes have been addressed orally by staff or in staff reports, which statements and reports are incorporated herein by reference, and based on this information, the Planning Department has determined that these additional changes do not constitute new information of significance that would alter any of the conclusions of the EIR.

Based on the information set forth above and other substantial evidence in light of the whole record on the Final EIR, the Commission determines that the Preferred Project, is within the scope of project analyzed in the Final EIR; (2) approval of Preferred Project will not require important revisions to the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) taking into account the Preferred Project and other changes analyzed in the Final EIR, no substantial changes have occurred with respect to the circumstances under which the Project are undertaken which would require major revisions to the Final EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the Final EIR; and (4) no new information of substantial importance to the Project has become available which would indicate (a) the Preferred Project or the approval actions will have significant effects not discussed in the Final EIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment. Consequently, there is no need to recirculate the Final EIR under CEQA Guideline 15088.5 or to prepare a subsequent or supplemental EIR under CEQA Guideline Section 15162.

VI. Evaluation of Project Alternatives

This Section describes the EIR alternatives ("EIR Options") and the reasons for rejecting the Alternatives. This Article also outlines the Preferred Project's purposes and provides the rationale for selecting or rejecting alternatives, and describes the Preferred Project alternative components analyzed in the EIR.

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the project, which would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen effects of the project, and evaluate the comparative merits of the project." (CEQA Guidelines, Section 15126.6(a)). As discussed on EIR p. I-5:

> Unlike most EIRs, this EIR contains no separate chapter analyzing alternatives to the proposed project. This is because this EIR does not analyze a preferred project; instead, this EIR evaluates Rezoning Options A, B, and C, as well as a future No-Project scenario (i.e., the circumstance in which none of the rezoning options is adopted; also identified as the 2025 No-Project scenario), at an equal level of detail, as EIR alternatives, throughout this document.

CEQA requires that every EIR evaluate a "No Project" alternative as part of the range of alternatives analyzed in the EIR. The Eastern Neighborhoods Rezoning and Area Plans EIR's No Project analysis was prepared in accordance with CEQA Guidelines Sections 15126.6(e)(3)(A) and (C).

Alternatives provide a basis of comparison to the Preferred Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of the Preferred Project.

A. Reasons for Selection of the Preferred Project

As discussed above, this EIR analyzes alternatives at an equal level of detail. Moreover, the EIR also analyzes two sub-area options developed by the community for the Northeast Mission Industrial Zone or the NEMIZ. Finally, as part of the Eastern Neighborhoods Initiation Packet (April 17, 2008), staff has submitted a "Preferred Project" to the Planning Commission, based on EIR Option B, as described in detail in the Comments and Responses on the DEIR.

The EIR analyzes the following scenarios:

- Rezoning Option A
- Rezoning Option B
- Rezoning Option C
- 2025 No-Project scenario
- NEMIZ Community Plan — The People's Plan variant
- NEMIZ Community Plan — Mission Coalition for Economic Justice and Jobs (MCCEJJ) variant
- Preferred Project

These scenarios are discussed in greater detail in Chapter III, Project Description, of the EIR and pp. C&R-5 through C&R-36 in the Comments and Responses on the DEIR.
In approving the Preferred Project, the Planning Commission has carefully considered the attributes and the environmental effects of the Preferred Project and the scenarios discussed in the FEIR. This consideration, along with reports from City staff, public testimony, and community workshops has resulted in the Preferred Project.

The following are the project sponsor's objectives presented in the EIR:

1. Reflect Local Values: To develop a rezoning proposal that reflects the land use needs and priorities of each neighborhood's stakeholders and that meets citywide goals for residential and industrial land use.

2. Increase Housing: To identify appropriate locations for housing in the City's industrially zoned land to meet a citywide need for more housing, and affordable housing in particular.

3. Maintain Some Industrial Land Supply: To retain an adequate supply of industrial land to meet the current and future needs of the City's production, distribution, and repair businesses and the city's economy.

4. Improve the Quality of All Existing Areas with Future Development: To improve the quality of the residential and nonresidential places that future development will create over that which would occur under the existing zoning.

The Preferred Project is selected because it would promote the greatest achievement of all of the following objectives, which would not be attained to the same extent by any of the other EIR alternatives. The Preferred Project achieves the project sponsor's objectives in the following way:

- Engage in a multi-stakeholder, interdepartmental planning effort to further the overarching goals of the City's General Plan by managing population and economic growth in light of specific conditions in the Eastern Neighborhoods. (In furtherance of the Objectives 1, 2 and 4 above)

The Preferred Project is the product of over eight years of study, planning and public participation. The Preferred Project's Area Plans and Planning Code amendments are informed by the following background studies and related planning efforts in the administrative record: Supply/Demand Study for Production, Distribution, and Repair (PDR) in San Francisco's Eastern Neighborhoods (Economic and Planning Systems, 20005); Community Planning in the Eastern Neighborhoods Rezoning Options Workbook Draft (2003); Profiles of Community Planning Areas (2002); Summit on Industrial Land (2002); and Industrial Land in San Francisco: Understanding Production, Distribution, and Repair (2002).

Other policy documents and reports apprise decisionmakers of the non-physical impacts associated with the Preferred Project, including a Department of Public Health-sponsored study, the Eastern Neighborhoods Community Health Impact Assessment (ENCHIA). This study has informed the Preferred Project through coordinated policy development (e.g., related to childcare, transportation, pedestrian circulation and safety), proposed zoning code changes (e.g., open space requirements), and incorporating mitigation measures (e.g., air quality and noise) in the Preferred Project.

The Department also considers socioeconomic effects in developing the Area Plans policies, informed by a Socioeconomic Impact Analysis, prepared independently of the CEQA review (Hausrath Economic Group, 2007). These studies indicate a need to connect the development to the neighborhood and ensure that community benefits are provided to outweigh some of the potential non-physical impacts from new development. The results led the department to conduct a Needs Assessment and Nexus study to determine the feasibility and legality of new impact fees. (San Francisco Eastern

Neighborhoods Nexus Study, Seifel Consulting, May 2008, and Eastern Neighborhoods Financial Analysis, Memorandum to Interested Parties from Sarah Dennis, February 27, 2008). These new fees would provide revenue essential to the development of the neighborhood infrastructure needs.

- Create a complete neighborhood with a balance of housing and jobs. (In furtherance of Objectives 1, 2, and 3 above)

The Preferred Project creates neighborhoods with a balance of space for housing and jobs. The Preferred Project forecasts a greater potential amount of residential development than would be encouraged under the continuation of current zoning controls in to the future. In order to balance housing growth with the retention of space for jobs and businesses, the Preferred Project retains more space for PDR jobs than under the No Project scenario, but less land than under Options A; PDR land supply is conservatively judged to be between Options B and C. About 431 acres of land are maintained for PDR jobs in the Preferred Project as compared to Option B, which maintains 451 acres of land. Because the amount of PDR lost as part of the project cannot be precisely gauged, the EIR finds that the Preferred Project would result in significant impact on the cumulative land supply of land for PDR uses. However, in recognition of providing for a diversity of future employment types, the Preferred Project also proposes two special use districts and controls (e.g., "UMU," "Hybrid Office/PDR District," Small Enterprise Workspace controls, etc) where office growth would be permitted as well as about 357 acres of land zoned for a mixed of uses where growth of other types of business activity in the commercial, retail and personal/business service sectors could also be accommodated within the Eastern Neighborhoods, in close proximity to housing.

The Preferred Project seeks to balance and accommodate residential growth in the Plan Area while minimizing land use conflicts. For example, by delineating PDR-only zones and designating new mixed use residential areas, the Preferred Project seeks to stabilize the market for PDR uses as well as to create opportunities to provide more housing than under a 2025 No Project scenario in places where it can best be accommodated in light of existing (and planned) infrastructure investment.

- Strengthen the community's supply of housing, especially affordable housing, by encouraging well-designed housing in previously industrial areas. (In furtherance of Objecitves1, 2, and 3 above)

The Preferred Project designates much of the previously industrially zoned land (e.g., the M-1, M-2 and C-M districts) for housing development, more than would be allowed under the No Project scenario and EIR Options A and B. The Preferred Project seeks to ensure that residential development is encouraged but that the benefits of the up-zoning (e.g., increases in height limits, relaxation of density requirements, etc.) are captured and returned to the community in the form of public benefits that could be funded by fees to address community services, parks, infrastructure and transit needs. The Preferred Project also introduces an "Urban Mixed Use" district, which proposes increased affordability requirements over current citywide inclusionary housing requirements set forth in Planning Code Section 315. Feasibility and nexus studies were conducted to ensure that the increased amount of affordable housing would be both legally permitted and economically viable.

- Strengthen the economic base of the Preferred Project Area and the community by retaining space for production, distribution and repair businesses, while still

allowing space for new and innovative industries in parts of the Eastern Neighborhoods Plan Area. (In furtherance of Objectives 1 and 3 above.)

Production, Distribution, and Repair uses, such as printing and publishing, arts activities, catering, wholesaling and automobile repair, are the most prevalent land uses in the Eastern Neighborhoods. In the Eastern Neighborhoods, 45 percent of the population, or 32,467 people are employed in PDR businesses. PDR uses in the Eastern Neighborhoods tend to be clustered to take advantage of agglomerative economies, proximity to transportation and/or customer base, and access to a particular labor pool and the appropriate industrial building stock prevalent in the Plan Area. Retention of these jobs and spaces is critical to the City's economy. As discussed above, although the EIR conservatively finds that the cumulative loss of PDR land supply may be potentially significant, the zoning and area plan proposals include a number of districts and provisions that could positively encourage development of future PDR and other commercial uses in flexible workspaces for innovative and emerging industries. Moreover, the EIR also found that the Preferred Project's population, job and housing growth would be less than significant.

- Revise the height districts and provide urban design guidelines and standards throughout the Eastern Neighborhoods Plan Area to sculpt an urban form that maximizes housing opportunities mediated by building type, street-level livability, views, and effects on the local skyline. (In furtherance of Objective 2 above.)

The Preferred Project increases existing height limits within portions of the Plan Area to accommodate new residential growth and space for future business activities. Subsequent projects in the Eastern Neighborhoods would generally be characterized as infill, and the proposed height districts take into account cumulative changes in the built environment with respect to existing neighborhood scale, character and views. The greatest heights would be permitted in East SoMa where the area's wide streets can accommodate a taller building stock; in most cases, heights at intersections taper mid-block. Height districts would be moderate in the mixed-use areas in Showplace Square, the Central Waterfront and the Mission to promote, among other things, the development of taller, spacious ground floor spaces for PDR and commercial uses, as called for by the Area Plans' policies. On smaller streets and alleys, new height controls would limit heights based on the width of the alley; developments on east-west alleys are subject to additional controls to ensure light and air reach the sidewalk by requiring subsequent developments to be set back with the sun angle. Area Plans also address the preservation and enhancement of existing view corridors through modulation of building heights and landscaping/streetscaping policies. New residential development in the Plan Area would further be controlled by the proposed Planning Code amendments that control building mass and articulation, transparency and activation of ground floor commercial spaces, curb cuts, alley frontages and supporting open space for residential units.

- Improve the city's open spaces and streets by renovating existing parks, providing new parks and open spaces and street tree plantings, implementing traffic calming strategies as well as other streetscape improvements. (In furtherance of Objective 4 above)

The Preferred Project's Area Pans establish policies that call for improvements to the public realm to foster increased pedestrian use and enjoyment of public streets by proposing streetscaping ("greening") and "living street" strategies, such as encouraging wider sidewalks, upgraded street furniture and street tree plantings. Such

improvements would provide ecological benefits, as well as new and enhanced open space opportunities for existing and future residents. The Area Plans call for creating new neighborhood- parks in each of the four Eastern Neighborhoods as well as improving existing parks. The Preferred Project also proposes an increased residential open space requirement that would be more than double what is required by current zoning controls. The Preferred Project's parks policies, open space requirements, and improvements to public rights-of-way in the Eastern Neighborhoods would improve the public realm enhance livability, ensuring that restorative spaces are neighborhood-serving, within a short walk from housing and other amenities.

- Improve the operation and convenience of all transportation modes, with a focus on transit, bicycle, and pedestrian movement. (In furtherance of Objective 4 above.)

In recognition of the City's Transit First Policy, the Preferred Project establishes a compendium of policies to balance transportation choices in the Plan Area. Such policies call for reducing dependence on private automobile use and infrastructure improvements to encourage increased use of transit, bicycle, and walking to reach destinations and meet daily needs. The Area Plans also include policy changes that would relieve neighborhoods of parking minimum requirements; off-street parking would instead be controlled through maximum caps based on use size and type to ensure some continued increment of car-free housing, similar to historic and existing development patterns.

- Undertake the public improvements proposed in the area plans by using innovatively the full range of public financing tools to support the City in meeting its share of the planning and development responsibility for the quality and character of the public realm. (In furtherance of Objective 4 above.)

The Preferred Project identifies community improvements necessary to accommodate projected growth of residential and commercial development in the Plan Area while maintaining and improving community character. The Preferred Project, through the Eastern Neighborhoods Implementation Program (Case 2004.0160UU dated April 17, 2008), incorporated herein by reference, also identifies a number of potential revenue sources to fund community improvements include:

- Public agency grants (federal and state funding as well as General Fund monies);
- Community benefit districts, parking benefit districts and other assessment districts;
- Parking and/or curb cut impact fees;
- Sale of Development Credits; and
- Development Fee Impact Program

B. Alternatives Rejected and Reasons for Rejection

The Planning Commission rejects the Options (CEQA alternatives) set forth in the FEIR and listed below because the Planning Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section in addition to those described in Section VII below under CEQA Guidelines 15091(a)(3), that make infeasible such alternatives.

No Project Scenario

The No Project scenario assumes that the Planning Commission would not adopt and implement the Preferred Project. Future development within the project area would take place under existing zoning controls. The No Project scenario would not be desirable nor meet the Preferred Project objectives for the following reasons.

Balanced Growth: Current zoning controls conditionally permit housing and office development in the existing M-1, M-2 and C-M use districts. The No Project scenario would represent an ongoing pattern of incremental, ad hoc residential development in primarily industrially zoned areas that would result in significant, adverse land use effects on PDR businesses and the City's cumulative supply of PDR land. In contrast to the Preferred Project, the No Project scenario would not comprehensively plan future growth in the Eastern Neighborhoods and would not establish a coordinated public benefits program to offset development impacts brought about by changes in and intensification of land uses.

Housing: Fewer housing units would be produced under a future No Project Scenario compared to the Preferred Project. The No Project scenario forecasts 2,870 units without amendments to current zoning controls. In contrast, the Preferred Project, through coordinated General Plan, Planning Code and map amendments, would produce about 6,910 more housing units (est. 9,780 units total). The Preferred Project would also increase the proportional production of below-market-rate dwellings compared to current Planning Code requirements through increased affordability and inclusionary requirements tied to certain use districts (e.g., UMU) as opposed to a No Project scenario, which would assume no change to the City's current Inclusionary Housing Ordinance.

Transit: Between 2000 and 2025, the growth in transit trips within the Eastern Neighborhoods and the remainder of San Francisco is anticipated to increase by about 254,000 trips, an increase of about 20 percent over baseline conditions. In the Eastern Neighborhoods, transit trips would make up about 38 percent of the growth in daily travel demand, an increase of almost 28,000 daily transit trips. A portion of this increase in transit demand would be accommodated within the existing service, however, as new development occurs, additional transit service in terms of greater frequency and line extensions and/or new bus lines would be required. Additional support facilities (bus yards) and equipment (buses and light rail vehicles) would also be required. The No Project scenario would allow for the continued development of residential and other uses in areas of the Eastern Neighborhood without an associated comprehensive neighborhood planning and policy framework to direct transit infrastructure and streetscape improvements to areas of existing and future need.

Historic Architectural Resources: The EIR finds that projected growth under the No Project scenario would result in adverse effects, though fewer resources would be at risk than under the Preferred Project because height and density provisions would be amended to stimulate additional growth. However, a No Project scenario would not lead to adoption of historic resources policies or Article 10 amendments to address future development standards in the South Beach or Dogpatch Historic Districts. While the Preferred Project would also result in significant impacts to historic resources (see Statement of Overriding Considerations, Section VII), the Preferred Project would implement robust set of preservation policies tailored to the Eastern Neighborhoods in the context of a comprehensive planning framework, not assumed under a No Project scenario.

Public Realm Improvements and Community Benefits Program: Under a No Project scenario, neighborhood-specific policies in the four Area Plans that pertain to streetscape and public realm improvements would not be adopted. Absent pertinent Area Plan policies, streetscape and public space planning would be guided by the provisions of the General Plan, the Board of Supervisor's Better Street's Policy (Ord. 33-06) and the Better Streets Plan. The No Project scenario is rejected because it would not meet the objective to "Improve the Quality of Existing Areas with Future Development." It would be less effective in advancing the general goals and objectives of the Better Streets Policy and Plan because no neighborhood-specific Area Plan policies would be adopted to guide subsequent streetscape improvements tailored to the Eastern Neighborhoods, as opposed to Preferred Project conditions. Moreover, a No Project scenario would not apply a public benefits program to subsequent projects, which, as described below, would result in lesser City revenue for investment in neighborhood infrastructure improvements.

For the reasons listed above and in Section VII, Statement of Overriding Considerations, the Commission hereby rejects the No Project scenario.

EIR Options A, B and C

EIR Options A, B and C vary in the aggregate amounts of land use types and locations within the Eastern Neighborhoods (see EIR Chapter III, Project Description, and pp. C&R-5 through C&R-36 for more information). EIR Options A, B and C would not be desirable nor meet the Preferred Project objectives for the following reasons.

Balanced Growth: Option A would retain the most land for PDR uses and convert the least amount of industrially zoned land to mixed-use/residential development. Conversely, Option C would retain the least amount of land for PDR uses and rezone a greater amount of land for a mixed of residential and commercial uses. Option B and the Preferred Project would fall within this range (see EIR, pp. 58-82). The amount of land available for land uses also affects business activity and economic growth. The EIR (Table 2) finds that between about 1,000 and 9,470 PDR jobs are forecast to be eliminated in the future associated with the rezoning options, with positive growth assumed in non-industrial employment sectors. The community has stated a preference for the retention of space for PDR jobs. On balance, the Preferred Project would result in less loss of PDR space and jobs than Option C and the No Project but would be similar to Options B.

Housing: Housing forecasts assume that 7,390 units would be produced under EIR Option A; 7,385 units under Option B; 9,780 units under the Preferred Project; and 9,860 units under Option C. Compared to the Preferred Project, Option A would result in 2,390 fewer units and Option B 2,395 fewer. Option C would result in about 90 units greater than Option C. Options A is rejected because it would establish more PDR zoning than assumed sufficient to meet the City's needs, while achieving lesser residential development than the Preferred Project. Option B is rejected because residential development forecast under this EIR Option would generate less marginal revenues that could be reinvested in community benefits compared to the Preferred Project. Option C is rejected because it is forecast to achieve a similar amount of housing production on a greater amount of land that would be rezoned from industrial to residential use, resulting in an adverse impact to the City's ability to meet its future industrial land supply needs; the Preferred Project, by upzoning heights along certain street corridors, would avoid such impacts.

Transit: Transit impacts of the Preferred Project are assumed to be comparable to those under Option C, meaning that the Preferred Project would result in significant, unavoidable impacts on seven Muni lines (lines 9, 22, 26, 27, 33, 48 and 49) as opposed to 10 lines under a No Project scenario, two lines under Option A and three lines under Option B. In recognition of the significant capacity exceedences to Muni, the MTA is preparing a Transportation Implementation Study (2008) that analyzes mobility needs and the transportation impacts of the Preferred Project. The study would focus on implementing transportation improvements related to impacts cited in the EIR. In East SoMa, such improvements may entail: providing better connections to Rincon Hill, Transbay and West SoMa; in Showplace Square/Potrero Hill: enhancing connectivity from Potrero Hill to downtown via Mission Bay by coordinating the proposed 30/45 trolley reroute with future land uses, in addition to strengthening transit linkages to downtown, Caltrain, and the Civic Center and 16th Street Bart stations; in the Mission: evaluating possible limited-stop service or bus bulbouts to increase operational efficiencies along Mission Street and future east-west bus rapid transit corridor on 16th Street; and in the Central Waterfront: undertaking improvements to east-west transit service including connections to the 22nd Street Caltrain station and Third Street Light Rail. While the Preferred Project would result in greater transit impacts than Options A, B and the No Project, it is judged to better achieve the project sponsor's goals and objectives than the other options. See Section VII, Statement of Overriding Considerations for more information.

Community Benefits Program: As described Exhibit VI-I, Implementation Document of the *Materials for Eastern Neighborhoods Area Plans Initiation Hearing*, the Preferred Project contains specific funding strategies and sources identified in the Improvements Plan, and matches these sources to estimated costs. The level and amount of fee applied to subsequent projects would depend on the 1) the use district in which the proposal is located (whether existing residential/commercial or formerly industrial) and 2) whether or not height increases are granted as part of the Preferred Project. As the Preferred Project would accommodate a greater amount of future residential growth than Options A, B or the No Project, potential revenues that could be used for neighborhood improvements would also be greater than those Options. While Option C would generate close to the same amount of housing (and fees), this Option is not desirable due the potential for this Option to result in significant adverse effects related to the City's ability to meet its future PDR land supply and building space needs.

These alternatives are rejected because the Commission finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternatives infeasible, as set forth above and as described in the EIR.

NEMIZ Community Plan—People's Plan Variant

The Preferred Project incorporates many of the recommendations from the People's Plan variant that applied to the Northeast Mission Industrial Zone. However, because this alternative designated additional large sites, such as the Potrero Center, for PDR and applied a PDR Auto-Service Overlay District on South Van Ness this alternative produces less housing than the Preferred Project. This variant is rejected because the Commission finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternatives infeasible, as set forth above and as described in the EIR.

NEMIZ Community Plan-MCEJJ Variant

The Preferred Project incorporates many of the elements of the MCEJJ variant that applied to the Northeast Mission Industrial Zone This zoning variant would open up much of the PDR areas in the Northeast Mission to allow for housing. This variant would result in fewer acres retained for PDR space and therefore result in a greater job loss than the Preferred Project. This variant is rejected because the Commission finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make such Alternatives infeasible, as set forth above and as described in the EIR.

Additional Alternatives Proposed by the Public

During the public comment period, various property owners, residents and commenters proposed alternative land use types to the Preferred Project. To the extent that these comments addressed the adequacy of the EIR analysis, they were described and analyzed in Responses to Public Comments pages C&R 37-C&R 146. Comments related to the merits of the project, including but not limited to specific Planning Code or map amendments divergent from the EIR Options, variants and Preferred Project are addressed in Exhibit I-2, Volume 1 of the *Materials for Eastern Neighborhoods Area Plans Initiation Hearing* submitted to the Planning Commission April 17, 20078.

For the reasons listed above and in Section VII, Statement of Overriding Considerations, the Commission hereby rejects EIR Options A, B and C.

C. Environmentally Superior Alternative

EIR Option A is the Environmentally Superior Alternative because it would result in the greatest supply of land retained for PDR uses. Option A would also result in significant traffic effects at fewer intersections than would Options B, C, the Preferred Project or the No Project scenario and would result in lesser transit impacts than would Options B, C, the Preferred Project or the No Project scenario. Option A would also result in comparatively fewer potentially significant impacts on historical resources than Options B and C and the Preferred Project. Otherwise, the three rezoning options and Preferred Project would have similar impacts. However, for the reasons stated above and in Section VII, this alternative is rejected as infeasible.

VII. Statement of Overriding Considerations

Notwithstanding the significant effects noted above, pursuant to Public Resources Code Section 21081(b), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social, technical and other considerations, as set forth below, outweigh the identified significant effects on the environment. In addition, the Commission finds that the EIR Options described in the FEIR that have been either partially or totally rejected, are also rejected for the following specific economic, social or other considerations, in and of themselves, in addition to the specific reasons discussed in Section IV.A above:

1. The Preferred Project is the most consistent, comprehensive approach to balancing housing and the retention of industrial land and building supply in the Eastern Neighborhoods in light of the range of feasible rezoning options studied in the EIR. As discussed in Section VI.A above, the Preferred Project addresses

the project sponsor's objectives, in that it would reflect local values, increase housing, maintain and protect some industrial land supply to address the City's future needs, and improve the quality of all existing areas with future development.

2. The Preferred Project would provide new housing, especially affordable housing and accommodate space for PDR businesses as well as space for small offices and retail uses. In conjunction with the future growth and intensification of these uses in the Plan Area, the EIR finds that the Preferred Project would increase automobile traffic such that the level of service at certain intersections would degrade to unsatisfactory levels, but, on balance increases in traffic volumes would be offset by the benefits associated with increased housing production, particularly below market rate housing, as well as new PDR and office space that would generate economic activity in the Plan Area. In addition, the Preferred Project includes a fee program that would assist with the provision of improved public transit and other streetscape amenities.

3. The Preferred Project, through application of the Hybrid Office/PDR use district and Small Enterprise Workspaces controls could accommodate a flexible mix of future employment generating uses in non-traditional type workspaces.

4. The Preferred Project, by permitting student housing in the Eastern Neighborhoods Mixed Use and PDR-1-D Districts, could accommodate student housing needs related to the housing demands generated by higher-educational institutions located in the Plan Area.

5. The Preferred Project would create denser, more transit-oriented neighborhoods than currently exit in the Plan Area, which would intensify the use of transit (MUNI) services. The Preferred Project focuses the new housing and job growth in areas that are transit-oriented; consequently, the Project would reduce reliance on private automobile use. This approach is contrasted with haphazard and dispersed development patterns, characterized by the No Project scenario, that create the need for additional car trips. The Preferred Project would create a development pattern more in keeping with the City's Transit First policy. The Preferred Project would also increase funding for MUNI through the Community Infrastructure Improvements Fee and therefore the new development would offset some of the impacts to MUNI capacity associated with the Preferred Project.

6. The Preferred Project seeks to create a holistic urban form that would enhance neighborhood character and promote high-quality buildings that relate to existing historic and non-historic structures and districts alike. The Plan Area's urban design and historic preservation policies seek to relate subsequent development projects to the neighborhood setting, while also recognizing the unique characteristics of the Eastern Neighborhoods to the rest of the City. This would occur in the context of the proposed Area Plan's urban design and preservation policies, as well as residential and industrial design guidelines. However, in order to balance new residential development opportunities with the retention sufficient land for industrial activities, some historic architectural resources may be adversely affected. Therefore, the Commission finds that the foregoing benefits listed above outweigh potential historic resource impacts associated with the Preferred Project.

7. The Planning Department cannot predict with certainty whether proposals for subsequent development projects in the Plan Area pursuant to the Preferred Project would shade parks and open spaces; therefore a conservative estimate assumes that there would be shadow impacts to existing and proposed park sites. The Preferred Project seeks to create an urban form that would enhance the neighborhood and increase space for new housing, as well as other uses. Height limit increases would incentivize subsequent development that would provide housing opportunities for diverse populations in transit-rich locations. Therefore, the Commission finds that the foregoing benefits listed above outweigh potential shadow impacts associated with the Preferred Project.

8. The Preferred Project would generate substantial financial benefits for the City. For instance, the Preferred Project would provide direct funding to the City for development of community infrastructure in the Plan Area through a fee program. The Preferred Project would also indirectly benefit the City financially through increased tax revenues and receipt of additional grant funds for the specific projects within the Plan Area. These financial benefits and the resulting community infrastructure benefits are detailed in the Eastern Neighborhoods Public Benefits document, which is incorporated herein by reference. The Public Benefits document asserts that the projected costs for many of the planned improvements are covered by projected revenue opportunities, as shown in a summary of primary projected revenue sources below.

   Summary Table of Projected Revenue, Preferred Project

Source	Funding
Secured Funding	$30-$50 m
Fee Revenue	$100 -$150 m
Potential Grants	$100-$125 m
Agency Funding	varies
Projected Revenue	$245 m
Tax Increment, Other	$100-$200 m
Total Revenue/Need	$400 m

   Implementation of the Preferred Project would generate revenues that can be used to promote an enhanced quality of life in the Plan Area, such as by establishing new and enhanced open spaces (e.g., Brannan Street Wharf, Crane Cove Park, and the expansion of Warm Water Cove.), as well as converting existing surface parking lots and portions of public right-of-ways into a new public park in the Showplace Square Area. Additionally, the Preferred Project calls for providing funds to improve library services and incorporating public art in the design of streets, and for funding for childcare facilities and recreational facilities to achieve appropriate levels of service. As illustrated above, some of this funding would be generated by fees associated with approval of subsequent development projects that could occur under the project conditions.

   All of the benefits associated with Preferred Project described above under individual headings are restated here in conjunction with other project benefits described elsewhere in the Administrative Record. Having considered these Preferred Project benefits, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable in light of the information presented in the entire administrative record.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MEASURES DEEMED FEASIBLE				
F. Noise				
Mitigation Measure F-1: Construction Noise (from Initial Study) For subsequent development projects within proximity to noise-sensitive uses that would include pile-driving, individual project sponsors shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.
Mitigation Measure F-2: Construction Noise (from Initial Study) Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible: • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed.				
Mitigation Measure F-3: Interior Noise Levels For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	Design measures to be incorporated into project design and evaluated in environmental/ building permit review, prior to issuance of a final building permit and certificate of occupancy	San Francisco Planning Department and the Department of Building Inspection	Considered complete upon approval of final construction drawing set.
Mitigation Measure F-4: Siting of Noise-Sensitive Uses To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	Design measures to be incorporated into project design and evaluated in environmental/ building permit review, prior to issuance of a final building permit and certificate of occupancy	San Francisco Planning Department and the Department of Building Inspection	Considered complete upon approval of final construction drawing set.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measure F-5: Siting of Noise-Generating Uses To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the General Plan and in Police Code Section 2909I, would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	Design measures to be incorporated into project design and evaluated in environmental/ building permit review, prior to issuance of a final building permit and certificate of occupancy	San Francisco Planning Department and the Department of Building Inspection	Considered complete upon approval of final construction drawing set.
Mitigation Measure F-6: Open Space in Noisy Environments To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.	Project Architect of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project	Design measures to be incorporated into project design and evaluated in environmental/ building permit review	San Francisco Planning Department and the Department of Building Inspection	Considered complete upon approval of final construction drawing set.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
G. Air Quality				
Mitigation Measure G-1: Construction Air Quality (from Initial Study) The City shall condition approval of individual development proposals under the proposed project upon implementation of an appropriate dust abatement program, patterned after the Bay Area Air Quality Management District (BAAQMD) approach described below. The BAAQMD approach to dust abatement, as put forth in the BAAQMD CEQA Guidelines, calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions. Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following: • Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). • Pave, apply water (reclaimed if possible) three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. • Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. Elements of the "enhanced" dust abatement program for project components that disturb four or more acres are unlikely to be required, in that no sites anticipated for development in the Plan area are as large as four acres. Should a site this size be proposed for development, dust control shall include all of the "basic" measures in addition to the following measures to be	Project Sponsor along with Project Contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.	During construction	Each Project Sponsor to provide Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
implemented by the construction contractor(s): ▪ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). ▪ Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). ▪ Limit traffic speeds on unpaved roads to 15 miles per hour. ▪ Limit the amount of the disturbed area at any one time, where possible. ▪ Pave all roadways, driveways, sidewalks, etc. as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the BAAQMD prior to the start of construction. The "optional" dust-control measures supplement the "basic" and "enhanced" programs to address site-specific issues. They include: ▪ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. ▪ Install windbreaks, or plant tree/vegetative wind breaks at windward side(s) of construction areas. ▪ Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. Ordinance 175-91, passed by the San Francisco Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, project sponsors would require that construction contractors obtain reclaimed water from the Clean Water Program for this purpose. The City would also condition project approval such that each subsequent project sponsor would require the contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period. Implementation of Mitigation Measure G-1 would reduce construction-related air quality effects to a less-than-significant level.				
Mitigation Measure G-2: Air Quality for Sensitive Land Uses Within the Eastern Neighborhoods, new residential development that is proposed within 500 feet of the I-80, US 101, and I-280 freeways, or at any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles, shall, as part of its CEQA review, include an analysis of $PM_{2.5}$ and shall, if warranted based on the results, incorporate upgraded ventilation systems to minimize exposure of future residents to $PM_{2.5}$ (which includes DPM) and other pollutant emissions, as well as odors. The analysis shall employ either site-specific modeling of $PM_{2.5}$ concentrations or other acceptable methodology to determine whether the annual average concentration of $PM_{2.5}$ from the roadway sources within 500 feet would exceed the threshold or action level of 0.2 micrograms per cubic meter. For purposes of this mitigation measure, $PM_{2.5}$ serves as a proxy for pollutant exposures from roadway vehicles that is amenable to both exposure analysis and the setting of a significance threshold. According to the Department of Public Health, this threshold, or action level, has been shown to result in an increase of approximately 0.28 percent in non-injury mortality, or an increase of approximately 20 "excess deaths" per year (i.e., deaths that would occur sooner than otherwise expected) per one million population in San Francisco. If the incremental annual average concentration of $PM_{2.5}$ concentration (from roadway sources only) were to exceed 0.2 micrograms per cubic meter at the project site, the project sponsor shall be required to install a filtered air supply system to maintain all residential units under positive pressure when windows are closed. The ventilation system, whether a central HVAC (heating, ventilation and possibly air conditioning) or a unit-by-unit filtration system, shall include high-efficiency filters meeting minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (equivalent to approximately ASHRAE Standard 52.1 Dust Spot 85%). Air intake systems for HVAC shall be placed based on exposure modeling to minimize roadway air pollution sources. The	Project Sponsor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Upon initiation of environmental review for specific development projects that fall within the use characteristics and geographic parameters established by mitigation measure.	San Francisco Planning Department, Department of Public Health and the Department of Building Inspection	Considered complete upon approval of final construction drawing set showing HVAC system, as appropriate.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
ventilation system shall be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution. In addition to installation of air filtration, the project sponsor shall present a plan that ensures ongoing maintenance plan for the ventilation and filtration systems. The project sponsor shall also ensure the disclosure to buyers and renters regarding the findings of the analysis and consequent and inform occupant's proper use of any installed air filtration. If active recreation areas such as playgrounds are proposed as part of any future residential development, such areas shall be located at least 500 feet from freeways, if feasible. Within the Eastern Neighborhoods, new residential development that is proposed within 1,000 feet of warehousing and distribution centers or other uses served by at least 100 trucks per day or 40 refrigerated trucks per day, or uses that generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require a screening-level health risk assessment or other comparable analysis prior to approval of such new residential development to ensure that the lifetime cancer risk from DPM or other TACs emitted from the uses described above is less than 10 in one million, or that the risk can be reduced to less than 10 in one million through mitigation, such as air filtration described above. The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities. (It is noted that such facilities are somewhat more likely to employ central air systems than are residential developments.)				
Mitigation Measure G-3: Siting of Uses that Emit DPM To minimize potential exposure of sensitive receptors to diesel particulate matter (DPM), for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, based on the ARB Air Quality and Land Use Handbook, the Planning Department shall require that such uses generating substantial DPM emissions be located no less than 1,000 feet from residential units and other sensitive receptors, including schools, children's day care centers, parks and playgrounds, hospitals, nursing and convalescent homes, and like uses.	Project Sponsor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Upon initiation of environmental review for specific development projects that fall within the use characteristics and geographic parameters established by	San Francisco Planning Department, Department of Public Health and the Department of Building Inspection	Prior to approval of final site plan for subsequent development projects.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
		mitigation measure.		
Mitigation Measure G-4: Siting of Uses that Emit Other TACs For new development including commercial, industrial or other uses that would be expected to generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within 1,000 feet of the project site, prior to the first project approval action. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.	Project Sponsor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Upon initiation of environmental review for specific development projects that fall within the use characteristics and geographic parameters established by mitigation measure.	San Francisco Planning Department, Department of Public Health and the Department of Building Inspection	Prior to approval of final site plan for subsequent development projects.
J. Archeological Resources				
Mitigation Measure J-1: Properties With Previous Studies This measure would apply to those properties within the project area for which a final archeological research design and treatment plan (ARDTP) is on file at the Northwest Information Center and the Planning Department (Archeological Mitigation Zone A as shown in Figure 29 in Chapter IV). Properties (listed by Assessor Block) within the project area subject to this measure include the following: ***East SoMa*** 3749 (bounded by Folsom, Harrison, Essex, Second Streets) 3762 (bounded by Harrison, Bryant, Fourth, Third Streets) 3763 (bounded by Harrison, Bryant, Third, Second Streets) 3764 (bounded by Harrison, Bryant, Second, First Streets) 3765 (bounded by Harrison, Bryant, First, Fremont Streets) 3766 (bounded by Harrison, Bryant, Beale, Fremont Streets) ***Mission District*** 3531 (bounded by Division, 14th, Mission Sts., S. Van Ness Ave.) ***Showplace Square/Potrero Hill*** 3780 (bounded by Seventh, Bryant, Brannan, Eighth Streets) 3781 (bounded by Eighth, Bryant, Brannan, Ninth Streets)	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to construction	The ERO to review and approve the ARDTEP	The project archeologist to report on progress bi-monthly to the ERO. Considered complete after review and approval of ARDTEP by the ERO.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
3782 (bounded by Ninth, Brannan, Division, Eighth Streets) 3783 (bounded by Eighth, Brannan, Townsend, Seventh Streets) 3910 (bounded by San Bruno, Division, Alameda Avenues, Vermont Sts.) 3915 (bounded by San Bruno, Alameda Avenues, Vermont, 15th Sts.) 3935 (bounded by San Bruno Avenue, Vermont, 15th, 16th Streets) Any project resulting in soils-disturbance of 2.5 feet or greater below existing grade proposed within the AMM-A shall be required to submit to the Environmental Review Officer (ERO) for review and approval an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology. The addendum to the ARD/TP shall evaluate the potential effects of the project on CEQA-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP should have the following content: 1) Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2) Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3) Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources; 4) Integrity and Significance: Eligibility of identified expected resources for listing to the CRHR; Identification of applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified; 5) Impacts of Proposed Project; 6) Potential Soils Hazards: Update discussion for proposed project; 7) Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include: A) Proposed archeological testing strategies and their justification B) Expected archeological resources C) For historic archeological resources a) Historic address or other location identification b) Archeological property type D) For all archeological resources a) Estimate depth below the surface b) Expected integrity				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
c) Preliminary assessment of eligibility to the CRHR E) ATP Map a) Location of expected archeological resources b Location of expected project sub-grade impacts c) Areas of prior soils disturbance d) Archeological testing locations by type of testing e) Base map: 1886/7 Sanborn Fire Insurance Co. map				
Mitigation Measure J-2: Properties With No Previous Studies This measure would apply to those properties within the project area for which no archeological assessment report has been prepared or for which the archeological documentation is incomplete or inadequate to serve as an evaluation of potential effects on archeological resources under CEQA (CEQA Guidelines § 15064.5(a)(1)(3) and (c)(1)(2)), with the exception of those properties within Archeological Mitigation Zone B as shown in Figure 29 in Chapter IV, for which Mitigation Measure J-3, below, is applicable). That is, this measure would apply to the entirety of the study area outside of Archeological Mitigation Zones A and B. For projects proposed outside Archeological Mitigation Zones A and B, a Preliminary Archeological Sensitivity Study must be prepared by an archeological consultant with expertise in California prehistoric and urban historical archeology. The Sensitivity Study should contain the following: 1) Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps; 2) Determine types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the CRHR; 3) Determine if 19th or 20th century soils-disturbing activities may adversely affected the identified potential archeological resources; 4) Assess potential project effects in relation to the depth of any identified potential archeological resource; 5) Conclusion: assessment of whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action. Based on the Sensitivity Study, the Environmental Review Officer (ERO)	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to construction	The ERO to review and approve the ARDTEP	The project archeologist to report on progress bi-monthly to the ERO. Considered complete after review and approval of ARDTEP by the ERO.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
shall determine if an Archeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHP-eligible archeological resources to be present within the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA, in Preservation Planning Bulletin No. 5).				
Mitigation Measure J-3: Mission Dolores Archeological District This measure would apply to any project within the Mission Dolores Archeological District (Archeological Mitigation Zone B as shown in Figure 29 in Chapter IV) involving installation of foundations, construction of a sub-grade or partial sub-grade structure including garage, basement, etc, grading, soils remediation, installation of utilities, or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. Based on the presence of archeological properties of a high level of historical, ethnic, and scientific significance within the Mission Dolores Archeological District, the following measure shall be undertaken to avoid any significant adverse effect from soils disturbing activities on buried archeological resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. At the direction of the ERO, the archeology consultant may be required to have acceptable documented expertise in California Mission archeology. The scope of the archeological services to be provided may include preparation of an ARD/TP. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to construction	The ERO to review and approve the ARDTEP	The project archeologist to report on progress bi-monthly to the ERO. Considered complete after review and approval of ARDTEP by the ERO.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c). *Archeological Testing Program.* The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA. At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either: A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. *Archeological Monitoring Program.* If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions: ▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; ▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO. *Archeological Data Recovery Program.* The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP.				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. The scope of the ADRP shall include the following elements: ▪ *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations. ▪ *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures. ▪ *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies. ▪ *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ *Final Report.* Description of proposed report format and distribution of results. ▪ *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. *Human Remains and Associated or Unassociated Funerary Objects.* The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD)				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
(Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If non-Native American human remains are encountered, the archeological consultant, the ERO, and the Office of the Coroner shall consult on the development of a plan for appropriate analysis and recordation of the remains and associated burial items since human remains, both Native American and non-Native American, associated with the Mission Dolores complex (1776-1850s) are of significant archeological research value and would be eligible to the CRHR. *Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				
K. Historical Resources				
Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area Below is a set of proposed interim building permit review policies developed to provide additional protection for potential historic resources within the Plan	San Francisco Planning Department (Historic Preservation Technical	Implement specific policies upon review of subsequent	San Francisco Planning Department (Historic Preservation Technical Specialists)	Interim controls to be in effect until the historic resources survey results for the Eastern

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Area while the historic resources survey is being completed. Once the historic resources survey is endorsed and the Plan is amended to incorporate the results these policies described below will expire and the Preservation Policies in the Area Plan would become effective. These policies are intended to outline how the Neighborhood Planning Unit of the Planning Department will review building permit applications and other permit applications reviewed by the Planning Department and/or Commission for projects within the Plan Area during this interim period. A. All proposed new construction within the entire Plan Area over 50 feet, or 10 feet taller than adjacent buildings, built before 1963 shall be forwarded to the Landmarks Preservation Advisory Board for review and comment. This applies to all construction that will result in an increased building envelope with a height that is equal to or exceeds 50 feet or an increased building envelope with a height 10 feet taller than adjacent age-eligible buildings as measured by the Planning Code. The Landmarks Board will review proposals at their regularly scheduled public hearings occurring on the first and third Wednesday of every month. The Board's comments will be forwarded to Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission. B. All cases for properties constructed prior to 1963 that propose demolition or major alteration within the Plan Area shall be forwarded to the Landmarks Board. When a proposed building permit application may affect a potential or known historic resource, the Department requires the applicant to file an Environmental Evaluation Application or an Environmental Exemption Evaluation. The purpose of said evaluation is to comply with the California Environmental Quality Act (CEQA). For the purpose of implementing this provision, a "major alteration" is defined as one for which the Department requires the applicant to file either an Environmental Exemption Evaluation or an Environmental Evaluation Application. A summary of the process is found in the Planning Department's Preservation Bulletin 16. When an application is filed with the Major Environmental Analysis Unit of the Planning Department (MEA), the supporting Historic Resource Evaluation (HRE) prepared by a qualified professional consultant is forwarded to a Preservation Technical	Specialists); Landmarks Preservation Advisory Board	project-specific development proposals within the Eastern Neighborhoods Plan Area		Neighborhoods Plan Areas are completed and endorsed by the Landmarks Preservation Advisory Board.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Specialist within the Neighborhood Planning Unit for review. At that time copies of the application and HRE will be forwarded to the members of the Landmarks Board for comment. The Board's comments will be forwarded to Planning Department for incorporation into the project's final environmental evaluation document. C. All permit applications that propose exterior modifications to the street facade(s) of historic resources (as defined in Preservation Bulletin 16) within the Plan Area will be presented to the Landmarks Preservation Advisory Board. All building permit applications for exterior modifications to historic resources (exclusive of maintenance or repair permits as defined in Planning Code Section 1005(e)(3), meaning: "any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster"), such as re-roofing, or replacement front stairs) within the Plan Area will be reviewed by a Preservation Technical Specialist, or will be reviewed and approved under their supervision. Depending on the amount of the proposed change some permits might be able to be approved at the Planning Information Center (PIC) by a Preservation Technical Specialist. Commercial storefront alterations are included in this requirement. D. A Preservation Technical Specialist shall review or be consulted on all applications for proposed alterations to buildings constructed before 1963 within the Plan Area. In cases where major alterations are proposed for age-eligible structures within the Plan Area, review by a Preservation Technical Specialist will be required. Review will take into consideration policies of the Plan Area, as well as the preservation of significant architectural features, significant trees, as well as other code-mandated regulations. E. Neighborhood Association Block Book Notations (BBN) for all building permit activities reviewed by Planning Department. The Planning Department will register all of the neighborhood associations affected by the Area Plan for Block Book Notations (BBN). Each association will be asked to select the block(s) of their interest within the plan area, and the Department will notify them by mail or phone when a permit application is submitted to the Department for review. The Department will hold the building permit application for a				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
period of 10 days for review by all interested parties.				
Mitigation Measure K-2: Amendments to Article 10 of the Planning Code Pertaining to Vertical Additions in the South End Historic District (East SoMa) The proposed amendments to Appendix I to Article 10 of the Planning Code would reduce potential adverse effects to contributory structures within the South End Historic District. Vertical additions proposed for individual buildings within the South End Historic District must reflect an understanding of the relationship of the buildings with the other contributing buildings within the District. Where allowable, vertical additions should be compatible with the historic building, yet not imitate or replicate existing features. Every effort should be made to minimize the visibility of any addition proposed on a structure within the District and property owners should consult early in the process with a Planning Department Historic Preservation Technical Specialist when developing a proposal. Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a substantial change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the District. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards. Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions: The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district. The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the character-defining features of the Dogpatch Historic District, refer to Appendix L of Article 10, Section 6 (Features) of the Planning Code. The materials are compatible with the property or district in general	San Francisco Planning Commission	Adopt Planning Code Amendments as part of the Eastern Neighborhoods Rezoning and Area Plans project	San Francisco Planning Department (Historic Preservation Technical Specialists)	Considered complete upon adoption of the Project, as the project would amend the Planning Code to incorporate proposed amendments

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
character, color and texture. As part of the Planning Department review process the project sponsor should conduct and submit an analysis that illustrates the relative visibility of a proposed vertical addition from within the District. As part of this analysis, sightline cross-sections and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted. When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Designers should look to the historic buildings within the district for design context. Contemporary design that respects the District's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction: The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district. The site plan respects the general site characteristics associated with the district. The design respects the general character-defining features associated with the district. The materials are compatible with the district in general character, color, and texture.				
Mitigation Measure K-3: Amendments to Article 10 of the Planning Code Pertaining to Alterations and Infill Development in the Dogpatch Historic District (Central Waterfront) The proposed amendments to Appendix L to Article 10 of the Planning Code would reduce potential adverse effects to contributory structures within the Dogpatch Historic District. Additions to existing buildings and new infill construction proposed within the Dogpatch Historic District must reflect an understanding of the relationship of the buildings with the contributing buildings within the District. Where allowable, additions and infill construction should be compatible with the historic building(s), yet not imitate or replicate existing features. For additions, every effort should be made to minimize the visibility of the new	San Francisco Planning Commission	Adopt Planning Code Amendments as part of the Eastern Neighborhoods Rezoning and Area Plans project	San Francisco Planning Department (Historic Preservation Technical Specialists)	Considered complete upon adoption of the Project, as the project would amend the Planning Code to incorporate proposed amendments

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
structure within the District. Infill construction should reflect the character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the process with a Planning Department Historic Preservation Technical Specialist when developing a proposal. Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a substantial change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the District. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards. Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions: The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district. The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the character-defining features of the Dogpatch Historic District, refer to Appendix L of Article 10, Section 6 (Features) of the Planning Code. The materials are compatible with the property or district in general character, color and texture. As part of the Planning Department review process the project sponsor should conduct and submit an analysis that illustrates the relative visibility of a proposed vertical addition from within the District. As part of this analysis, sightline cross-sections and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted. When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Designers should look to the historic buildings within				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
the district for design context. Contemporary design that respects the District's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction: The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district. The site plan respects the general site characteristics associated with the district. The design respects the general character-defining features associated with the district. The materials are compatible with the district in general character, color, and texture. The only instance where a replication of an original design may be appropriate is the replacement of a missing structure in a row of identical houses.				
L. Hazardous Materials				
Mitigation Measure L-1—Hazardous Building Materials The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.	Project Sponsor/project archeologist of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Areas Plans and Rezoning	Prior to approval of each subsequent project, through Mitigation Plan.	Planning Department, in consultation with DPH; where Site Mitigation Plan is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction.	Considered complete upon approval of each subsequent project.

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MEASURES ADOPTED WITH UNCERTAIN FEASIBILTY				
E. Transportation				
Traffic *Mitigation Measure E-1: Traffic Signal Installation* De Haro/Division/King. To mitigate the 2025 No Project traffic impacts, a traffic signal would need to be installed. With a new signal, the average delays at the intersection would decrease, and the intersection would operate at LOS C. Rhode Island/16th Streets. To mitigate the 2025 No Project impacts, a traffic signal would need to be installed. With this change, the average vehicle delay would decrease, and the intersection would operate at LOS A. Rhode Island/Division Streets. To mitigate the 2025 No Project impacts, a traffic signal would need to be installed. With this change, the average vehicle delay would decrease, and the intersection would operate at LOS C. There are a number of proposed developments in the immediate vicinity of this intersection that would contribute to growth in future traffic volumes and increased delays, most noticeably the proposed 801 Brannan Street project, and the One Henry Adams Street project. Implementation of a signal at this intersection could be linked to these and other proposed development projects. 25th/Indiana. Installation of a traffic signal at this intersection would mitigate the 2025 No Project impacts. Weekday p.m. peak hour operating conditions would improve at this intersection to LOS B. It is anticipated that implementation of a signal at this intersection would be linked to development that is anticipated to occur within the Eastern Neighborhoods area, or would be signalized by the MTA when warranted if signalization is not required as mitigation for new development in the area.	San Francisco Municipal Transportation Agency	Monitor intersections biannually by undertaking traffic counts. When LOS degrades to unacceptable levels, install signals as indicated. Monitoring and signalization could be funded by a fair share contribution from individual projects in the vicinity of affected intersections.	San Francisco Municipal Transportation Agency, San Francisco Planning Department	
Mitigation Measure E-2: Intelligent Traffic Management As a mitigation measure to reduce congestion with the Eastern Neighborhoods, particularly during peak periods, implement Intelligent Traffic Management Systems ("ITMS") strategies. Examples of potential measures include:	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's	Municipal Transportation Agency	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
• Prioritize and expand the implementation of San Francisco's Integrated Transportation Management System (SFGO) program in critical Eastern Neighborhood corridors. • Promote the use of smart parking technology to reduce excessive driving in search of parking spaces. • Establish progressive metering of traffic through coordination of traffic lights and signals.		*Trips Study*		
Mitigation Measure E-3: Enhanced Funding As a mitigation measure to adequately address the growth in automobile traffic generated by the Eastern Neighborhoods rezoning, ensure that sufficient operating and capital funding is secured for congestion management programs to make more efficient use of ramps, streets and parking, as well as funding to sustain alternative transportation (transit, bicycle, pedestrian) networks and programs that provide incentives for drivers to use these modes.	Municipal Transportation Agency; County Transportation Authority	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measure E-4: Intelligent Traffic Management As a mitigation measure to reduce the incentive to drive to destinations within the Eastern Neighborhoods, manage parking programs and supply of on-street and off-street parking. Mitigation may be achieved through some or all of the following measures: • Implement parking policies that favor short-term parking and progressive parking rate structures to discourage commuter and long-term parking. • Manage on-street parking through a residential permit process to discourage long-term employee and visitor parking in residential areas of the Eastern Neighborhoods. • Reduce the provision of off-street parking for commercial, institutional and recreational uses by addressing demand through cash-out parking programs, car-sharing, bike-sharing, station cars, emergency-ride-home programs, peak parking pricing, and unbundled commercial or institutional parking to facilitate and reduce the relative cost of using alternative modes of transportation. Additional measures that would reduce traffic impacts are described below under Transit, including Mitigation Measures E-7, E-11, and E-12.	Municipal Transportation Agency; San Francisco Planning Department	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	
Transit *Mitigation Measure E-5: Enhanced Transit Funding* As a mitigation measure to adequately serve increased transit demand generated by the Eastern Neighborhoods rezoning, ensure that sufficient operating and capital funding is secured. Mitigation may be achieved through some or all of the following measures: • Establish an impact fee to supplement the current Transit Impact Development Fee on all new residential and non-residential development in the Eastern Neighborhoods. • Establish other fee-based sources of revenue such as, for example, parking benefit districts. • Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved transit service on lines that serve downtown and the Eastern Neighborhoods. • Seek grant funding for specific capital improvements from regional, state and federal sources.	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measure E-6: Transit Corridor Improvements As a mitigation measure to accommodate project transit demand, provide improved transit service in corridors that are affected by new transit trips generated by the Eastern Neighborhoods rezoning and area plans. Corridors may include Mission Street between 14th and Cesar Chavez Streets, 16th Street between Mission and Third Streets, Bryant Street or other parallel corridor between Third and Cesar Chavez Streets, a north-south corridor through portions of SoMa west of Fifth Street, and service connecting Potrero Hill with SoMa and downtown. Mitigation may be achieved through some or all of the following measures: • Reduce headways on transit lines serving the Eastern Neighborhoods, so that capacity utilization factors meet Muni's capacity utilization standard of 85 percent. Candidate lines for changes to headways include those along the east-west corridors in the Mission District, especially where these corridors connect with BART and connect with the Showplace Square/Potrero Hill and Central Waterfront neighborhoods (such as the 22-Fillmore and 48-Quintara), along the north-south corridors that serve the eastern half of the Mission District and Showplace Square/Potrero Hill neighborhoods (such as the 9-San Bruno and the 27-Bryant), and lines linking the Market Street subway with East SoMa, with Mission Bay, and with Showplace Square. On some lines where peak load demand would be the greatest, peak period headways may be reduced by half (for example, on the 22-Fillmore and 9-San Bruno). • Decrease travel times and improve reliability on transit lines through a variety of means, including transit-only lanes, transit signal priority, transit "queue jumps," lengthening of spacing between stops, and establishment of limited or express service. • On key routes expected to carry a significant portion of new ridership generated by the Eastern Neighborhood rezoning and area plans (such as the 22-Fillmore between Market Street and the Central Waterfront, and the 9-San Bruno along Potrero Avenue) develop "premium" service such as a Bus Rapid Transit line or a corridor enhanced with high-level transit preferential treatments.	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measure E-7: Transit Accessibility As a mitigation measure to enhance transit accessibility, establish a coordinated planning process to link land use planning and development in the Eastern Neighborhoods to transit and other alternative transportation mode planning in the eastern portion of the City. Mitigation may be achieved through some or all of the following measures: • Implement the service recommendations from the Transit Effectiveness Project (TEP), which is currently in progress. The TEP will focus on near-term and medium-term transit improvements. • Implement recommendations of the Better Streets Plan that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where sidewalks, crosswalks and other realms of the pedestrian environment are notably unattractive and intimidating for pedestrians and discourage walking as a primary means of circulation. This includes traffic calming strategies in areas with fast-moving, one-way traffic, long blocks, narrow sidewalks and tow-away lanes, as may be found in much of South of Market. • Implement building design features that promote primary access to buildings from transit stops and pedestrian areas, and discourage the location of primary access points to buildings through parking lots and other auto-oriented entryways. • Implement key portions of the 2005 Bicycle Plan when it is ready for implementation, particularly along segments called out in the 2005 Bicycle Plan that close gaps in the bicycle network in the Eastern Neighborhoods. • Develop Eastern Neighborhoods transportation implementation programs that manage and direct resources brought in through pricing programs and development-based fee assessments, as outlined above, to further the multimodal implementation and maintenance of these transportation networks.	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the TEP, Eastern Neighborhood's *Trips Study* and bicycle plan.	Municipal Transportation Agency; County Transportation Authority	
Mitigation Measure E-8: Muni Storage and Maintenance As a mitigation measure to ensure that Muni is able to service additional transit vehicles needed to serve increase demand generated by development in the rezoned areas in the Eastern Neighborhoods, provide maintenance and storage facilities. Mitigation may be achieved through some or all of the	Municipal Transportation Agency; County Transportation Authority	Ongoing, and as part of an implementation strategy to the Eastern	Municipal Transportation Agency; County Transportation Authority	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
following measures: • Provide a portion of the cost of expanding or constructing a bus facility that may be linked to the increased demand created by land use development pursuant to the Eastern Neighborhoods rezoning and area plans. • Employ transit-preferential treatments for non-revenue service where transit vehicle volumes are high, and where access to these facilities may be impaired by other traffic.		Neighborhood's *Trips Study*		
Mitigation Measure E-9: Rider Improvements As a mitigation measure to make it easy and comfortable to use transit service in the Eastern Neighborhoods, provide improved passenger information and amenities. Mitigation may be achieved through some or all of the following measures: • Provide "Next Bus" type passenger information for all lines at key stops. • Provide for facilities that allow cross-agency sharing of real time arrival information for transit vehicle operators where regional and local feeder transit agencies connect, but where operators do not have visual contact with each other or with the complete connection path that transferring passengers must make (for example, between BART and feeder buses, such as the 53-Southern Heights, which terminates at the 16th Street BART station and the 67-Bernal Heights, which terminates at the 24th Street BART station). • Provide accurate and usable passenger information and maps. • Provide adequate light, shelter and spaces to sit at all stops, with enhanced amenities at key stops. • Encourage the consolidation of sheltered, well-lit, Next-Bus-served ground floor land uses open to the public for extended hours (e.g., cafes, bookstores and institutional building lobbies) within immediate sightline/walking distance of major surface transit stations and stops to allow waiting transit customers options to sit in sheltered comfort, and to increase pedestrian activity and casual monitoring around the transit stations.	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Mitigation Measure E-10: Transit Enhancement As a mitigation measure to minimize delays to transit vehicles due to projected traffic congestion, provide improved transit service in corridors that are subject to traffic congestion induced at least in part by the land use growth due to Eastern Neighborhoods rezoning and area plans. Mitigation may be achieved through some or all of the following measures: • Reduce headways on transit lines serving Eastern Neighborhoods, including those corridors that connect with BART, AC Transit, SamTrans, Golden Gate Transit and Caltrain, to reduce the overall transit travel time for regional trips that when made by automobiles add to the congestion in the street grid and freeway ramp system in the Eastern Neighborhoods. • Prioritize and expand the use of Transit Preferential Street technologies to prioritize transit circulation in the Eastern Neighborhoods. • Improve and expand the use of programs that increase transit rider awareness, real-time connectivity and transfer reliability, such as Next Bus, and the display of schedules and maps.	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency; County Transportation Authority	
Mitigation Measure E-11: Transportation Demand Management As a mitigation measure to minimize delays to transit vehicles due to projected traffic congestion and to encourage use of alternative modes of travel, including transit, implement collaborative management of workplace facilities, work hours, and transportation resources. Mitigation may be achieved through some or all of the following measures: • Establish a Transportation Demand Management (TDM) program in the Eastern Neighborhoods that could be designed to expand citywide, and that would coordinate programs promoting alternative means of transportation and reducing dependence on the automobile. Such a TDM program could support growth in transit usage where capacity is available and/or existing service appears to be underused, such as in Folsom Street, Valencia Street and South Van Ness Corridors, and in the Mission Bay North Area. A TDM program could include one or more of the following strategies: • Require cash-out policies for all employers who are providing on-site parking or subscribe to a parking facility to provide employee parking. • Require car-sharing and bike-sharing in developments near transit centers as a means of increasing incentives for residents and employees	Municipal Transportation Agency	Ongoing, and as part of an implementation strategy to the Eastern Neighborhood's *Trips Study*	Municipal Transportation Agency	

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
not to own or depend on automobiles. • Promote the creation of on-site Transportation Management Associations at work sites to restrict employee parking, facilitate and encourage the use of transit passes, emergency-ride-home policies, and other promotions for alternative means of commuting, and to promote alternative work schedules for drivers that focus on making better use of off-peak roadway capacity.				

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

2. IMPROVEMENT MEASURES WITH UNCERTAIN FEASIBILITY ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
D. Population, Housing, Business Activity, and Employment				
Improvement Measure D-1: Support for Local, Neighborhood-Serving Businesses To help meet the housing needs of businesses in the Eastern Neighborhoods due to changing economic conditions brought about as a result of the proposed project and to offset changes in neighborhood character that contribute to gentrification and resultant displacement of existing residents, the City could develop programs to support locally owned or operated businesses, businesses that contribute to the cultural character of the area, and organizations and businesses that serve the needs of lower-income households may be required as part of a complementary plan—outside of land use regulations—to manage neighborhood economic development without a loss in valued neighborhood character in the Eastern Neighborhoods.	Board of Supervisors, Mayor's Office of Economic and Workforce Development	Ongoing	Board of Supervisors, Mayor's Office of Economic and Workforce Development, San Francisco Planning Department	Ongoing
Improvement Measure D-2: Affordable Housing Production and Retention To help offset the potential displacement of Eastern Neighborhoods residents who could sustain loss of employment as PDR businesses are displaced as an indirect effect of the proposed project, the City could undertake measures that require public investment to prioritize the City's response to affordable housing needs: identifying sites for permanently affordable housing and providing financial resources to acquire and develop that housing; increasing financial resources for subsidizing low and very low income housing in San Francisco. Additional efforts to contend with potential residential displacement impacts would focus on increasing the housing supply for those such as larger households and families whose needs are not adequately met by the private market. Measures to be implemented as part of the proposed rezoning or new area plans could include: targeting new units, especially below-market-rate units, to families and larger households by requiring a minimum number of bedrooms for a percentage of units in larger housing development projects; identifying areas where only affordable housing would be allowed; where new zoning regulations would increase density or height, requiring a higher percentage of affordable housing than otherwise required through the City's Inclusionary Affordable Housing Program; requiring off-site inclusionary affordable housing to be built within the same plan area in areas	Board of Supervisors, Mayor's Office of Housing, Planning Department	Ongoing; adopt Eastern Neighborhoods Community Benefits/imple-mentation program	Board of Supervisors, Mayor's Office of Economic and Workforce Development, San Francisco Planning Department	Ongoing

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

2. IMPROVEMENT MEASURES WITH UNCERTAIN FEASIBILITY ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
designated for housing; and increasing the incentives to build affordable housing on-site.				
Improvement Measure D-3: Affordable Housing Sites To help avoid the loss of potential sites in the Eastern Neighborhoods that could be feasible locations for future development of below-market-rate (BMR) housing, the Planning Commission could direct the creation of a process of regular reporting to the Planning Commission concerning such sites. Such a process could involve the Planning Department and the Mayor's Office of Housing, along with the Redevelopment Agency, presenting a quarterly report to the Planning Commission identifying a current inventory of locations within the Eastern Neighborhoods (and elsewhere in San Francisco, if feasible) that are under active consideration, with the agreement of the site owner, for development of affordable housing with City subsidy, either directly by a City agency or by a for-profit or non-profit housing developer. Based on the reported information, the Planning Commission could institute a policy under which the sponsor of any private development proposed on such a site would be requested to confer with the Mayor's Office of Housing (or other applicable City entity) to determine the feasibility of the City proceeding with the publicly subsidized BMR housing project, including through purchase or exchange of the site, and to report the results of such discussions to the Planning Commission. Implementation of this measure could lead to a reduction in the loss of sites on which development of City-subsidized BMR dwelling units would be feasible, while also providing some level of certainty that sites not listed on the current inventory were not likely candidates for City-funded BMR housing development.	Board of Supervisors, Mayor's Office of Housing, Redevelopment Agency, Planning Department	Ongoing	Board of Supervisors, Mayor's Office of Housing, Redevelopment Agency, Planning Department	Ongoing

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

2. IMPROVEMENT MEASURES WITH UNCERTAIN FEASIBILITY ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
Improvement Measure D-4: Support for PDR Businesses To reduce potential PDR displacement from the Eastern Neighborhoods, the City could ensure that planning efforts are undertaken to establish PDR use as a priority in other parts of the City: making land and affordable PDR building space part of the development plan for the Hunters Point Shipyard; securing surplus Port backlands for long-term PDR use; retaining PDR land and building supply in Western SoMa. Other efforts to support PDR businesses and jobs in San Francisco would involve the Mayor's Office of Economic and Workforce Development and other appropriate partners. Recommendations of the Back Streets Advisory Board for methods of providing affordable PDR building space and other tools to retain PDR business activity in San Francisco would be important components of a business support plan. Outreach efforts could be targeted to businesses in locations proposed for rezoning.	Board of Supervisors, Mayor's Office of Housing, Mayor's Office of Workforce and Economic Development, Redevelopment Agency	Ongoing	Board of Supervisors, Mayor's Office of Housing, Redevelopment Agency, Planning Department	Ongoing
Improvement Measure D-5: Support for PDR Workers To reduce the effects of job loss on PDR employees displaced as a result of the project indirectly causing displacement of PDR businesses, the City could undertake efforts under the coordination of the Mayor's Office of Economic and Workforce Development, working with appropriate state agencies and local community-based service providers. The intent of these efforts would be to identify and increase resources for workforce development that focus on appropriate job search, education, and training for displaced PDR workers. Because the locations of rezoning would be known, specific workforce development outreach efforts could be targeted to PDR businesses and workers in areas designated for rezoning.	Board of Supervisors, Mayor's Office of Housing, Mayor's Office of Workforce and Economic Development, Redevelopment Agency	Ongoing	Board of Supervisors, Mayor's Office of Housing, Redevelopment Agency, Planning Department	Ongoing
E. Transportation				
Improvement Measure E-1: Pedestrian Circulation E.1.a.As an improvement measure to improve pedestrian conditions in the Eastern Neighborhoods, community-supported planning efforts as part of MTA's Livable Streets program should be conducted to identify specific improvements to enhance pedestrian travel and safety in each neighborhood. E.1.b.As an improvement measure to facilitate completion of the sidewalk network in areas where substantial new development is projected to occur,	Municipal Transportation Authority, San Francisco Planning Department	Ongoing and as part of the Livable Streets program as well as specific pedestrian upgrades developed in the	Municipal Transportation Authority, San Francisco Planning Department	Ongoing

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

2. IMPROVEMENT MEASURES WITH UNCERTAIN FEASIBILITY ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
property owners should be encouraged to develop improvement or assessment districts to fund improvements to the sidewalk network adjacent to parcels where new development is not anticipated to occur.		Eastern Neighborhood's Trips study		
F. Noise				
Improvement Measure F-1: Revision of City Noise Ordinance To ensure congruency between the proposed mixed-use zoning districts that would permit residential uses alongside commercial and PDR uses, the City could update and revise its existing noise ordinance (Chapter 29 of the San Francisco Police Code) to encompass the proposed (and existing) mixed-use, neighborhood commercial, and Residential Transit-Oriented use districts, as well as the proposed Employment and Business Development (EBD) use district. Consistent with the provisions of the 1972 noise ordinance, the revisions might include a phase-in period for more stringent noise standards in districts being rezoned from industrial and heavy commercial to mixed-use districts. As part of the amendments to the noise ordinance, the City could evaluate whether receiving noise levels additional to or different than those currently included in the noise ordinance should be incorporated. The intent of this measure is not to lessen or weaken regulatory protections for environmental noise for new residential areas.	San Francisco Planning Department, San Francisco Police Commission	Ongoing	San Francisco Planning Department, Police Commission and Department of Public Health	Ongoing
H. Parks, Recreation, and Open Space				
Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities To help offset the potential for an accelerated deterioration of existing park and recreation facilities in Eastern Neighborhoods due to projected increases in population, the City should undertake measures to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of the users.	San Francisco Board of Supervisors, Recreation and Parks Department	Ongoing	San Francisco Board of Supervisors, Recreation and Parks Department	Ongoing
Improvement Measure H-2: Support for New Open Space To avoid the effects of overcrowding, overuse, and conflicts in recreational uses to existing park and recreation facilities in Eastern Neighborhoods, the City should set concrete goals for the purchase of sufficient land for public open space use in Eastern Neighborhoods. The City should set a goal of purchasing one neighborhood park in each Eastern Neighborhood.	San Francisco Board of Supervisors, Recreation and Parks Department, Redevelopment Agency	Ongoing	San Francisco Board of Supervisors, Recreation and Parks Department	Ongoing

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

3. MITIGATION MEASURES REJECTED AS INFEASIBLE	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
MEASURE(S) REJECTED AS INFEASIBLE				
A. Land Use				
Mitigation Measure A-1: Western SoMa Rezoning The Planning Commission and Board of Supervisors could ensure that the community planning process currently under way in Western SoMa places a priority on the maintenance of land use to controls to accommodate PDR uses and restricts potentially incompatible uses, such as residential and office development, to minimize conflicts with existing and potential future PDR businesses. Specifically, the land use controls adopted for Western SoMa could incorporate, at a minimum, no net loss of land currently designated for PDR uses, restrict non-PDR uses on industrial (or other PDR-designated) land, and incorporate restrictions on potentially incompatible land uses proximate to PDR zones. (See also Improvement Measure D-4.)	Western SoMa Citizens' Planning Task Force; San Francisco Planning Department; San Francisco Planning Commission; San Francisco Board of Supervisors	Ongoing	San Francisco Planning Commission	judged infeasible in DEIR due to uncertainty related to West SoMa planning efforts

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

SAN FRANCISCO

CITY PLANNING COMMISSION

MOTION NO. 17659

CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED EASTERN NEIGHBORHOODS REZONING AND AREA PLANS PROJECT, AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND ZONING MAPS, AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN, AND ADOPTION OF INTERIM HISTORIC PRESERVATION PROCEDURES. THE PLAN AREA GENERALLY INCLUDES THE EASTERN PORTION OF THE SOUTH OF MARKET AREA ("EAST SOMA"), THE MISSION, SHOWPLACE SQUARE/POTRERO HILL, AND THE CENTRAL WATERFRONT NEIGHBORHOODS OF SAN FRANCISCO AND MAKING OTHER RELATED FINDINGS.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2004.0160E – Eastern Neighborhoods Rezoning and Area Plans Project (hereinafter "Project") based upon the following findings:

1) The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 et. seq., (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

   a. The Citywide Group of the Department filed for environmental evaluation on February 19, 2004 and the Major Environmental Analysis section of the Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on March 9, 2005.

   b. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 9, 2005.

   c. On June 30, 2007, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the document for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

d. On June 30, 2007, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

e. Notices of Availability of the DEIR and of the date and time of the public hearings were posted on the Planning Department's website and also in various locations in the project area by Department staff on June 30, 2007.

2) The Commission held a duly advertised public hearing on the DEIR on August 9, 2007 at which time opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 14, 2007.

3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing on the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, corrected errors in the DEIR, and prepared impact analysis for proposed revisions to the Area Plans. This material was presented in a Comments and Responses document, published on May 29, 2008, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices and web site.

4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law ("FEIR").

5) Project environmental files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

6) On August 7, 2008, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

7) The Planning Commission hereby does find that the FEIR concerning Case File No. 2004.0160E – Eastern Neighborhoods Rezoning and Area Plans Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective. The Commission also finds that since publication of the DEIR there has been no significant new information or

other factors that would require recirculation of the document pursuant to CEQA Guidelines Section 15088.5. Information to support this conclusion is found in the Final EIR document, which includes the Comments and Responses and in Department staff analysis. In furtherance of the above findings, the Planning Commission hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission, in certifying the completion of the FEIR, hereby does find that the proposed project described in the FEIR would have the following significant unavoidable environmental impacts, which could not be mitigated to a level of non-significance:

a. The Preferred Project would result in a potentially significant, adverse cumulative land use impact related to the loss of Production, Distribution and Repair land supply and building space as identified for EIR Option C.

b. The Preferred Project would result in a significant, adverse transit impact on Muni service affecting the following seven lines: 9-San Bruno, 22-Fillmore, 26-Valencia, 27-Bryant, 33-Stanyan, 48-Quintara, 49-Van Ness/Mission.

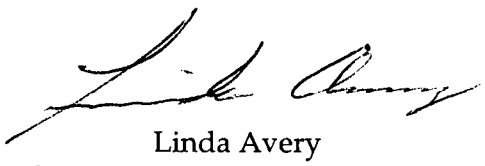
c. A significant, adverse transportation impact to the following intersections would occur under Preferred Project conditions: 13th/Bryant, South Van Ness/Howard/13th, Seventh/Brannan, Seventh/Townsend, Eight/Brannan, Eighth/Bryant, Eighth/Harrison, Third/César Chávez, and César Chávez/Evans.

d. A significant, adverse environmental impact related to historical architectural resources would occur under Preferred Project conditions. Demolition or significant alteration of buildings that are identified as historical resources, potential resources or age-eligible properties could be anticipated to occur as a result of development secondary to project implementation. The EIR also identifies a significant, adverse cumulative impact related to the demolition, alteration, or other changes to one or more resources (including historic districts), such that the historical significance of those resources would be "materially impaired."

e. A significant, adverse environmental impact related to potential shading of parks and public open spaces under the jurisdiction of the San Francisco Recreation and Parks Department would occur under Preferred Project conditions, because the feasibility of complete mitigation for potential new shadow impacts of currently unknown development proposals cannot be known at this time.

August 7, 2008
File No: 2004.0160E
Eastern Neighborhoods
Rezoning & Area Plans
Motion No. 17659

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on August 7, 2008.



Linda Avery
Planning Commission Secretary

AYES:	Borden, More, Lee, Olague
NOES:	None
ABSENT:	None
EXCUSED:	Antonini, Miguel, Sugaya

ACTION: Certification of the Eastern Neighborhoods Rezoning and Area Plans FEIR

FILE NO. 081153 ORDINANCE NO. 298-08

[Planning Code amendments for the Eastern Neighborhoods Area Plans.]

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Under Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 17663 recommending the approval of this Planning Code Amendment and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 081153 and is incorporated here by reference.

(b) Under Planning Code Section 101.1, the Board of Supervisors finds that this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the Planning Code and with the General Plan as proposed to be amended in companion legislation and hereby adopts the findings of the Planning Commission, as set forth in Planning Commission Resolution No. 17662. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 081152 and is incorporated herein by reference.

(c) In accordance with the actions contemplated herein, this Board adopted Ordinance No. 297-08, concerning findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 081152 and is incorporated by reference herein.

(d) Notwithstanding any contrary technical requirements that may exist in the Planning or Administrative Codes, the Board hereby finds that the Planning Department provided adequate notice for all documents and decisions, including environmental documents, related to the Eastern Neighborhoods Area Plans. This finding is based on the extensive mailed, posted, electronic, and published notices that the Planning Department provided. Copies of such notices are available for review through the Custodian of Records at the Planning Department, 1650 Mission Street, San Francisco.

Section 2. The San Francisco Planning Code is hereby amended by adding and amending Sections 102.5, 102.9, 102.29, 102.30, 121.1, 121.2, 121.5, 121.8, 121.9, 124, 132, 134, 135, 135.3, 136, 136.1, 136.2, 140, 141, 142, 143, 144, 145.1, 145.4, 145.5, ~~445.6,~~ 147, 150, 151.1, 152, 152.1, 153, 154, 155, 157.1, 161, 163, 166, 175.6, 175.8, 175.9, 179.1, 181, 182, 201, 202, 204, 204.4,

205, 205.1, 205.3, 206, 206.5, 207.1, 207.4, 207.5, 207.6, 207.8, 208, 209.1, 209.2, 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 210, 210.8, 210.9, 201.10, 210.11, 215, 216, 217, 218, 218.1, 219, 219.1, 220, 221, 222, 223, 224, 225, 226, 227, 230, 233, 234.2, 249.36, 249.37, 249.38, 249.39, 253.4, 260, 261.1, 263.19, 263.21, 270, 270.1, 270.2, 271, 304, 305, 306.2, 307, 309.1, ~~309.2~~, 311, 312, 313.6, 315.1, 315.3, 315.4, 316, 319, 319.1, 319.2, 319.3, 319.4, 319.5, 327, 327.1, 327.2, 327.3, 327.4, 327.5, 327.6, ~~327.7,~~ 328, 329, 352, 603, 607, 607.1, 607.2, 608.1, 702.1, 703.2, 726, 726.1, 727, 727.1, 734, 734.1, 735, 735.1, 736, 736.1, 801.1, 802.1, 802.3, 802.4, 802.5, 802.6, 803, 803.3, 803.4, 803.5, 803.6, 803.8, 803.9, 809, 813, 814, ~~814.04,~~ 815, 816, 817, 818, 820, 822, 825, 825.1, 827, 829, 840, ~~840.24,~~ 841, ~~841.24,~~ 842, 843, 890.49, 890.52, 890.53, 890.54, 890.70, 890.88, 890.111, Appendix I to Article 10 and Appendix L to Article 10, to read as follows:

SEC. 102.5. DISTRICT.

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, *RTO-M,* RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. *The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District.* The term "M District" shall mean any M-1 or M-2 District. *The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District.* The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall

mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b), including any *NCT-2,* NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. *The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts*. The term "*Chinatown* Mixed Use District" shall mean any Chinatown CB, Chinatown VR, *or* Chinatown R/NC~~, or South of Market RSD, SPD, SLR, SLI or SSO~~ District named in Section 802.1. The term "South of Market *Mixed Use* Districts" shall refer to all RED, RSD, ~~SPD,~~ SLR, SLI, or SSO Districts ~~contained entirely within the area designated as the South of Market Mixed Use Base District~~ *named in Section 802.1,*~~shown on Sectional Maps 3SU of the Zoning Map.~~ *The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU named in Section 802.1.* The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825*, 827, 828, and 829*.

SEC. 102.9. FLOOR AREA, GROSS.

In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from

the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows; provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, "gross floor area" shall include, although not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

(8) Any other floor space not specifically excluded in this definition.

(b) "Gross floor area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated there from only by other space not included in the gross floor area;

(4) Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

(6) Floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and up to a maximum of one hundred fifty percent (150%) of the off-street accessory parking permitted by right in Section 151.1 of this Code for C-3 Districts, and driveways and maneuvering areas incidental thereto;

(7) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

(8) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from gross floor area unless it is fully open to the sky (except for roof eaves, cornices or belt courses which project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is

15 feet or more in both dimensions, (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof eaves, cornices or belt courses which project no more than two feet from the face of the building wall), and (2) the area may have roofed areas along its perimeter which are also excluded from gross floor area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy the requirements of this Code and all other applicable codes for instances in which required windows face upon such yard, street or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

(9) On lower, nonresidential floors, elevator shafts and other life-support systems serving exclusively the residential uses on the upper floors of a building;

(10) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either side of the bay but not to exceed seven square feet per bay window as measured at each floor;

(11) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts devoted to building or pedestrian circulation and building service;

(12) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor, except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(13) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(14) Floor area in C-3, *South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use* ~~*RED, RSD, SPD, SLR, SLI, and SSO*~~ Districts devoted to child care facilities provided that:

(A) Allowable indoor space is ~~*no more or*~~ no less than 3,000 square feet and no more than 6,000 square feet, and

(B) The facilities are made available rent free, and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing requirements for child care facilities, and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the City Planning Commission that there is a lack of need for child care and that

the space will be used for a facility described in Subsection 15 below dealing with cultural, educational, recreational, religious, or social service facilities;

(15) Floor area in C-3, *South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use* ~~*RED, RSD, SPD, SLR, SLI, and SSO*~~ Districts permanently devoted to cultural, educational, recreational, religious or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution, or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the off-street parking and freight loading requirements for the project;

(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings;

(17) Floor space in mezzanine areas within live/work units where the mezzanine satisfies all applicable requirements of the San Francisco Building Code;

(18) Floor space suitable primarily for and devoted exclusively to exhibitions or performances by live/work tenants within the structure or lot, provided that such facilities will be available rent-free to live/work tenants within the property for the life of the structure; and

(19) In South of Market *Mixed Use* ~~*RED, RSD, SPD, SLR, SLI and SSO*~~ Districts, live/work units and any occupied floor area devoted to mechanical

equipment or appurtenances or other floor area accessory to live/work use provided that:

(A) The nonresidential use within each live/work unit shall be limited to uses which are principal permitted uses in the district or otherwise are conditional uses in the district and are approved as a conditional use,

(B) The density, enforcement, open space, parking and freight loading and other standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all other applicable provisions of this Code, and

(C) For the purpose of calculating the off-street parking and freight loading requirement for the project, building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

SEC. 102.29. BEDROOM.

A "sleeping room", as defined in the Building Code.

SEC 102.30. WIDTH, STREET OR ALLEY.

Unless specified elsewhere in this Code, the width of a street or alley shall be the distance measured along a line which is perpendicular to the centerline of that street or alley and extends from the mid-point of the front property line of a given parcel to a front property line on the opposite side of that street or alley.

SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.

In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted

only as conditional uses subject to the provisions set forth in Sections 316 through 316.8 of this Code.

District	Lot Size Limits
NC-1,	5,000 sq. ft.
Broadway,	
Castro Street,	
Inner Clement Street,	
Inner Sunset,	
Outer Clement Street,	
Upper Fillmore Street,	
Haight Street,	
North Beach,	
Sacramento Street,	
Union Street,	
24th Street-Mission,	
24th Street-Noe Valley,	
West Portal Avenue	
NC-2, *NCT-2,*	10,000 sq. ft.
NC-3, NCT-3, *Mission Street*	
SoMa	
Hayes-Gough,	

Upper Market Street,	
Polk Street,	
Valencia Street	
NC-S	Not Applicable

In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Lot Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Sacramento Street	
Union Street	
24th Street-Mission	
24th Street-Noe Valley	
West Portal Avenue	
NC-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Polk Street	
Valencia Street	
NC-2, *NCT-2, SoMa*	4,000 sq. ft.
NC-3, NCT-3, *Mission Street*	6,000 sq. ft.
NC-S	

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will se the neighbor-hood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 or Other Entertainment use as defined in Section 790.38 in a building existing prior to November 1, 1999, that was originally constructed as a multi-story, single-tenant commercial occupancy. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Lot Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL DISTRICTS.

In order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as conditional uses subject to the provisions set forth in Sections 303 of this Code.

District	Lot Size Limit
RTO, *RTO-M*	10,000

In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.

(2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.

(3) The site plan, including the introduction of new streets and alleys, the provision of open space and landscaping, and the articulation and

massing of buildings, is compatible with the goals and policies of the applicable Area Plan in the General Plan.

SEC. ~~121.5~~121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR DISTRICTS.

In order to preserve land and building space for light industrial activities, non-accessory retail and office uses that exceed the square footage stated in the table below shall not be permitted in PDR Districts. The use area shall be measured as the occupied floor area of all retail or offices activities on a lot, as defined in the land use controls for PDR Districts in Section 218 (Retail Sales and Personal Services) and Section 219 (Offices) of this Code. Additionally, a cumulative use size maximum applies in PDR Districts, such that the combined floor area of any and all uses permitted by Sections 218 and 219 may not exceed the limits stated in the table below for any given lot.

These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3 of this Code.

District	Cumulative Use Size Limit, All Uses per Section 218	Cumulative Use Size Limit, All Uses per Section 219	Total Size Maximum, All Uses per Sections 218 and 219 combined
PDR-1-*B*	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

SEC. ~~121.6~~121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.

In order to promote, protect, and maintain viable space for a wide range of light industrial uses in PDR Districts, in furtherance of Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan, any proposal to subdivide, resubdivide, or perform a lot line adjustment to a parcel that is equal to or greater than 10,000 square feet, into one or more smaller parcels, shall be permitted only with conditional use approval.

Additionally, all proposals for the subdivision, resubdivision, or lot line adjustments of parcels in PDR Districts shall be evaluated in consideration of the following criteria in order to further Objective 4 of the Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan:

(1) The proposed parcelization will support light industrial activities in the district.

(2) If the resulting parcelization will require demolition of a structure, the demolition of the
structure complies with the replacement requirement per Section 230.

(3) The uses proposed for the parcels, if any, comply with the cumulative use size limits per Section 121.~~5~~8, and other requirements of this Code.

SEC. 124. BASIC FLOOR AREA RATIO.

(a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic floor area ratio limits specified in the following table shall apply to each building or development in the districts indicated.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, *RTO-M*	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1	1.8 to 1
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	
North Beach	
Sacramento	
24th Street--Noe Valley	

West Portal	
NC-2, *NCT-2, SoMa*	2.5 to 1
Broadway	
Upper Fillmore	
Polk	
Valencia	
24th Street-Mission	
Castro	3.0 to 1
Hayes-Gough	
Upper Market	
Union	
NC-3, NCT-3, *Mission Street*	3.6 to 1
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
C-1, C-2	3.6 to 1
C-2-C	4.8 to 1
C-3-C	6.0 to 1
C-3-O	9.0 to 1
C-3-R	6.0 to 1
C-3-G	6.0 to 1

C-3-S	5.0 to 1
C-3-O (SD)	6.0 to 1
C-3-S (SU)	7.5 to 1
C-M	9.0 to 1
M-1, M-2	5.0 to 1
SLR, SLI	2.5 to 1
SSO and in a 40 or 50 foot height district	3.0 to 1
SSO and in a 65 or 80 foot height district	4.0 to 1
SSO and in a 130 foot height district	4.5 to 1
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, ~~or~~ *45,* or 48 *foot height district*	*3.0 to 1*
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50, 55, or 58 foot height district	*4.0 to 1*
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district	*5.0 to 1*
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district	*6.0 to 1*
MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet	*7.5 to 1*

(b) In R, NC, and Mixed Use Districts the above floor area ratio limits shall not apply to dwellings or to other residential uses. In NC Districts, the above floor area ratio limits shall also not apply to nonaccessory off-street parking. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to

institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street there from, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 243 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.5 to 1 where the height limit is 80 feet.

(e) In the Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S Districts other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for 20 years to households whose incomes are within 150 percent of the median income as defined herein, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code. For buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above up to the gross floor area of the existing building may be approved, in accordance with the conditional use procedures and criteria

as provided in Section 303 of this Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot containing the Significant or Contributory building prior to the effective date of the amendment to Section 124(f) adding this paragraph when the floor area transferred was occupied by a non-profit corporation or institution meeting the requirements for exclusion from gross floor area calculation under Planning Code Section 102.9(b)(15); (ii) the additional square footage includes only the amount necessary to accommodate dwelling units and/or group housing units that are affordable for not less than 50 years to households whose incomes are within 60 percent of the median income as defined herein together with any social, educational, and health service space accessory to such units; and (iii) the proposed change in use to dwelling units and accessory space and any construction associated therewith, if it requires any alternation to the exterior or other character defining features of the Significant or Contributory Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section 1110; provided, however, that the procedures otherwise required for a Major Alteration as set forth in sections 1111.2-1111.6 shall be deemed applicable to any such Permit to Alter.

(1) Any dwelling approved for construction under this provision shall be deemed a "designated unit" as defined below. Prior to the issuance by the Director of the Department of Building Inspection ("Director of Building Inspection") of a site or building permit to construct any designated unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of Property in writing whether the unit will be an owned or rental unit as defined in Section 313(a) of this Code.

(2) Within 60 days after the issuance by the Director of Building Inspection of a site or building permit for construction of any unit intended to be an owned unit, the Director of Planning shall notify the City Engineer in writing identifying the intended owned unit, and the Director of Property shall appraise the fair market value of such unit as of the date of the appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to the Director of Planning and the permit applicant. The permit applicant shall supply all information to the Director of Property necessary to appraise the unit, including all plans and specifications.

(3) Each designated unit shall be subject to the provisions of Section 313(i) of this Code. For purposes of this Subsection and the application of Section 313(i) of this Code to designated units constructed pursuant to this Subsection, the definitions set forth in Section 313(a) shall apply, with the exception of the following definitions, which shall supersede the definitions of the terms set forth in Section 313(a):

(A) "Base price" shall mean 3.25 times the median income for a family of four persons for the County of San Francisco as set forth in California Administrative Code Section 6932 on the date on which a housing unit is sold.

(B) "Base rent" shall mean .45 times the median income for the County of San Francisco as set forth in California Administrative Code Section 6932 for a family of a size equivalent to the number of persons residing in a household renting a designated unit.

(C) "Designated unit" shall mean a housing unit identified and reported to the Director by the sponsor of an office development project subject to this

Subsection as a unit that shall be affordable to households of low or moderate income for 20 years.

(D) "Household of low or moderate income" shall mean a household composed of one or more persons with a combined annual net income for all adult members which does not exceed 150 percent of the qualifying limit for a median income family of a size equivalent to the number of persons residing in such household, as set forth for the County of San Francisco in California Administrative Code Section 6932.

(E) "Sponsor" shall mean an applicant seeking approval for construction of a project subject to this Subsection and such applicants' successors and assigns.

(g) The allowable gross floor area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the gross floor area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by this Section.

(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the 1975 Building Code.

Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(i) In calculating allowable gross floor area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed above the floor area ratio limit pursuant to Section 102.9(b)(19) of this Code shall be subject to the following conditions and standards:

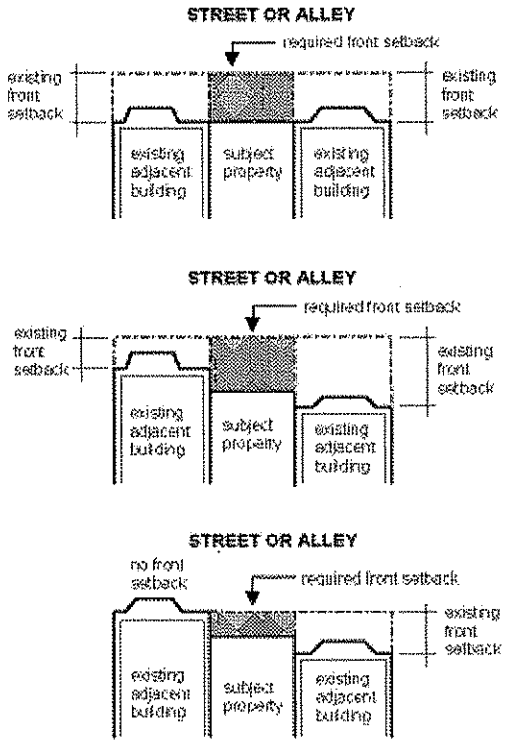
(1) Considering all dwelling units and all live/work units on the lot, existing and to be constructed, there shall be no more than one live/work unit and/or dwelling unit per 200 square feet of lot area, except that, for projects in the RSD District which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for dwelling units and live/work units shall be established as part of the conditional use determination; and

(2) The parking requirement for live/work units subject to this subsection shall be equal to that required for dwelling units within the subject district.

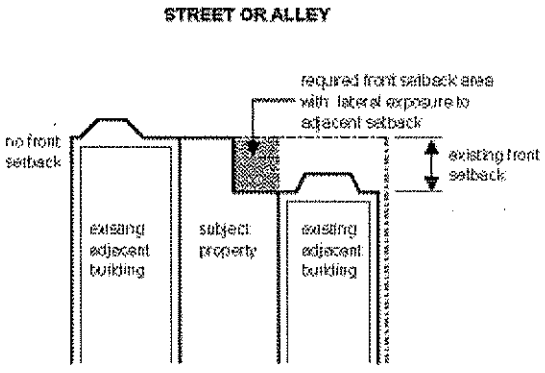
SEC. 132. FRONT SETBACK AREAS, RH, *RTO,* AND RM DISTRICTS.

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. *Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.*

(a) Basic Requirement. Where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building."

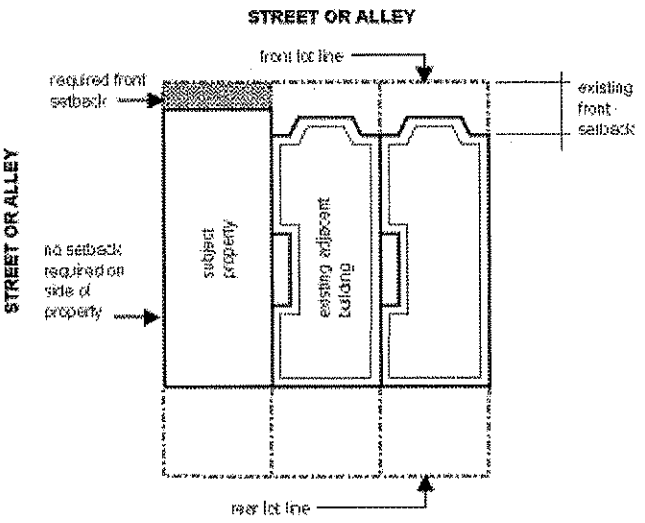


(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the street or alley times the setback depth required by Subsections (a) and (c) of this Section; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of Subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by Subsection (a) above, in the form of a single line parallel to the street or alley.



(c) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the street or alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

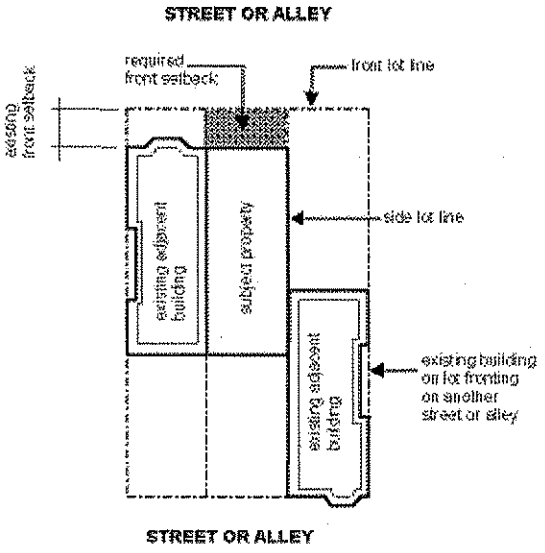
(d) Applicability to Special Lot Situations.

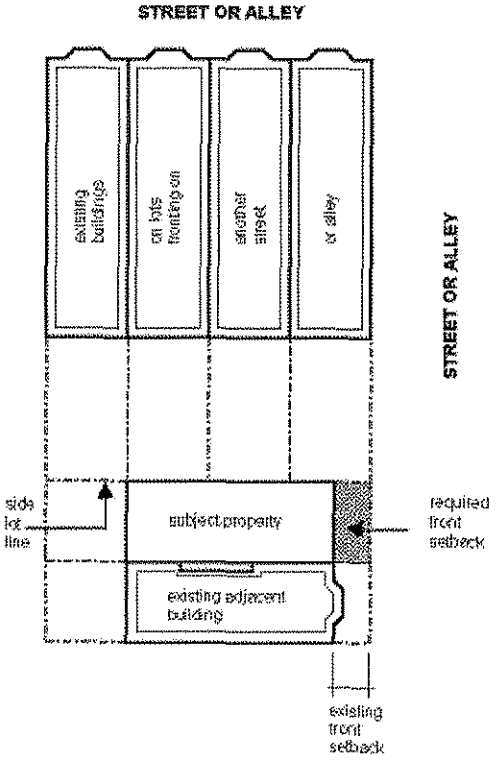


(1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area shall be required only along the street or alley elected by the owner as the front of the property. Along such street or alley, the required setback for the subject lot shall be equal to 1/2 the front setback of the adjacent building.

(2) Lots Abutting Properties That Front on Another Street or Alley. In the case of any lot that abuts along its side lot line upon a lot that fronts on another street or alley, the lot on which it so abuts shall be disregarded, and the required

setback for the subject lot shall be equal to the front setback of the adjacent building on its opposite side.





(3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts property in an RC, C, M or P District, any property in such district shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building in the RH, RTO, or RM District.

(e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the street or alley, or 15 percent of the average depth of the lot from such street or alley, whichever results in the lesser requirement. The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

(f) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required front setback area, and no other

obstruction shall be constructed, placed or maintained within any such area. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such area, except as specified in Section 136.

(g) Landscaping. All front setback areas required by this Section 132 shall be appropriately landscaped, and in every case not less than 20 percent of the required setback area shall be and remain unpaved and devoted to plant material, including the use of native/drought resistant plant material.

(h) Relationship to Legislated Setback Lines. In case of any conflict between the requirements of this Section 132 for front setback areas and a legislated setback line as described in Section 131 of this Code, the more restrictive requirements shall prevail.

SEC. 134. REAR YARDS, R, NC, C, SPD, M, *MUG, MUO, MUR, UMU,* RSD, SLR, SLI AND SSO DISTRICTS.

The rear yard requirements established by this Section 134 shall apply to every building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted in Subsection (a), except those buildings which contain only single room occupancy (SRO) or live/work units and except in the Bernal Heights Special Use District and Residential Character Districts to the extent these provisions are inconsistent with the requirements set forth in Section 242 of this Code. With the exception of dwellings in the South of Market *Mixed Use and Eastern Neighborhoods Mixed Use Districts* ~~*base area,*~~ containing only SRO units, the rear yard requirements of this Section 134 shall also apply to every dwelling in a(n) *MUG, MUO, MUR, UMU,* SPD, RSD, SLR, SLI, SSO, NC-2, *NCT-2,* NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M

District. Rear yards shall not be required in NC-S Districts. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

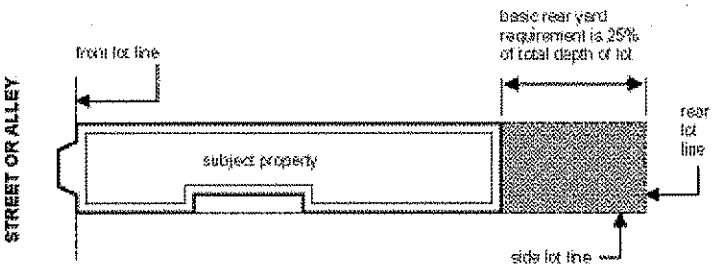
(a) Basic Requirements. The basic rear yard requirements shall be as follows for the districts indicated:

(1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, *MUG, MUO, MUR, UMU,* RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. For buildings containing only SRO units in the South of Market *Mixed Use and Eastern Neighborhoods Mixed Use Districts* ~~*base area*~~, the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in Subsection (c) below.

(A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, Inner Sunset, Outer Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley, and West Portal Avenue Districts. Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(B) NC-2, *NCT-2,* Castro Street, Inner Clement Street, Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission Districts. Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit. ~~Properties in NCT-2, Valencia Street, and 24th Street-Mission Districts are also subject to the~~

~~rear building wall requirements and associated maintenance setbacks of Section 145.6.~~

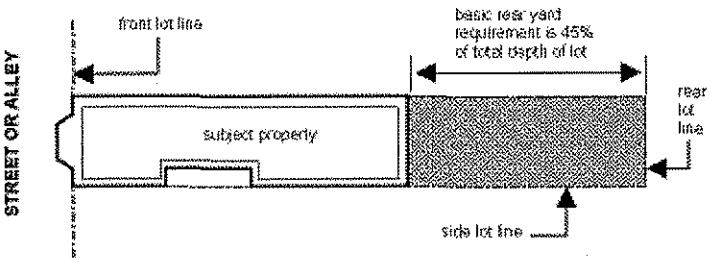


(C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market Street, *SoMa, Mission Street*, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, ~~and~~ SSO, *MUR, MUG, MUO, and UMU* Districts. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building~~. Properties in SoMa and Mission Street NCT Districts are also subject to the rear building wall requirements and associated maintenance setbacks of Section 145.6.~~

(D) Upper Market NCT. Rear yards shall be provided at the grade level, and at each succeeding story of the building,. For buildings in the Upper Market NCT that do not contain residential uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (e).

(2) RH-2, RH-3, RTO, *RTO-M,* RM-1 and RM-2 Districts. The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is

permitted by Subsection (c) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building.



(b) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed or maintained within any such yard. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

(c) Reduction of Requirements in RH-2, RH-3, RTO, *RTO-M,* RM-1 and RM-2 Districts. The rear yard requirement stated in Paragraph (a)(2) above, for RH-2, RH-3, RTO, *RTO-M,* RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1) above, for single room occupancy buildings *located* in *either* the South of Market *Mixed Use or Eastern Neighborhoods Mixed Use Districts* ~~*base area*~~ not exceeding a height of 65 feet, shall be reduced in specific situations as described in this Subsection (c), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this paragraph whose rear yard can be reduced in the circumstances described in Subsection (c) to a 15-foot minimum, under no circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to 25 percent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

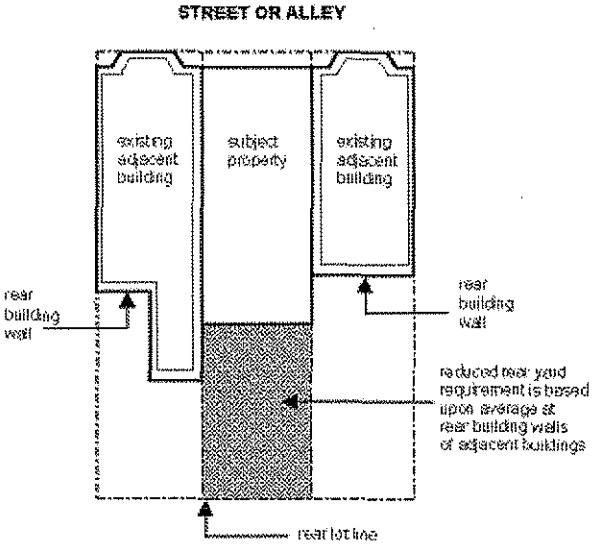
(1) General Rule. In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for single room occupancy buildings in the South of Market *Mixed Use Districts* ~~*base area*~~, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

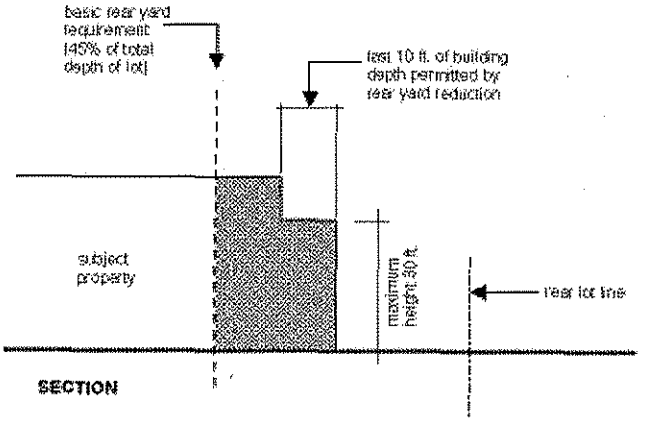
(2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by Paragraph (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

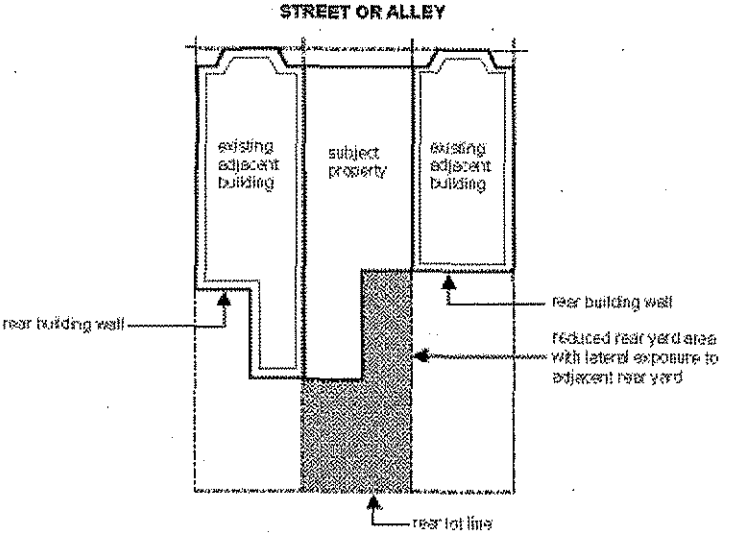
(3) Method of Measurement. For purposes of this Subsection (c), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least 1/2 the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two stories, whichever is less, excluding all permitted

obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

(4) Applicability to Special Lot Situations. In the following special lot situations, the general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.





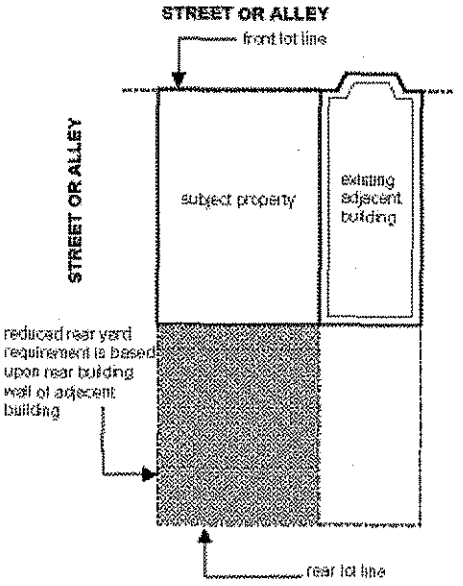


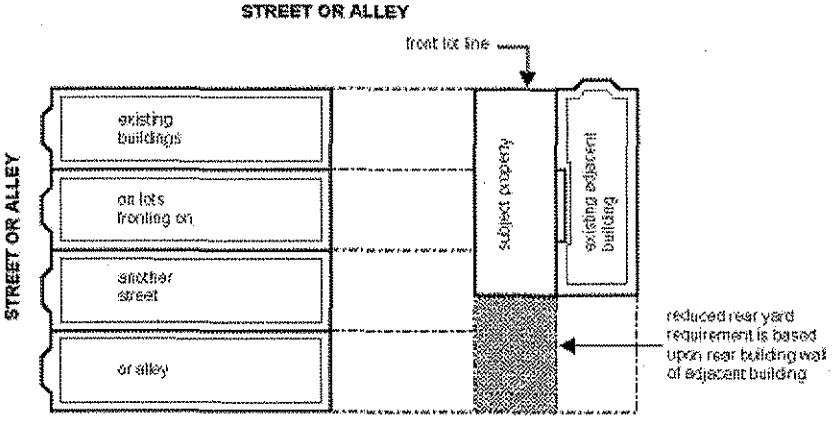
(A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another street or alley, the lot on which it so abuts

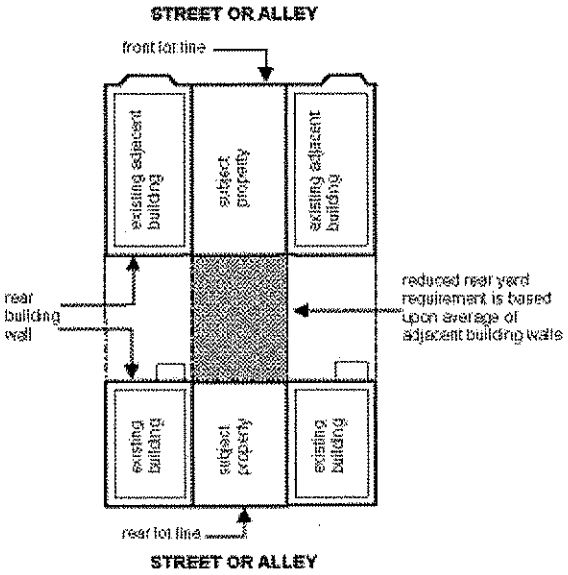
shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street or alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another street or alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of the subject lot, or 15 feet, whichever is greater.

(C) Through Lots Abutting Properties that Contain Two Buildings. Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots are also through lots, each containing two dwellings or group housing structures that front at opposite ends of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided all the other requirements of this Code are met. In such cases the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the street or alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both street or alley frontages of the subject through lot.





(d) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.



(e) Modification of Requirements in NC and South of Market *Mixed Use* Districts. The rear yard requirements in NC and South of Market *Mixed Use* Districts may be modified or waived in specific situations as described in this Subsection (e).

(1) General. The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in accordance with Section 307(g), in the case of South of Market *Mixed Use* Districts if all of the following criteria are met for both NC and South of Market *Mixed Use* Districts:

(A) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

(2) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this Code, or on a lot at the intersection of a street and an alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25 percent of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Paragraph are met.

(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(C) The open area will provide for the access to light and air to and views from adjacent properties.

(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section.

(f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may

be modified or waived by the Planning Commission pursuant to Section ~~309.2~~329, *and by the Zoning Administrator pursuant to the procedures and criteria set forth in Section 307(h) for other projects, provided that:*

(1) Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot or within the development;

(2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties; and

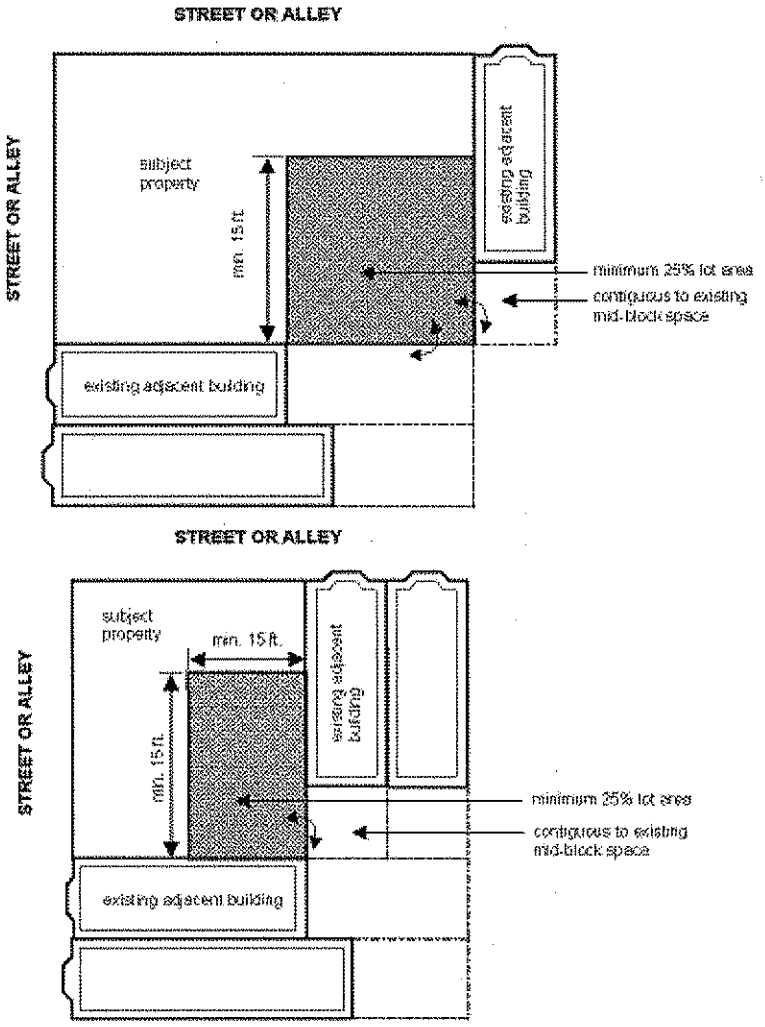
(3) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

(*gf*) Reduction of Requirements in the North of Market Residential Special Use District. The rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site, provided that the Zoning Administrator determines that all of the following criteria are met:

(1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and

(2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.



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

Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section unless otherwise specified in specific district controls elsewhere in this Code.

(a) Character of Space Provided. Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing).

(b) Access. Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

(1) Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

(2) Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

(c) Permitted Obstructions. In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted.

(d) Amount Required. Usable open space shall be provided for each building in the amounts specified herein and in Table 135 for the district in which the building is located; provided, however, that in the *Downtown Residential (DTR) Districts~~, Rincon Hill Special Use District, Residential Sub-district~~*, open space shall be provided in the amounts specified in Section *825~~.249.1(c)(4)~~*.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum amount of open space required shall be in no case greater than the amount set forth in Table 135*A* for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street there from, whichever requires less open space.

(1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of ~~the~~ *t*Table *135A* if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of ~~the~~ *t*Table *135A*. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit as specified in Paragraph (d)(1) above. For purposes

of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be 1/2 the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

(4) DTR Districts. For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in this Section unless otherwise established in this subsection or in Section 825 or a Section governing an individual DTR District. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

TABLE 135*A* MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING *OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS*		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, *RTO-M*	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the	

	dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, *NCT-2,* NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, *SoMa, Mission Street*	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
~~*Rincon Hill*~~ DTR	This table not applicable. 75 square feet per dwelling. See Sec. ~~*827*~~ *135(d)(4)*.	

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

Square feet of usable open space per dwelling unit, if not publicly accessible	*Square feet of usable open space per dwelling unit, if publicly accessible*	*Percent of open space that may be provided off site*
80 square feet	*54 square feet*	*50%*

(e) Slope. The slope of any area credited as either private or common usable open space shall not exceed five percent.

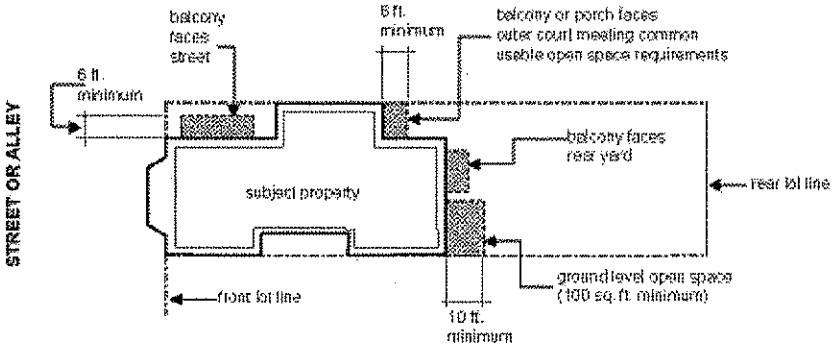
(f) Private Usable Open Space: Additional Standards.

(1) Minimum Dimensions and Minimum Area. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a mini-mum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) Exposure. In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

(3) Fire Escapes as Usable Open Space. Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

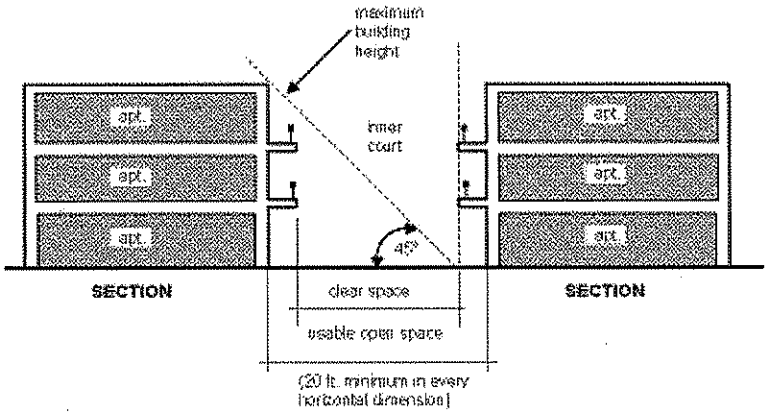
(4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50

percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) Common Usable Open Space: Additional Standards.

(1) Minimum Dimensions and Minimum Area. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) Use of Inner Courts. The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is *higher than* one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.



(3) Use of Solariums. The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area

is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

(h) Publicly-Accessible Usable Open Space Standards: In DTR Districts and the Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

(1) Open space shall be of one or more of the following types:

(A) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas;

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in Subsection (2)(d), below;

(C) An unenclosed pedestrian pathway which complies with the standards of Section 270.2 and which is consistent with applicable design guidelines,

(D) Streetscape improvements with landscaping and pedestrian amenities that result in additional pedestrian space beyond the pre-existing sidewalk width and conform to any applicable streetscape plan or other related policies such as those associated with sidewalk widenings or building setbacks, other than those intended by design for the use of individual ground floor residential units; and

(2) Open space shall meet the following standards:

(A) Be in such locations and provide such ingress and egress as will make the area

convenient, safe, secure and easily accessible to the general public;

(B) Be appropriately landscaped;

(C) Be protected from uncomfortable winds;

(D) Incorporate ample seating. Any seating which is provided shall be available for public use and may not be exclusively reserved or dedicated for any food or beverage services located within the open space;

(E) Be well signed and accessible to the public during daylight hours;

(F) Be well lit if the area is of the type requiring artificial illumination;

(G) Be designed to enhance user safety and security;

(H) Be of sufficient size to be attractive and practical for its intended use; and

(I) Have access to drinking water and toilets if feasible and appropriate.

(3) Maintenance: Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed by the Commission or Department pursuant to applicable procedures in this Code.

(4) Informational Plaque: Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of any publicly-accessible open space. The plaque shall identify said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats or other defining features) and stating the name, telephone number, and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless specifically reduced by the Zoning Administrator in cases where the nature, size, or other constraints of the open space would make the proscribed dimensions inappropriate.

(5) Property owners providing open space under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction, use, or maintenance of open space. Property owners are solely liable for any damage or loss occasioned by any act or negligence in respect to the design, construction, use, or maintenance of the open space.

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

(1) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement, subject to Section ~~309.2~~329 *for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's required usable open space shall be off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.*

(2) DTR Districts. In DTR Districts the provision of off-site publicly accessible open space may be counted toward the requirements of residential open space per the procedures of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project, and meets the standards of subsection (h).

(A) At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less

than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

(B) Open Space Provider. The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(j) Payment in Cases of Variance or Exception. In the Eastern Neighborhoods Mixed Use Districts, should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator, or an exception be granted for those projects subject to the ~~309.2~~*329 process, a fee of $327 shall be required for each square foot of usable open space not provided pursuant to that Variance. This fee shall be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by*

persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use Districts.

SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE *SOUTH OF MARKET AND EASTERN NEIGHBORHOODS MIXED USE* ~~*RED, RSD, SPD, SLR, SLI AND SSO*~~ DISTRICTS.

(a) Amount of Open Space Required. All newly constructed structures, all structures to which gross floor area equal to 20 percent or more of existing gross floor area is added, and all structures in the SSO *and Eastern Neighborhoods Mixed Use* District*s* within which floor area is converted to office use other than office use accessory to a non-office use shall provide and maintain usable open space for that part of the new, additional or converted square footage which is not subject to Sections 135.1 and 135.2 as follows:

TABLE 135.3

MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN *THE SOUTH OF MARKET, EASTERN NEIGHBORHOODS MIXED USE, AND DTR* ~~*RED, RSD, SPD, SLR, SLI AND SSO*~~ DISTRICTS

Use	**Square Feet of Usable Open Space Required**
Retail, eating and/or drinking	1 sq. ft. per 250 sq. ft. of occupied

establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses *in the South of Market Mixed Use Districts*	1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses in the Eastern Neighborhoods Mixed Use Districts	*None required*
Office use*s, as defined in 890.70, in the South of Market Mixed Use Districts*	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
Office uses, as defined in 890.70, in the Eastern Neighborhoods Mixed Use Districts	*1 sq. ft. per 50 sq. ft. of occupied floor area of new, converted or added square footage*
All non-residential uses in DTR Districts	*1 sq. ft. per 50 sq. ft. of occupied floor area of net new, converted or added square footage over 10,000 gross square feet*

(1) Open space shall be provided for uses not listed in this subsection and Table (other than live/work units, dwelling units and group housing whose open space requirements are specified in Sections 135 and 135.2 of this Code), in the

amount required for the listed use determined by the Zoning Administrator to be most similar to the unlisted use in question. Private or public parking structures and change of use or additions to an existing structure which are limited to uses operating solely during nighttime hours and for which public access to open space cannot feasibly be provided during daytime hours pursuant to Subsection (c)(4), shall be exempt from this open space requirement.

(2) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the open space requirements of this Section may be fulfilled by providing publicly accessible usable open space. Such publicly accessible usable open space is subject to the following:

(A) The amount of open space required pursuant to Table 135.3 may be reduced by 33 percent if it is publicly accessible usable open space.

(B) Publicly accessible usable open space is required to meet the standards of Section 135(h).

(C) Up to 50 percent of the publicly accessible open space may be provided off-site, subject to Section ~~309.2~~*329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.*

(3) DTR Districts. In DTR Districts, the open space requirements of this Section shall be subject to the following:

(A) Such open space shall meet the standards for publicly accessible open space of Section 135(h).

(B) Up to 50 percent of required open space may be provided off-site per the procedures of Section 309.1 if it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project.

(C) Open Space Provider. The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(b) Types of Open Space. One or more of the following types of open space may be provided to satisfy the requirements of this section: a plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, arcade, or pedestrian mall or walkway.

The required open space shall, as determined by the Zoning Administrator:

(1) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

(2) Be appropriately landscaped;

(3) Be protected from uncomfortable wind;

(4) Incorporate ample seating and, if appropriate, access to food service, which will enhance public use of the area;

(5) Be well signed and accessible to the public during daylight hours;

(6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;

(7) Be well lighted if the area is of the type requiring artificial illumination;

(8) Be designed to enhance user safety and security;

(9) Be of sufficient size to be attractive and practical for its intended use; and

(10) Have access to toilets, if feasible.

(c) Permitted Obstructions. In addition to those specified in Section 136, permitted obstructions for open space required under this Section shall include small-scale pedestrian-oriented convenience establishments and resources such as movable beverage and/or food stands, outdoor cafes, toilets, newsstands, or flower stands provided that all such activities along with other permitted obstructions combined do not exceed 20 percent of the total usable open space requirement.

(d) Alternative Means of Satisfying the Open Space Requirement *in the South of Market Mixed Use Districts*. If it is the judgment of the Zoning Administrator that an open space satisfying the requirements and standards of

subsections (b) and (c) cannot be created because of constraints of the development site, or because the project cannot provide safe, convenient access to the public, or because the square footage of open space is not sufficient to provide a usable open space, the Zoning Administrator may (i) authorize, as an eligible type of open space, a pedestrian mall or walkway within a public right-of-way which is improved with paving, landscaping, and street furniture appropriate for creating an attractive area for sitting and walking, or (ii) waive the requirement that open space be provided upon payment to the Open Space Fund of a fee of $.80 for each square foot of open space otherwise required to be provided. These amounts shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Bureau of Building Inspection. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property. Said fee shall be used for the purpose of acquiring, designing, improving and/or maintaining park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the South of Market Base District, as that District is defined in City Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco. Said fee, and any interest accrued by such fee, shall be used for the purpose stated herein unless it is demonstrated that it is no longer needed.

(e) Alternative Means of Satisfying the Open Space Requirement in the Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, the open space requirement may be satisfied through payment of a fee of $76 for each square foot of usable open space not provided pursuant to that Variance. This fee shall

be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use districts.

(*fe*) Costs and Restrictions. All costs of the open space, including without limitation those associated with design, development, liability insurance, regular maintenance, and safe operation of this open space, shall be borne by the property owner. Liability insurance satisfactory to the City Attorney, naming the City and County of San Francisco and its officers and employees as additional insureds, shall be provided for all such spaces. The property owner shall record with the County Recorder a special restriction on the property satisfactory in substance to the Department and sufficient to give notice to subsequent owners, tenants and other persons having other economic interests in the property of the open space requirement and the means by which the requirement has been, and must continue to be, satisfied.

~~*(f) [Reserved.]*~~

(g) A sign satisfying the requirements of Section 603(k) shall be prominently posted at the entrance to the open space area declaring that the area is open to the public.

(h) Approval and Construction. The open space shall be reviewed and approved as part of the site or building permit application for the project giving use to the open space requirement. No temporary or other certificate of

occupancy shall be issued for any structure constructed under the permit until the open space is complete.

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.

TABLE INSET:

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:
				(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7 1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be

				required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;
				(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;
				(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as

				follows:
x	x	x	x	(1) Overhead horizontal projections (leaving at least 7 1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:
				(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,
				(B) At every other level, one foot over streets and alleys and into setbacks, and
				(C) Three feet into yards and usable open

				space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;
x	x	x	x	(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).
				(A) The minimum headroom shall be 7 1/2 feet.
				(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be

				further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.
				(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.
				(D) The maximum length of each bay

				window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. (E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.
				(F) The minimum horizontal separation between bay windows, between balconies,

				and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.
				(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in

				proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;
		x	x	(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).
				(A) The minimum headroom shall be 7 1/2 feet.

				(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.
				(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.
				(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all

				bay windows, balconies, fire escapes and chimneys.
x	x	x	x	(4) Fire escapes, leaving at least 7 1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
			x	(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7 1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is

				greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;
		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as

					regulated by the Building Code and other portions of the Municipal Code;
	x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
	x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
	x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
	x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
	x	x			(12) Marquees, awnings and canopies in P, NC, C, M, *MUG, MUO, MUR, UMU,* ~~*and*~~ RSD, SPD, SLR, SLI, *DTR* and SSO districts, as regulated by the Building

				Code, and as further limited in Section 136.1 and other provisions of this Code;
	x	x	x	(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length

				of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;
		x		(19) Fences and wind screens no more

				than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;
		x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent

				first floor of occupancy, if developed as usable open space and meeting the following requirements:
				(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,
				(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose

				floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,
				(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:
				(i) The deck shall be designed to provide the minimum obstruction to light, air, view

					and privacy.
					(ii) The deck shall be at least two feet inside all side lot lines.
					(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
			x		(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:
					(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,

				(B) Within all parts of the required open area, the structure shall be limited in height to either:
				(i) 10 feet above grade, or
	x			(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,
				(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;
		x		(26) Garages which are underground, or

				under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;
	x			(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;
	x			(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the

				average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;
		x		(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a_corner lot) in either height above grade or encroachment upon the required rear yard;
x	x	x		(30) Driveways, for use only to provide necessary access to required or permitted

				parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;
		x	x	(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.
				(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:
				(1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and

				horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.
				(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.
				(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot

				horizontally.
				(2) Bay Windows. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed 1/2 of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.

SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN NC, *EASTERN NEIGHBORHOODS MIXED USE* AND SOUTH OF MARKET *MIXED USE* DISTRICTS.

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply in NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts.

(a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be regulated in NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts below.

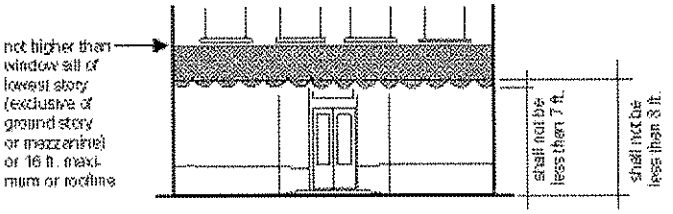
All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet

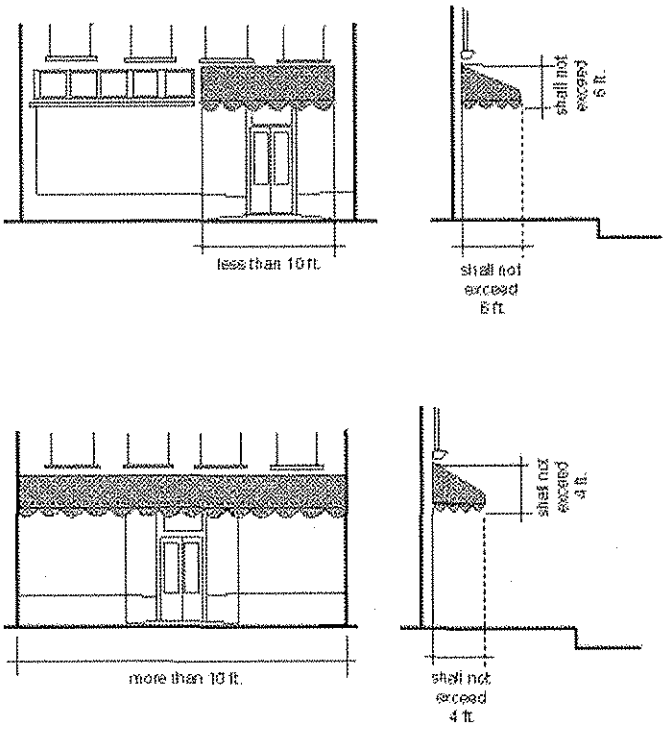
above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

(1) NC-1 Districts. The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.

(2) All Other NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts. When the width of all awnings is 10 feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.





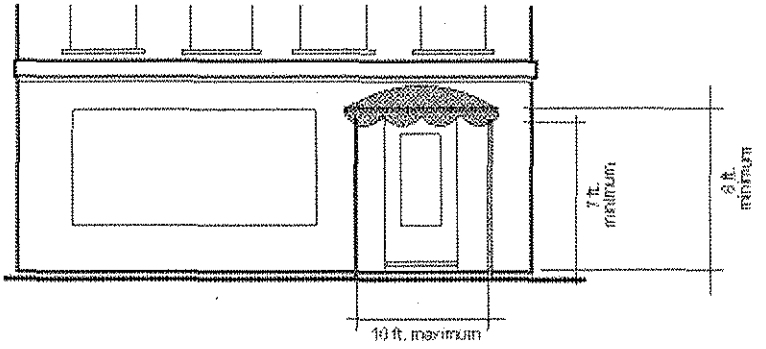
(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts below.

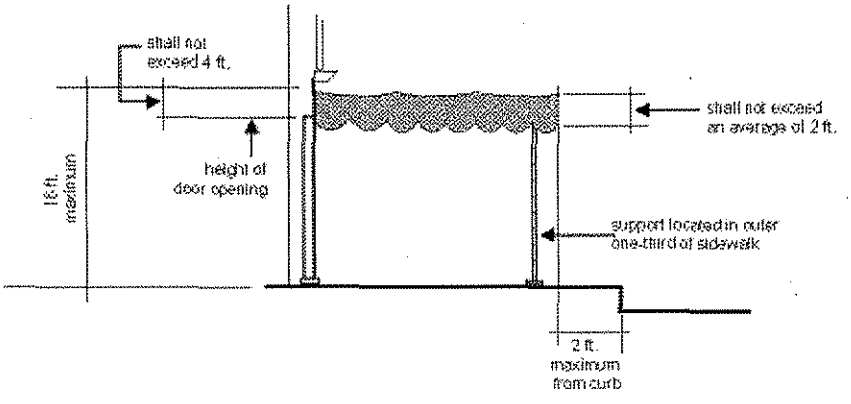
(1) NC-1 Districts. No canopy shall be permitted in any NC-1 District.

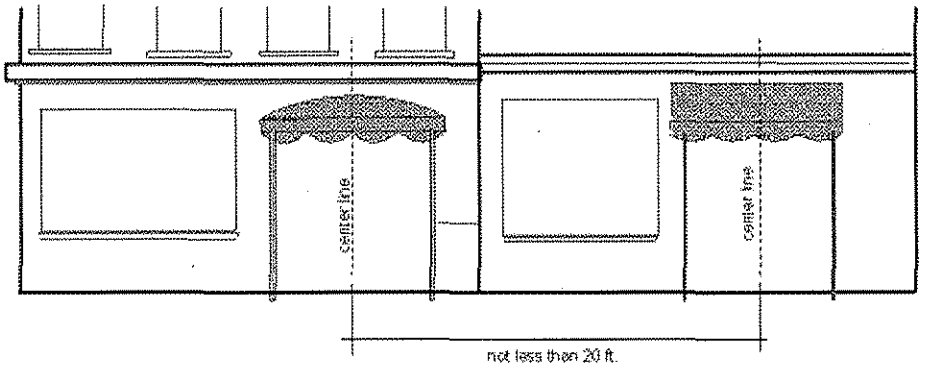
(2) All Other NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk *and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk*. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the

column supports and excluding any valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.







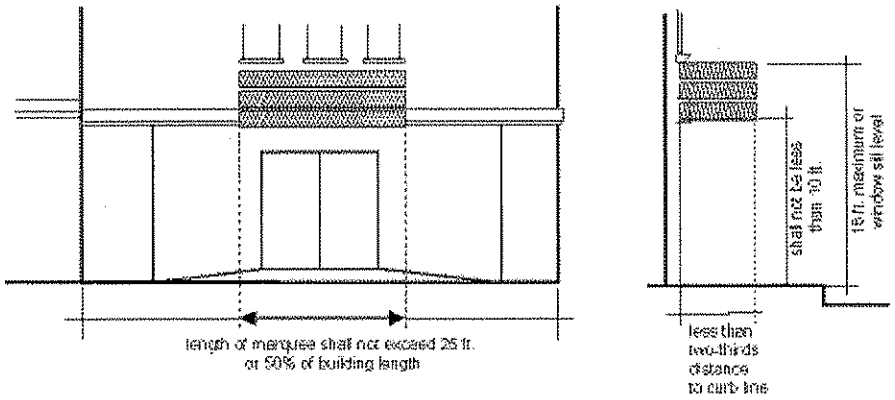
(c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall be regulated in NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts below.

(1) NC-1 Districts. No marquee shall be permitted in any NC-1 District.

(2) All Other NC, *Eastern Neighborhoods Mixed Use* and South of Market *Mixed Use* Districts. The vertical distance from the top to the bottom of any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point not closer than two feet from the curb.

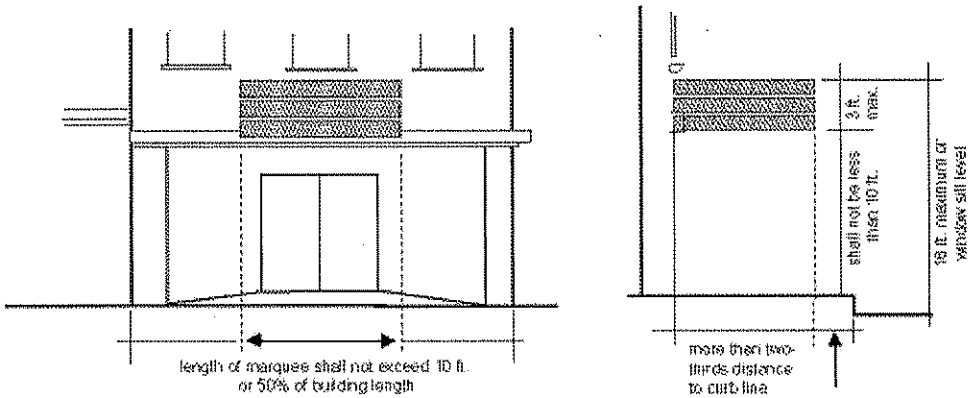
(A) A marquee projecting more than of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(B) A marquee projecting less than of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

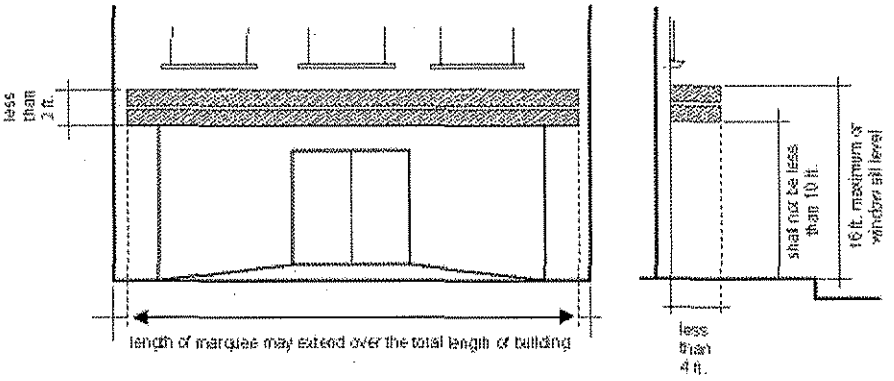
NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the

building along the direction of the street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED USE DISTRICTS.

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply in Mixed Use Districts.

(a) Awnings. All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any), exclusive of the ground story and mezzanine, provided that no such awning shall in any case

exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

(1) Chinatown Residential Neighborhood Commercial District. The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.

(2) All Other Mixed Use Districts. When the width of all awnings is less than 10 feet along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

(b) Canopies.

(1) Chinatown Residential Neighborhood Commercial District. No canopy shall be permitted in any Residential Neighborhood Commercial District.

(2) All Other Mixed Use Districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk *and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk*. The vertical distance from the top to the bottom of the canopy shall not exceed two feet, including any valance. All portions of any canopy, excluding the column supports and excluding any

valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than twenty feet from each other, measured from centerline to centerline.

(c) Marquees.

(1) Chinatown Residential Neighborhood Commercial District. No marquee shall be permitted in any Residential Neighborhood Commercial District.

(2) All Other Mixed Use Districts. The vertical distance from the top to the bottom of any marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point two feet from the curb.

(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building, along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

(B) A marquee projecting less than of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level of windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit for a marquee shall be required for each building frontage.

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

(a) With the exception of dwelling units in single room occupancy buildings in the South of Market *Mixed Use Districts* ~~*base area*~~, in each dwelling unit in any use district, the required windows (as defined by Section 501.4 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 501.1 of the Housing Code shall face directly on an open area of one of the following types:

(1) A public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, *except for single room occupancy buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.*

(b) For historic buildings identified in Section 307(h)(3) which are located within the Eastern Neighborhoods Mixed Use Districts, the requirements of this Section 140 may be modified or waived by the Zoning Administrator pursuant to the procedures and criteria set forth in Section 307(h).

SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, M, *MUG, MUO, MUR, UMU, DTR,* SPD, RSD, SLR, SLI AND SSO DISTRICTS.

(a) In R, SPD, RSD, NC, C, M, *MUG, MUO, MUR, UMU,* SLR, SLI and SSO Districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building; (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(c) In ~~*the Rincon Hill*~~ Downtown Residential Districts*, the Eastern Neighborhoods Mixed Use Districts,* and South of Market *Mixed Use* ~~*Base*~~ Districts, mechanical equipment and appurtenances shall be enclosed in such a manner that: (1) the enclosure is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building; (3) if screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and (4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(d) Off-street parking or freight loading spaces shall only be permitted on unenclosed rooftops when the parking area is screened with fencing, trellises and/or landscaped screening features such that parked vehicles cannot be easily viewed from adjacent buildings, elevated freeways or public vista points.

SEC. 142. SCREENING OF PARKING AREAS, R, ~~*AND*~~ NC, *AND EASTERN NEIGHBORHOODS MIXED USE* DISTRICTS.

Off-street parking areas in R, ~~*and*~~ NC *and Eastern Neighborhoods Mixed Use* Districts shall be screened as provided in this Section.

(a) Every off-street parking space *not* within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means.

(b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas *not* within buildings shall be screened from view and confined by solid building walls.

(c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

SEC. 143. STREET TREES, R, SPD, RSD, NC, C-3, *DTR, MUG, MUO, MUR, UMU,* SLR, SLI AND SSO DISTRICTS.

(a) In any R, SPD, RSD, NC, C-3, *DTR, MUG, MUO, MUR, UMU,* SLR, SLI, or SSO District, street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building, and within the RED, SPD, RSD, *MUG, MUO, MUR, UMU,* SLR, SLI and SSO Districts, in the case of change of 20 percent or more of the occupied floor area of an existing building to another use.

(b) The street trees installed shall be a minimum of one *24-inch box* tree ~~*of 15-gallon size*~~ for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.

(c) The species of trees selected shall be suitable for the site, and, in the case of trees installed in the public right-of-way, the species and locations shall be subject to approval by the Department of Public Works. Procedures and other

requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

(d) In any case in which the Department of Public Works cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 143 may be modified or waived by the Zoning Administrator to the extent necessary.

(e) In C-3 and South of Market *Mixed Use* Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement in C-3 districts where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the ~~*Master*~~ *General* Plan, such as the policy favoring unobstructed pedestrian passage.

(f) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed along all street frontages in the public right of way as set forth in subsection (b). Street tree basins shall be edged with decorative treatment, such as pavers or cobbles, in accordance with City standards. In the event that the Department of Public Works does not approve for any reason the installation of the number of trees required as set forth in subsection (b), an in-lieu fee for each missed street tree, in an amount set forth in Article 16 of the Public Works Code, shall be paid to the Adopt A Tree Fund. When a pre-existing site constraint prevents the installation of a street tree, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the

installation of sidewalk landscaping in accordance with all adopted standards and requirements.

(g) DTR Districts. In DTR Districts, in addition to the requirements of subsections (a)-(d) above, all street trees shall:

(1) be open to the sky and free from all encroachments for that entire width, planted at least one foot back from the curb line;

(2) have a minimum 2 inch caliper, measured at breast height;

(3) branch a minimum of 8 feet above sidewalk grade;

(4) where in the public right-of-way, be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;

(5) where planted in individual basins rather than a landscaped planting bed, be protected by a tree grate with a removable inner ring to provide for the tree's growth over time;

(6) provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;

(7) be irrigated, maintained and replaced if necessary by the property owner, in accordance with Sec. 174 of the Public Works Code; and

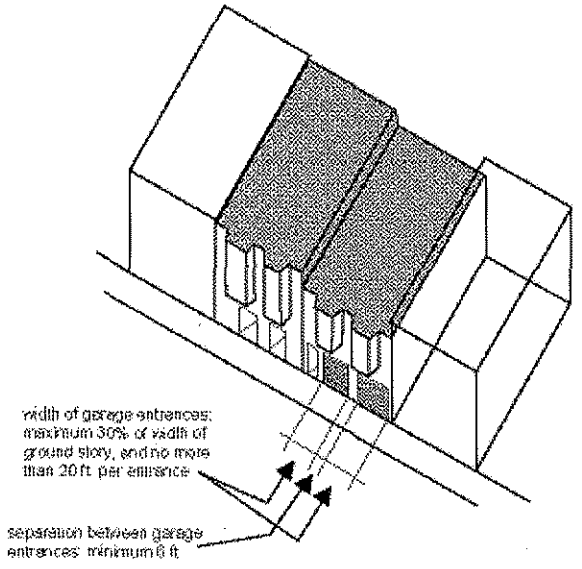
(8) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

SEC. 144. TREATMENT OF GROUND STORY ON STREET FRONTAGES, RH-2, RH-3, RTO, *RTO-M,* RM-1, AND RM-2 DISTRICTS.

(a) General. This Section is enacted to assure that in RH-2, RH-3, RM-1, RM-2, *RTO* and RTO-*M* Districts the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood,

and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. *The design of ground story frontages subject to this Section shall also be reviewed for consistency with applicable design guidelines, including the Ground Floor Residential Design Guidelines.*

(b) Entrances to Off-Street Parking. Except as otherwise provided herein, in the case of every dwelling in such districts no more than 30 percent of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than 16 feet in width, or to a single such entrance of less than 8 feet in RTO *and RTO-M* districts. In addition, no entrance to off-street parking for a dwelling on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. Lots in RTO *and RTO-M* districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. The requirements of this Subsection (b) shall not be applicable where the lot has an upward or downward slope from the front lot line to the forward edge of the required rear yard, along the centerline of the building, of more than 20 percent; or where the lot depth and the requirements of this Code for dimensions, areas and open spaces are such that the permitted building depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH-3, RM-1 or RM-2 District.



(c) Features To Be Provided. In the case of every dwelling in such districts, no less than 30 percent of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

(d) Parking Setback. In RTO *and RTO-M* districts off-street parking is not permitted on the ground floor within the first 20 feet of building depth from any façade facing a street at least 30 feet in width, unless such parking occupies the space otherwise used as the drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along these frontages must be wrapped with dwelling units, entrances to dwelling units, commercial uses where permitted, and other uses (other than storage) and building features that generate activity or pedestrian interest.

SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL, *DOWNTOWN RESIDENTIAL, AND EASTERN NEIGHBORHOOD MIXED USE* DISTRICTS.

*(a) Purpose. ~~In order~~ The purpose of this Section is t*o preserve, enhance and promote attractive, clearly defined street frontages *that are pedestrian-oriented, fine-grained, and* which are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, *Downtown Residential Districts, and Eastern Neighborhoods Mixed Use Districts.* ~~*and adjacent districts,*~~

(b) Definitions.

(1) Development lot. A "development lot" shall mean:

(A) Any lot containing a proposal for new construction, or

(B) Building alterations which would increase the gross square footage of a structure by 20 percent or more, or

(C) In a building containing parking, a change of more than 50 percent of the building's gross floor area to or from residential uses, excluding residential accessory off-street parking.

(2) Active use. An "active use", shall mean any principal, conditional, or accessory use which by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles. Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units which provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(A) Public Uses described in 790.80 and 890.80 are considered active uses except utility installations.

(B) Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

(c) Controls. the following requirements shall apply, except as specified below, to new structures or alterations to existing structures involving a change in the level of the first story or a change in the facade at the street frontage at the first story and below, where such structure is located along any block frontage that is entirely within a~~n NC~~ District *subject to this Section*.

In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain customer entrances to commercial spaces.

(~~b~~*1*) *Standards Applicable in all Districts*

Other than as set forth in this Subsection (c) for NC-S Districts, no more than 1/3 of the width of a new or altered structure, parallel to and facing such street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20 feet in width per frontage or be less in width than eight feet for garages containing up to three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50 cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10 feet in width for single directional movement or 20 feet in width for bidirectional movement.

(~~a~~*2*) *Additional Standards Applicable in all NC Districts other than NCT Districts*

If such structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2 the total width of such new or altered structures at the commercial street frontage shall be devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full-Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant
.45	Take-Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service
.51	Medical Service
.52	Personal Service
.53	Business or Professional Service

.55	Tourist Hotel
.61	Automobile Sale or Rental
.62	Animal Hospital
.65	Trade Shop
.70	Administrative Service

~~*(b) In all NC Districts other than NC-S Districts, no more than 1/3 of the width of such new or altered structure, parallel to and facing such street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20 feet in width or be less in width than eight feet for garages containing up to three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50 cars. Development lots in NCT districts are limited to a total of 20 feet per block frontage devoted to entrances to off-street parking. A "development lot" shall be any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking.*~~

~~*In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10 feet in width for single directional movement or 20 feet in width for bidirectional movement.*~~

(3) Additional Standards Applicable in NCT Districts, Downtown Residential Districts, and Eastern Neighborhoods Mixed Use Districts

(~~c~~A) Above-Grade Parking Setback. ~~*In NCT districts, o*~~Off-street parking at ~~*or above*~~ street grade on a development lot must be set back at least

25 feet on the ground floor *and at least 15 feet on floors above*, from any façade facing a street at least 30 feet in width. ~~*Space for active uses as defined in subsection (c) and permitted by the specific district in which it is located shall be provided along the frontages for the above-mentioned setback depth.*~~ Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes ~~*louvers and other*~~ mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. ~~*A "development lot" shall be any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking.*~~

(B) Active Uses Required. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any façade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

(C) Ceiling Height. Unless otherwise established elsewhere in this Code, ~~the following controls shall apply :~~

~~(1) G~~ground floor non-residential uses in UMU Districts shall have a minimum ~~unobstructed ceiling~~ floor-to-floor height of ~~15~~ 17 feet, as measured from ~~floor level~~ grade. Ground floor non-residential uses in all NCT, DTR, MUG,

MUR, and MUO Districts shall have a minimum ~~unobstructed ceiling~~ floor-to-floor height of ~~12~~ 14 feet, as measured from ~~floor level~~ grade.

~~(ii) Ground floor residential uses in UMU Districts shall have a minimum unobstructed ceiling height of 15 feet, as measured from grade. Ground floor residential uses in all NCT, DTR, MUG, MUR, and MUO Districts shall have a minimum unobstructed ceiling height of 12 feet, as measured from grade.~~

(D) Transparency and Fenestration. Frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

(E) Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building façade.

~~*(d) **Required Ground Floor Commercial Uses.** In the locations listed in this subsection, active, pedestrian-oriented commercial uses, as described in subsection (c), and permitted by the specific district in which it is located, are a required ground floor use on street facing building frontages. Where these uses are required, they shall occupy no less than 75 percent of the building frontage to a depth of not less than 25 feet, and shall be open at the pedestrian eye level, allowing visibility to the inside of the building,*~~

~~*and shall meet the standards described in subsection (a). This requirement applies to the following street frontages:*~~

~~*(1) Hayes Street, for the entirety of the Hayes-Gough NCT;*~~

~~*(2) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;*~~

~~*(3) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts; and*~~

~~*(4) Church Street, for the entirety within the NCT-3 and Upper Market NCT Districts.*~~

~~*(c) Definition of Active Uses.*~~

~~*(1) Active uses shall include those that are oriented to public access and primarily to walk-up pedestrian activity. Active uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses shall include the uses listed in Table 145.1 and as defined by the referenced Code sections, and lobbies for any permitted or conditional use in that district. Uses noted with an asterisk in Table 145.1 are restricted as follows:*~~

~~*(A) Where ground floor commercial frontages are required in subsection (d), such uses shall not include any use oriented to motor vehicles except as follows. Automobile sale or rental may be considered as an active use meeting the requirements of subsection (d) if no curb cuts, garage doors, or loading access are utilized or proposed on streets listed in subsection (d) or in Section 155(r), and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces. Such sales or rental activity shall not include auto repair or vehicle servicing functions for frontages required for active commercial uses.*~~

~~*(B) Public Uses described in 790.80 are considered active uses except utility installations.*~~

~~*(C) Where ground floor commercial frontages are required in subsection (d), such uses shall not include residential uses. Residential Uses described in 790.88 are considered active uses meeting the requirements of subsection (c) only if a majority of the street frontage at the ground level features dwelling units with direct, individual pedestrian access to a public sidewalk or street. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.*~~

~~*Table 145.1*~~	
~~*Other Retail Sales and Services [Not Listed Below]*~~	~~*§ 790.102*~~
~~*Bar*~~	~~*§ 790.22*~~
~~*Full Service Restaurant*~~	~~*§ 790.92*~~
~~*Large Fast Food Restaurant*~~	~~*§ 790.90*~~
~~*Small Self Service Restaurant*~~	~~*§ 790.91*~~
~~*Liquor Store*~~	~~*§ 790.55*~~
~~*Other Entertainment*~~	~~*§ 790.38*~~
~~*Financial Service*~~	~~*§ 790.110*~~
~~*Limited Financial Service*~~	~~*§ 790.112*~~

~~*Medical Service*~~	~~*§ 790.114*~~
~~*Personal Service*~~	~~*§ 790.116*~~
~~*Business or Professional Service*~~	~~*§ 790.108*~~
~~*Automotive Service Station*~~	~~*§ 790.17**~~
~~*Automotive Repair*~~	~~*§ 790.15**~~
~~*Automobile Sale or Rental*~~	~~*§ 790.12**~~
~~*Animal Hospital*~~	~~*§ 790.6*~~
~~*Trade Shop*~~	~~*§ 790.124*~~
~~*Video Store*~~	~~*§ 790.135*~~
~~*Other Institutions, Large*~~	~~*§ 790.50*~~
~~*Other Institutions, Small*~~	~~*§ 790.51*~~
~~*Public Use*~~	~~*§ 790.80**~~
~~*Medical Cannabis Dispensary*~~	~~*§ 790.141*~~
~~*Residential Use*~~	~~*§ 790.88**~~

~~***SEC. 145.4. STREET FRONTAGES, DOWNTOWN AND MIXED-USE DISTRICTS.***~~

~~*In order to preserve, enhance and promote street frontages that are pedestrian-oriented, lively, fine-grained, and provide opportunity for multiple shops and services to serve both local and citywide populations, the following rules are established in all DTR districts and other specific districts as described below:*~~

~~*(a) **Above-Grade Parking Setback**. Except as more restrictively established in Section 827, any parking built above street grade must be set back at least 25 feet on the ground floor, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, and 15 feet at all other levels from any facade facing a street. Space for active uses as defined in this Section and permitted by the specific district in which it is located shall be provided along the frontages for the above-mentioned setback depths.*~~

~~*(b) **Ground Floor Commercial Uses**. Active, pedestrian-oriented commercial uses, as defined in this Section and permitted by the specific district in which it is located, are a required ground floor use on street facing building frontages in the locations listed in this subsection. Where these uses are required, they shall occupy no less than 75 percent of the building frontage and shall be open at the pedestrian eye level, allowing visibility to the inside of the building. Such openings shall use clear, untinted, glass except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view. This requirement applies to the following street frontages:*~~

~~*(1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827; and*~~

~~*(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District.*~~

~~*(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use District, from Fell Street to Market Street.*~~

~~*(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown Residential Special Use District.*~~

~~*(5) Market Street, for the entirety of the Van Ness and Market Downtown Residential Special Use District.*~~

~~*(c) **Maximum Street-Facing Use Sizes**. An individual ground floor tenancy may not occupy more than 75 linear feet for the first 25 feet of depth from the street facing facade of a frontage on a major street. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth.*~~

~~*(d) Exceptions to the requirements of this section may be granted only pursuant to the procedures of Section 309.1. of this Code.*~~

~~*(e) **Definition of Active Uses**.*~~

~~*(1) **Ground Floor**. Active uses at the ground floor shall include those that are oriented to public access and walk-up pedestrian activity. These uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, any use oriented toward motorized vehicles, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses on the ground floor shall include lobbies for any use, and the uses listed in Table 145.4 and as defined by the referenced Code Sections. Uses noted with an asterisk in Table 145.4 are restricted as follows:*~~

~~*(A) Non-Auto Vehicle Sales and Rental are only considered as active uses if their use is limited to the sales and rental of bicycles, or the sales of scooters or motorcycles, and no curb cuts, garage doors, or loading access are required on streets where such are restricted in this Code, and pedestrian movement on abutting sidewalks is not infringed.*~~

~~*(B) Public Uses described in 890.80 are considered active uses except utility installations.*~~

~~*(C) Residential Uses described in 890.88 are considered active uses only if a majority of residential uses at the ground level have direct, individual pedestrian access to a public sidewalk or street. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.*~~

~~*(D) Automobile Sale or Rental are only considered as active uses meeting the requirements of subsection (b) for frontages in the Van Ness and Market Downtown Residential Special Use District, and if no curb cuts, garage doors, or loading access are required on Van Ness Avenue or Market Street, such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces. Such sales or rental activity shall not include auto repair or vehicle servicing functions for frontages required for active commercial uses.*~~

~~*Table 145.4*~~

~~*Code Reference*~~	~~*Use*~~
~~*890.4*~~	~~*Amusement Game Arcade*~~
~~*890.6*~~	~~*Animal Hospital*~~
~~*890.13**~~	~~*Automobile Sale or Rental*~~
~~*890.22*~~	~~*Bar*~~
~~*890.23*~~	~~*Business Goods and Equipment Sales and Repair Service*~~

~~*890.34*~~	~~*Eating and Drinking Use*~~
~~*890.37*~~	~~*Entertainment, Other*~~
~~*890.39*~~	~~*Gift Store Tourist Oriented*~~
~~*890.50*~~	~~*Institutions, Other*~~
~~*890.51*~~	~~*Jewelry Store*~~
~~*890.68*~~	~~*Neighborhood Serving Business*~~
~~*890.69**~~	~~*Non-Auto Vehicle Sales or Rental*~~
~~*890.80**~~	~~*Public Use*~~
~~*890.88**~~	~~*Residential Use*~~
~~*890.90*~~	~~*Restaurant, Fast-Food (Small)*~~
~~*890.91*~~	~~*Restaurant, Fast-Food (Large)*~~
~~*890.92*~~	~~*Restaurant, Full-Service*~~
~~*890.102*~~	~~*Sales and Service, Other Retail*~~
~~*890.104*~~	~~*Sales and Services, Retail*~~
~~*890.112*~~	~~*Service, Limited Financial*~~
~~*890.116*~~	~~*Service, Personal*~~
~~*890.122*~~	~~*Take-Out Food*~~
~~*890.124*~~	~~*Trade Shop*~~
~~*890.140*~~	~~*Walk-Up Facility*~~

~~*(2) **Floors above the Ground Floor**. Active uses on floors above the ground floor shall include any use included in subsection (1) along with all office uses, all residential uses, hotels, and any industrial or light industrial use that is permitted in the district and meets the intent of this Section.*~~

SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) Purpose: to support active, pedestrian-oriented commercial uses on important commercial streets.

(b) Applicability. The requirements of this Section apply to the following street frontages.

(1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;

(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special Use District;

(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use District, from Fell Street to Market Street;

(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown Residential Special Use District;

(5) Market Street, for the entirety of the Van Ness and Market Downtown Residential Special Use District;

(6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

(7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;

(8) Hayes Street, for the entirety of the Hayes-Gough NCT;

(9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;

(10) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;

(13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;

(14) Mission Street, for the entirety of the Mission Street NCT District;

(15) 24th Street, for the entirety of the 24th Street-Mission ~~NCD~~NCT*;*

(16) 16th Street, between Guerrero and Capp Streets;

(17) 22nd Street, between Valencia and Mission Streets;

(18) 6th Street for its entirety within the SoMa NCT District;

(c) Definitions.

"Active commercial uses" shall include those uses specifically identified below in Table 145.4, and:

(1) Shall not include uses oriented to motor vehicles except for automobile sale or rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;

(2) Shall include public uses except for utility installations; and

(3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and 890.50.

Table 145.4

Reference for Neighborhood Commercial Districts	*Reference for Mixed Use Districts*	*Use*
790.4	*890.4*	*Amusement Game Arcade*
790.6	*890.6*	*Animal Hospital*
790.12	*890.13*	*Automobile Sale or Rental (see qualification, above)*
790.22	*890.22*	*Bar*
N/A	*890.23*	*Business Goods and Equipment Sales and Repair Service*
790.34	*890.34*	*Eating and Drinking Use*
790.38	*890.37*	*Entertainment, Other*
N/A	*890.39*	*Gift Store-Tourist Oriented*
790.50, 790.51	*890.50*	*Institutions, Other (see qualification, above)*
N/A	*890.51*	*Jewelry Store*
790.68	*890.68*	*Neighborhood-Serving Business*
N/A	*890.69*	*Non-Auto Vehicle Sales or Rental (see qualification, above)*
790.80	*890.80*	*Public Use (see qualification, above)*
790.91	*890.90*	*Restaurant, Fast-Food (Small)*
790.90	*890.91*	*Restaurant, Fast-Food (Large)*

790.92	890.92	Restaurant, Full-Service
790.102	890.102	Sales and Service, Other Retail
790.104	890.104	Sales and Services, Retail
790.110	890.110	Service, Financial
790.112	890.112	Service, Limited Financial
790.114	890.114	Service, Medical
790.116	890.116	Service, Personal
790.122	890.122	Take-Out Food
790.124	890.124	Trade Shop
790.140	890.140	Walk-Up Facility

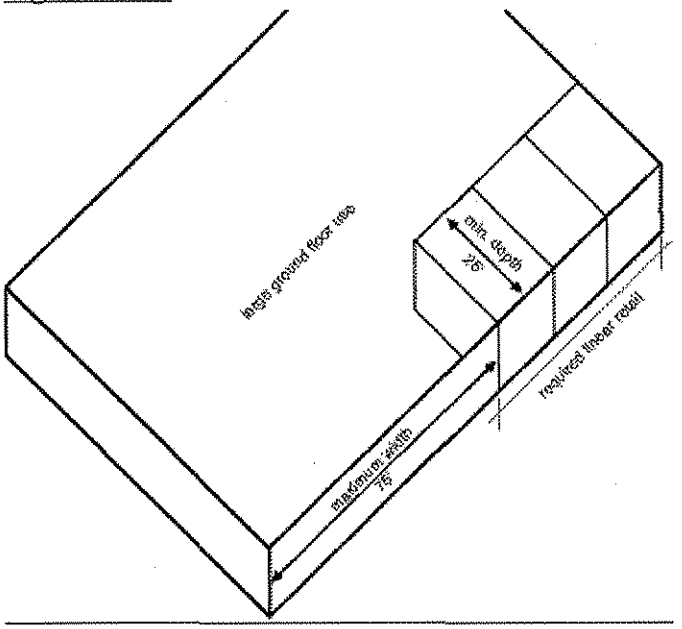
(d) Controls.

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

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

(3) On those street frontages listed in Subsection (b), an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing façade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth, as illustrated in Figure 145.4.

Figure 145.4



(e) Modifications. Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section ~~309.2~~*329 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).*

SEC. 145.5. GROUND FLOOR STANDARDS IN PDR DISTRICTS.

All new buildings constructed in PDR Districts shall provide ground floor spaces with a minimum clear ceiling height of 15 feet, as measured from grade.

~~SEC. 145.6. REAR BUILDING WALLS, NCT DISTRICTS.~~

~~(a) Applicability. This Section shall apply to all new or expanded buildings located in the SoMa NCT, Mission Street NCT, Valencia Street NCT, 24th Street-Mission NCT, and NCT-2 Districts.~~

~~(b) Definitions. For the purposes of this Section, a 'Green Wall' shall mean a generally vertical surface that is covered to the maximum extent feasible with climbing plants or other vegetation. In addition to plant matter, a green wall may also include growing medium, irrigation systems, or components that integrate the wall with other landscape or building systems. A Green Wall may include limited glazing or other openings so long as such openings do not detract from the growth or coverage of plant matter, or otherwise interfere with the intent of this Section.~~

~~(c) Controls. In order to preserve and enhance the quality of existing mid-block open spaces in NCT Districts, the following requirements apply:~~

~~(1) Buildings must provide and maintain a Green Wall along all exterior building walls which occupy space within the rearmost 5 feet of the lot. Such Green Wall shall comprise the entire rear building wall, excepting a doorway or other passage from the building's interior and space directly above that opening, and extend to at least 10 feet above grade or to the floor level of the first floor of occupancy above the ground story at the rear of the building, whichever is greater.~~

~~(2) Regardless of the rear yard requirements of Section 134, buildings subject to this Section also must provide a setback of no less than 3 feet for the full width of the lot, measured from the rear lot line, to allow for access to, and maintenance of, the Green Wall. In connection with this requirement, a doorway or other~~

~~passageway leading from the interior of the building to the maintenance setback is required.~~

SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR PUBLICLY ACCESSIBLE OPEN SPACES IN C-3, *SOUTH OF MARKET MIXED USE, AND EASTERN NEIGHBORHOODS MIXED USE* ~~RSD, SLR, SLI OR SSO~~ DISTRICTS.

New buildings and additions to existing buildings in C-3, *South of Market Mixed Use, and Eastern Neighborhoods Mixed Use* Districts ~~or in RSD, SLR, SLI or SSO Districts~~ where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. In determining the impact of shadows, the following factors shall be taken into account: The amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Determinations under this Section with respect to C-3 Districts shall be made in accordance with the provisions of Section 309 of this Code. Determinations under this Section with respect to *South of Market Mixed Use and Eastern Neighborhoods Mixed Use* ~~RSD, SLR, SLI or SSO~~ Districts shall be made in accordance with the provisions of Section 307 of this Code.

SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

(a) General. This Article 1.5 is intended to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the San Francisco ~~Master~~ *General* Plan, as part of a balanced transportation system that makes suitable provision

for use of both private vehicles and transit. With respect to off-street parking, this Article is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.

(b) Spaces Required. Off-street parking and loading spaces, according to the requirements stated in this Article 1.5, shall be provided for any structure constructed, and any use established, whether public or private, after the original effective date of any such requirement applicable to such structure or use.

(c) Additions to Structure and Uses.

(1) For any structure or use lawfully existing on such effective date, off-street parking and loading spaces need be provided only in the case of a major addition to such structure or use, and only in the quantity required for the major addition itself. Any lawful deficiency in off-street parking or loading spaces existing on such effective date may be carried forward for the structure or use, apart from such major addition.

(2) For these purposes, a "major addition" is hereby defined as any enlargement, alteration, change of occupancy or increase in intensity of use which would increase the number of off-street parking spaces required for dwelling units by one or more spaces; which would increase the number of off-street parking spaces required for uses other than dwelling units by at least 15 percent or by at least five spaces, whichever is greater; or which would increase the requirement for off-street loading spaces by at least 15 percent.

(3) Successive additions made after the effective date of an off-street parking or loading requirement shall be considered cumulative, and at the time

such additions become major in their total, off-street parking and loading spaces shall be provided as required for such major addition.

(d) Spaces to be Retained. Once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner; provided, however, that in the Outer Clement Neighborhood Commercial District a maximum of one off-street parking space may be used for the storage of materials for a commercial use if the commercial use is on a lot contiguous to the lot on which the parking space is located and if access between the commercial use and the storage is available without the use of a public sidewalk or other public right-of-way and if the storage occurred prior to 1985. Any required residential parking space may be leased or rented on a monthly basis to serve the resident of any dwelling unit within 1,250-feet of said parking space, as provided under Section 204.5(b)(1) of this Code, and such lease or rental shall not be considered a reduction or elimination of required spaces.

(3) Any off-street parking space or spaces which existed lawfully at the effective date of this Section and which have a total number in excess of the maximum permitted off-street parking spaces permitted under Section 151.1 shall be considered noncomplying features pursuant to Section 180(a)(2) and shall be regulated as set forth in Section 188.

(e) Conditional Use Cases. When authorizing a conditional use under Section 303 of this Code, the ~~*City*~~ Planning Commission may require such additional off-street parking and loading spaces, and apply such other standards

in addition to those stated in this Article 1.5, as are in its opinion necessary to secure the objectives of this Code.

SEC. 151.1. *SCHEDULE OF* PERMITTED OFF-STREET PARKING *SPACES* IN *SPECIFIED DISTRICTS* ~~*DOWNTOWN RESIDENTIAL(DTR), C-3, NEIGHBORHOOD COMMERCIAL TRANSIT (NCT), AND RESIDENTIAL TRANSIT ORIENTED (RTO) DISTRICTS.*~~

(a) *Applicability. This subsection shall apply only to* ~~*For any use in*~~ DTR, NCT, RTO, *Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G* or C-3 Districts.

(b) Controls. ~~, o~~Off-street accessory parking shall not be required *for any use, and,* ~~*as specified in Section 151.1 herein. T*~~the quantities *of off-street parking* specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. *For non-residential and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of off-street parking that may be provided as accessory shall be no more than 50% greater than that indicated in Table 151.1.* ~~*For uses in DTR, NCT, and RTO districts not described in Table 151.1, the off-street requirements specified in Table 151 and set forth in Section 204.5 of this Code shall serve as maximums for the total amount of accessory parking that may be provided. For uses in C-3 Districts not described in Table 151.1, Section 204.5 shall determine the maximum permitted accessory parking that may be provided.~~* Variances *from accessory off-street parking limits, as described in this Section*, may not be granted. ~~*in C-3, NCT and RTO above the maximum specified in this Section 151.1.*~~ Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as *explicitly permitted by this Section* ~~*set forth in Section 204.5 of this Code*~~, such parking shall be classified not as accessory parking but as either a principally permitted or conditional use, depending upon the use

provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 157 *and 157.1* of this Code.

(~~b~~c) Where a number or ratio of spaces are described in Table 151.1, such number or ratio shall refer to the total number of parked cars accommodated in the project proposal, regardless of the arrangement of parking, and shall include all spaces accessed by mechanical means, valet, or non-independently accessible means. For the purposes of determining the total number of cars parked, the area of an individual parking space, except for those spaces specifically designated for persons with physical disabilities, may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of vertical stacking. *Any off-street surface area accessible to motor vehicles with a width of 7.5 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a parking space may be considered and counted as an off-street parking space at the discretion of the Zoning Administrator if the Zoning Administrator, in considering the possibility for tandem and valet arrangements, determines that such area is likely to be used for parking a vehicle on a regular basis and that such area is not necessary for the exclusive purpose of vehicular circulation to the parking or loading facilities otherwise permitted.*

(~~c~~d) Any off-street parking space dedicated for use as a car-share parking space, as defined in Section 166, shall not be ~~*counted*~~ *credited* toward the total parking ~~*allowed*~~ *permitted* as accessory in this Section.

Table 151.1

OFF-STREET PARKING ~~*ALLOWED*~~ *PERMITTED* AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in *RH*-DTR Districts~~, except as specified below~~	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1 (d); NP above one space per unit.
Dwelling units in C-3 *and SB-DTR,* Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 *and SB-DTR,* Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one car for each dwelling unit.
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above two cars for each four dwelling units.
Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as specified below	*P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.*
Dwelling units in MUG, MUR, MUO, SPD Districts with at least	*P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and*

2 bedrooms and at least 1,000 square feet of occupied floor area	*conditions and procedures of Section 151.1(f); NP above one car for each dwelling unit.*
Dwelling units in NCT Districts	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in RTO Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
Dwelling units and SRO units in UMU Districts, except as specified below	*P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(f); NP above.*
Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	*P up to 1 car for each dwelling unit and subject to the conditions of 151.1(f); NP above.*
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
~~*SRO units*~~	~~*P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.*~~
All non-residential uses in C-3 Districts	*Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.*

Hotel, inn, or hostel	*P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.*
Motel	*P up to one for each guest unit, plus one for the manager's dwelling unit, if any.*
Hospital or other inpatient medical institution	*P up to one for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement*
Residential care facility	*P up to one for each 10 residents.*
Child care facility	*P up to one for each 25 children to be accommodated at any one time.*
Elementary school	*P up to one for each six classrooms.*
Secondary school	*P up to one for each two classrooms.*
Post-secondary educational institution	*P up to one for each two classrooms.*
Church or other religious institutions	*P up to one for each 20 seats.*
Theater or auditorium	*P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.*
Stadium or sports arena	*P up to one for each 15 seats.*
Medical or dental office or outpatient clinic	*P up to one for each 300 square feet of occupied floor area.*

All office uses *in C-3, DTR, SPD, MUG, MUR, and MUO Districts*	P up to seven percent of the gross floor area of such uses *and subject to the pricing conditions of Section 155(g);* NP above.
Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	*P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.*
Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd and 4th Streets	*P up to one car per 500 square feet of gross floor area; NP above.*
Non-residential uses in RTO districts permitted under Sections 209.8(e) and 23*1*0.	None permitted.
All non-residential uses in NCT districts except as specified below	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(f). NP above.
Retail grocery store uses in NCT districts with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(f). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.

All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than ¼ mile from Market, Mission, 3rd and 4th Streets, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of gross floor area.
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other r~~R~~*estaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise*	*P up to one for each 200 square feet of occupied floor area.*
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other r~~R~~*etail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture*	*P up to one for each 1,000 square feet of occupied floor area.*
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other g~~G~~*reenhouse or plant nursery*	*P up to one for each 4,000 square feet of occupied floor area.*

With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other r~~R~~*etail space*	*P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.*
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	*P up to one for each 1,000 square feet of occupied floor area.*
Mortuary	*P up to five.*
Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	*P up to one for each 2,000 square feet of occupied floor area.*
Arts activities and spaces except theater or auditorium spaces	*P up to one for each 2,000 square feet of occupied floor area.*
Laboratory	*P up to one for each 1,500 square feet of occupied floor area.*
Small Enterprise Workspace Building	*P up to one for each 1,500 square feet of occupied floor area.*
Integrated PDR	*P up to one for each 1,500 square feet of occupied floor area.*
Other manufacturing and industrial uses	*P up to one for each 1,500 square feet of occupied floor area.*

(d) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code. In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

(1) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

(2) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(3) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(4) All parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(5) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(e) In C-3 Districts any request for accessory parking in excess of what is permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309 of

this Code. In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Planning Commission shall make the following affirmative findings:

(1) For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands. The Planning Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking space above the maximums in Table 151.1;

(2) For any project with residential accessory parking in excess of 0.375 parking spaces for each dwelling unit, the project complies with the housing requirements of Sections 315 through 315.9 of this Code except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2) shall apply to the project.

(3) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;

(4) All parking meets the active use and architectural screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor

is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

(f) In RTO and NCT districts, any request for accessory parking in excess of what is principally permitted in Table 151.1, *but which does not exceed the maximum amount stated in Table 151.1*, shall be reviewed ~~*on a case-by-case basis*~~ by the Planning Commission as a Conditional Use. *In MUG, MUR, MUO, and SPD Districts, any project subject to Section* ~~309.2~~329 *and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission according to the procedures of Section* ~~309.2~~329*. Projects that are not subject to Section* ~~309.2~~329 *shall be reviewed under the procedures detailed in subsection (g), below.* In granting such Conditional Use *or exception per* ~~309.2~~329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(1) Parking for all uses

(A) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(B) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(C) All above-grade parking is architecturally screened and, *where appropriate,* lined with active uses according to the standards of Section 145.1~~(c)~~, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(D) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

(2) Parking for Residential Uses

(A) For projects with 50 *dwelling* units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, *and* maximizes other uses~~, and discourages the use of vehicles for commuting for daily errands~~.

(3) Parking for Non-Residential Uses

(A) Projects that provide more than 10 spaces for non-residential uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be used for long-term storage nor satisfy the requirement of Section 166, but rather to park them during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection (B).

(B) Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

(C) Parking shall be limited to short-term use only.

(D) Parking shall be available to the general public at times when such parking is not needed to serve the use or uses to which it is accessory.

(g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that is not subject to the requirements of Section ~~309.2~~*329 and that requests residential accessory parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning Administrator determines that all of the following conditions are met:*

(A) all the conditions of subsection (f)(1) above have been met,

(B) parking is not accessed from any protected Transit or Pedestrian Street described in Section 155(r), and

(C) where more than ten spaces are proposed at least half of them, rounded down to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3, *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS,* OR SOUTH OF MARKET *MIXED USE DISTRICTS*.

In districts other than C-3, *Eastern Neighborhoods Mixed Use Districts,* and the South of Market *Mixed Use* Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 152.2 and Section 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that

nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152

OFF-STREET FREIGHT LOADING SPACES REQUIRED (OUTSIDE C-3, *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS,* AND SOUTH OF MARKET *MIXED USE* DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0--10,000	0
	10,001--60,000	1
	60,001--100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above	0--100,000	0
	100,001--200,000	1
	200,001--500,000	2

	over 500,000	3 plus 1 for each additional 400,000 sq. ft.

SEC. 152.1. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3, *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS,* AND SOUTH OF MARKET *MIXED USE* DISTRICTS.

In C-3, *Eastern Neighborhoods Mixed Use Districts,* and South of Market *Mixed Use* Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following Table 152.1, except as otherwise provided in Sections 153(a)(6), ~~and~~ 161, *and as stated below in this Section* ~~*of this Code*~~. The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section ~~309.2~~329*, the Planning Commission may waive these requirements per the procedures of Section* ~~309.2~~329 *if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys. For projects in the Eastern Neighborhoods Mixed Use Districts that are not subject to Section* ~~309.2~~329*, the Zoning Administrator may administratively waive these requirements pursuant to Section 307(h) and the criteria identified above which apply to projects subject to Section* ~~309.2~~329.

Table 152.1

OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS,* AND SOUTH OF MARKET *MIXED USE* DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Offices and Banks		0.1 space per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Retail stores, restaurants, bars, nighttime entertainment and drugstores	0--10,000	0
	10,001--30,000	1
	30,001--50,000	2
	over 50,000	1 space per 25,000 sq. ft. of gross floor area (to closest whole number per Section 153)

Wholesaling, manufacturing, and all other uses primarily engaged in handling goods, and live/work units within existing buildings, within *Eastern Neighborhoods Mixed Use Districts, and* South of Market *Mixed Use* Districts	0--10,000	0
	10,001--50,000	1
	over 50,000	0.21 spaces per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Hotels, apartments, live/work units not included above, and all other uses not included above	0--100,000	0
	100,001--200,000	1
	200,001--500,000	2
	over 500,000	3 plus 1 space for each additional 400,000 sq. ft.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(a) In the calculation of off-street parking and freight loading spaces required under Sections 151, 152 and 152.1, the following rules shall apply:

(1) In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the

sum of the requirements for the various uses or activities computed separately, including fractional values.

(2) Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code. In combining the requirements for use categories in mixed use buildings, all exemptions for initial quantities of square footage for the uses in question shall be disregarded, excepting the exemption for the initial quantity which is the least among all the uses in question.

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be calculated in proportion to the amount of such structure or use located in each zoning district.

(4) Where seats are used as the form of measurement, each 22 inches of space on benches, pews and similar seating facilities shall be considered one seat.

(5) When the calculation of the required number of off-street parking or freight loading spaces results in a fractional number, a fraction of 1/2 or more shall be adjusted to the next higher whole number of spaces, and a fraction of less than 1/2 may be disregarded.

(6) In C-3, *MUG, MUR, MUO, UMU,* and South of Market Districts, substitution of two service vehicle spaces for each required off-street freight

loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

(b) The requirements for off-street parking and loading for any use not specifically mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar, as determined by the Zoning Administrator.

(c) For all uses and all districts covered by Section 151.1, the rules of calculation established by subsection (a) shall apply to the determination of maximum permitted spaces al allowed by Section 151.1.

SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) Parking Spaces. Required parking spaces may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in the Building Code for spaces specifically designed for persons with physical disabilities. Space-efficient parking is encouraged.

(1) Each independently accessible off-street parking space shall have a minimum area of 144 square feet for a standard space and 112.5 feet for a compact space, except for the types of parking authorized by (a)(4) below and spaces specifically designated for person with physical disabilities, the requirements for which are set forth in the Building Code. Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas. The parking space requirements for the Bernal Heights Special Use District are set forth in Section 242.

(2) Any ratio of standard spaces to compact spaces may be permitted, so long as compact spaces are specifically marked and identified as a compact space. Special provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

(3) Off-street parking spaces in DTR, ~~and~~ C-3, *RTO, NCT, Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G* Districts shall have no minimum area or dimension requirements, except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. *For all uses in all Districts for which there is no minimum off-street parking requirement, per Section 151.1, refer to 151.1(c) for rules regarding calculation of parking spaces.*

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restrictions.

(5) Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifters, certain tandem spaces, or other space-efficient means. Tandem spaces shall only count towards satisfying the parking requirement if no more than one car needs to be moved to access the desired parking space. Space-efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so long as the project sponsor can

demonstrate that all required parking can be accommodated by the means chosen.

(6) Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

(b) Freight Loading and Service Vehicle Spaces. Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

(1) Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

(2) The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

(3) Each substituted service vehicle space provided under Section 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet.

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

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such

standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the ~~*Department of City*~~ Planning *Department*.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in preference to streets.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(1) For residential uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one car needs to be moved under its own power to access any one space.

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, *DTR, MUO, MUG, MUR,* and South of Market *Mixed Use* Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined *by the Zoning Administrator* to be primarily used for building service, *up to four off-street freight or loading spaces may be allowed to be individually accessible directly from such a street or alley,* pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-3-G District, ~~or~~ the provisions of Section 307(g) in a South of Market *Mixed Use* District, *the provisions of Section 309.1 in a DTR District, the provisions of Section* ~~309.2~~329 *for projects subject to Section* ~~309.2~~329 *in a MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that do are not subject to Section* ~~309.2~~329 *in a MUO, MUG, or MUR District~~, ~~up to four spaces may be allowed to be individually accessible directly from such a street or alley~~.

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3, *Eastern Neighborhood Mixed Use District* or South of Market *Mixed Use* District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3 District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for handicapped persons.

(j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.

(k) Off-street parking and loading facilities shall be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

(r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) shall be regulated on development lots as follows on the following street frontages:

(1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set forth in Section 827.

(2) *Not permitted:* The entire portion of Market Street in the C-3, NCT-3 and Upper Market NCT Districts, Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and Upper Market NCT Districts, Van Ness Avenue from Hayes Street to Mission Street, Mission Street from 10th Street to Division Street, Octavia Street from Hayes Street to Fell Street, ~~*not permitted.*~~ *Embarcadero in the DTR Districts, 22nd Street between 3rd Street and Minnesota Streets*

within the NCT-2 District, Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District, Mission Street for the entirety of the Mission Street NCT District, 24th Street for the entirety of the 24th Street-Mission NCT, 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts, 16th St between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6th Street for its entirety within the SoMa NCT District, 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI and MUO District.

(3) *Not permitted except with a Conditional Use authorization:* The entire portion of California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, ~~and~~ Grant Avenue from Market Street to Bush Street ~~and~~ Montgomery Street from Market Street to Columbus Avenue, Haight Street from Market Street to Webster Street, Church Street and 16th Street in the RTO District, and Duboce Street from Noe Street to Market Street, Octavia Street from Fell Street to Market Street~~, not permitted except with a conditional use permit.~~

(4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where

an alternative frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official city bicycle lane or bicycle route, may be allowed on streets not listed in subsection (2) above as an exception in the manner provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

(5) A "development lot" shall mean any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking. Pre-existing access to off-street parking and loading on development lots that violates the restrictions of this Section 155(r) may not be maintained.

(s) Off-Street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) Ground floor or below-grade parking and street frontages with active uses.

(A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and subsection 155(s)(2) or a conditional use is

authorized in accordance with Section 303 and subsections 155(s)(2) or 155(s)(3) below.

(B) Parking at the ground-level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 14*15.4(e)*, to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(i) Where a non-accessory off-street parking garage permitted under Section 223(m)--(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and fronts more than one street of less than 45 feet in width, a conditional use may be granted in accordance with Section 303 that allows an exception to this requirement for one of the street frontages. The above provision authorizing such conditional use shall sunset eight years from the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

(C) Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(2) Residential accessory parking. For residential accessory off-street parking in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

(A) In a manner provided in Section 309 of this Code provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the exception application under Section 309.

(B) As a conditional use in accordance with the criteria set forth in Section 303 of this Code, provided it can be clearly demonstrated that constructing the parking above-grade instead of underground would allow the proposed housing to meet affordability levels for which actual production has not met ABAG production targets as identified in the Housing Element of the General Plan.

(3) Non-accessory off-street parking garages. For non-accessory off-street parking garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B) below:

(A) As a conditional use in accordance with the criteria set forth in Section 303, provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the conditional use permit application.

(B) As a conditional use in accordance with the criteria set forth in Section 303, provided the site contains an existing non-accessory off-street surface parking lot with valid permits for such parking as of the effective date of the ordinance enacting this subsection and the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49,

50 and 51 This subsection 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this subsection.

(4) Parking lots permitted in C-3 Districts as temporary uses according to Section 156(h) and expansions of existing above-grade publicly accessible parking facilities are not subject to the requirements of subsections 155(s)(1)--(3).

(5) Parking and Loading Access.

(A) Width of openings. Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.

SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY PARKING GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND DTR DISTRICTS.

(a) In considering a Conditional Use application for a non-accessory parking garage in Eastern Neighborhoods Mixed Use Districts and DTR Districts, the Planning Commission shall affirmatively find that such facility meets all the criteria and standards of this Section, as well as any other requirement of this Code as applicable.

(b) A non-accessory garage permitted with Conditional Use may not be permitted under any condition to provide additional accessory parking for specific residential or non-residential uses if the number of spaces in the garage, in addition to the accessory parking permitted in the subject project or building, would exceed those amounts Not Permitted by Section 151.1.

(c) Criteria.

(1) Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and

(2) Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and

(3) Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and

(4) Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners or users of any particular use or building except in cases that such parking meets the criteria of subsection (d) or (e) below; and

(5) Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Section 155.2; and

(6) Such facility, to the extent open to the public per subsection (4) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and

(7) Vehicle movement on or around the facility does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district; and

(8) Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.

(d) Parking of Fleet Vehicles. Parking of fleet of commercial or governmental vehicles intended for work-related use by employees and not used for parking of employees' personal vehicles may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria except criteria (4) and (6).

(e) Pooled Residential Parking. Non-accessory parking facilities limited to use by residents, tenants or visitors of specific off-site development(s) may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria under (c) except criteria (4) and (6), and provided that the proposed parking on the subject lot would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or 309 exception as accessory for the uses in the off-site residential development. For the purpose of this subsection, an "off-site development" is a development which is existing or has been approved by the Planning Commission or Planning Department in the previous 12 months, is located on a lot other than the subject lot, and does not include any off-street parking.

SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE REQUIREMENTS.

The following exemptions shall apply to the requirements for off-street parking and loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as exemptions, shall be narrowly construed.

(a) No off-street parking shall be required for a one-family or two-family dwelling where the lot on which such dwelling is located is entirely inaccessible by automobile because of topographic conditions.

(b) No off-street loading shall be required where access to the lot cannot be provided other than by means of a driveway across a sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious disruption to pedestrian traffic.

(c) In recognition of the compact and congested nature of the downtown area and portions of Chinatown, the accessibility of this area by public transit, and programs for provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use, in any C-3 Districts, or for any use other than dwellings units where a requirement is specified, in Chinatown Visitor Retail, or Chinatown Residential Neighborhood Commercial Districts.

(d) In recognition of the small scale of development, the desirability of retention and conversion of many existing buildings of established character, the need to relieve congestion, and the provision of public parking facilities on an organized basis at specific locations, no off-street parking shall be required for any use other than dwellings in the Washington Broadway Special Use District Numbers 1 and 2 as described in Section 239 of this Code and in the Chinatown Community Business District, where the size of the lot does not exceed 20,000 square feet.

(e) In recognition of the close neighborhood orientation of the uses provided for in Residential-Commercial Combined Districts of high density, no off-street parking shall be required for any principal use in an RC-4 District for

which the form of measurement is occupied floor area, where the occupied floor area of such use does not exceed 10,000 square feet.

(f) In recognition of the policies set forth in the Northeastern Waterfront Plan, a part of the General Plan, the unique nature of the area and the difficulty of providing vehicular access thereto, the Planning Department or Planning Commission in specific cases may determine an appropriate reduction in off-street parking requirements in Waterfront Special Use District Numbers 1 and 3 as described in Sections 240.1 and 240.3 of this Code, in authorizing any principal or conditional use, respectively, under those sections. In considering any such reduction, the Planning Department for principal uses, and the Planning Commission for conditional uses, shall consider the following criteria:

(1) The anticipated parking demand to be generated by the particular use contemplated;

(2) Accessibility to the proposed site from freeway ramps or from major thoroughfares;

(3) Minimization of conflict of vehicular and pedestrian movements;

(4) The service patterns of forms of transportation other than the automobile;

(5) The pattern of land uses and the availability of parking in the vicinity;

(6) The policies set forth in the Northeastern Waterfront Plan, including policies concerning the relative emphasis that should be given to pedestrian and vehicular movement; and

(7) Such other criteria as may be deemed appropriate in the circumstances of the particular case.

(g) In instances in which all public agencies involved have certified by resolution that the requirements of this Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or authorized to be constructed for a special assessment district or upon any other basis, or (ii) in C-3 and NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed sufficient to provide for the future construction of the required number of parking stalls, off-street parking required for individual buildings and uses may be correspondingly reduced if the total off-street parking supply in the area will nevertheless meet the requirements of this Code for all buildings and uses in the area.

(h) The off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5 of this Code, may be reduced by the Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

(i) In recognition of the fact that site constraints in C-3 Districts may make provision of required freight loading and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision of freight loading and

service vehicle spaces for uses in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

(1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

(2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

(3) A jointly used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided; and

(4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

(j) The off-street parking requirements for dwelling units in NC Districts, as described in Article 7 of this Code, may be reduced by the Planning Commission pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon any application for a reduction of requirements, the Planning Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c), and may grant the reduction if it finds that:

(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project;

(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;

(3) The project is consistent with the existing character and pattern of development in the area; and

(4) The project is consistent with the description and intent of the neighborhood commercial district in which it is located.

(k) For arts activities in the RED, RSD, ~~*SPD,*~~ SLR, SLI or SSO Districts which will operate primarily during evenings and weekends, the Zoning Administrator may reduce or waive the off-street parking requirement when he or she determines pursuant to Section 307(g) that within an 800 foot walking distance from the site the anticipated demand from the proposed project, in combination with the existing nighttime and/or weekend demand for parking within the same geographic area at the time of the permit application, would not exceed 90 percent of the on-street or off-street parking spaces available to the public within the subject area. The applicant shall provide to the Zoning Administrator an acceptable parking survey and study which shows evidence of existing parking resources and demand and anticipated demand generated by the proposed project and nearby land uses. The Zoning Administrator may impose conditions on reduction or waiver of the requirement, including, but not limited to, advertising of nearby transit and parking facilities, requiring valet parking services and/or leasing parking spaces on nearby lots during performance or exhibition activities.

(l) Beginning on the effective date of Ordinance No. 412-88 (effective October 10, 1988), within any South of Market *Mixed Use* District, the Zoning Administrator, upon application pursuant to Section 307(g), may waive or reduce the required off-street parking for any nonresidential use where he or she determines that: (1) sufficient spaces to replace the waived or modified requirement will be provided within a parking facility open to the public sponsored by the San Francisco Parking Authority or the City and County of San Francisco; (2) it is anticipated that the replacement spaces will be available not more than 10 years after the parking would otherwise first be required to be available; (3) the facility in question is within a walking distance, as defined in Section 159(d), of one-half mile; and (4) the applicant agrees to pay a one-time fee of $15,000.00 (this amount shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Department of Building Inspection) for each space as to which the requirement is waived or modified, which fee shall be deposited to the Off-Street Parking Fund for the purpose of acquiring property or rights to property, through lease, purchase, or other means, and design, improvement and maintenance of property, for the general purpose of providing publicly accessible parking within the South of Market *Mixed Use* ~~*Base*~~ District, as defined in ~~*City*~~ Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco, which parking is reasonably expected to be used by persons who live, work, shop, do business or visit in the South of Market *Mixed Use* ~~*Base*~~ District. Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to

the issuance of any temporary or other certificate of occupancy for the subject property.

(m) Within the South of Market *Mixed Use* ~~*Base*~~ District, the required off-street parking for any nonresidential principal or conditional use in structures designated as landmarks, as contributory buildings within a historic district identified in the approved South of Market Plan or as significant or contributory buildings pursuant to Article 11 of this Code, may be modified or waived by the Zoning Administrator pursuant to Section 307(g) of this Code when the Landmark Preservation Advisory Board advises that the provision of parking would adversely affect the landmark, significant or contributory character of the structure or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

(n) With respect to dwelling units in the China-town Mixed Use Districts, the parking requirement may be reduced to not less than one space for each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by residents of and auto usage by visitors to the project.

(o) Within the South of Market *Mixed Use* ~~*Base*~~ District, upon approval by the Zoning Administrator pursuant to Section 307(g), the required off-street parking for bars, restaurants, arts, nighttime entertainment, pool halls, and neighborhood-serving retail or personal service activities may be modified, reduced or waived through participation in a Parking Management Program approved by the Zoning Administrator which may include, but need not be limited

to, participation in a coordinated off-site satellite parking facilities program, shuttle service, specified signage and designated advertising procedures.

SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN C-3, *EASTERN NEIGHBORHOODS MIXED USE,* AND SOUTH OF MARKET *MIXED USE* DISTRICTS.

(a) Purpose. This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office employment in the downtown and South of Market area, in a manner consistent with the objectives and policies of the ~~*Master*~~ *General* Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

(b) Requirement. For any new building or additions to or conversion of an existing building in C-3, *Eastern Neighborhoods Mixed Use,* and South of Market *Mixed Use* Districts where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet, or, in the case of the SSO *or MUO* District, 25,000 square feet, the project sponsor shall be required to provide on-site transportation brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the ~~*Department of City*~~ Planning *Department* for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage

services. The transportation management program and transportation brokerage services shall be designed:

(1) To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site;

(2) To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use;

(3) To reduce parking demand and assure the proper and most efficient use of on-site or off- site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements;

(4) To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods;

(5) To participate with other project sponsors in a network of transportation brokerage services for the respective downtown, ~~or~~ South of Market area, *or other area of employment concentration in the Eastern Neighborhoods Mixed Use Districts*;

(6) To carry out other activities determined by the ~~*Department of City*~~ Planning *Department* to be appropriate to meeting the purpose of this requirement.

SEC. 166. CAR SHARING.

(a) Findings. The Board hereby finds and declares as follows: One of the challenges posed by new development is the increased number of privately-

owned automobiles it brings to San Francisco's congested neighborhoods. Growth in the number of privately-owned automobiles increases demands on the City's limited parking supply and often contributes to increased traffic congestion, transit delays, pollution and noise. Car-sharing can mitigate the negative impacts of new development by reducing the rate of individual car-ownership per household, the average number of vehicle miles driven per household and the total amount of automobile-generated pollution per household. Accordingly, car-sharing services should be supported through the Planning Code when a car-sharing organization can demonstrate that it reduces: (i) the number of individually-owned automobiles per household; (ii) vehicle miles traveled per household; and (iii) vehicle emissions generated per household.

(b) Definitions. For purposes of this Code, the following definitions shall apply:

(1) A "car-share service" is a mobility enhancement service that provides an integrated citywide network of neighborhood-based motor vehicles available only to members by reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-sharing is designed to complement existing transit and bicycle transportation systems by providing a practical alternative to private motor vehicle ownership, with the goal of reducing over-dependency on individually owned motor vehicles. Car share vehicles must be located at unstaffed, self-service locations (other than any incidental garage valet service), and generally be available for pick-up by members 24 hours per day. A car share service shall provide automobile insurance for its members when using car share vehicles and shall assume responsibility for maintaining car share vehicles.

(2) A "certified car-share organization" is any public or private entity that provides a membership-based car-share service to the public and manages, maintains and insures motor vehicles for shared use by individual and group members. To qualify as a certified car-share organization, a car-share organization shall submit a written report prepared by an independent third party academic institution or transportation consulting firm that clearly demonstrates, based on a statistically significant analysis of quantitative data, that such car-sharing service has achieved two or more of the following environmental performance goals in any market where they have operated for at least two years: (i) lower household automobile ownership among members than the market area's general population; (ii) lower annual vehicle miles traveled per member household than the market area's general population; (iii) lower annual vehicle emissions per member household than the market area's general population; and (iv) higher rates of transit usage, walking, bicycling and other non-automobile modes of transportation usage for commute trips among members than the market area's general population. This report shall be called a Car-sharing Certification Study and shall be reviewed by Planning Department staff for accuracy and made available to the public upon request. The Zoning Administrator shall only approve certification of a car-share organization if the Planning Department concludes that the Certification Study is technically accurate and clearly demonstrates that the car-share organization has achieved two or more of the above environmental performance goals during a two-year period of operation. The Zoning Administrator shall establish specific quantifiable performance thresholds, as appropriate, for each of the three environmental performance goals set forth in this subsection.

(3) The Planning Department shall maintain a list of certified car-share organizations that the Zoning Administrator has determined satisfy the minimum environmental performance criteria set forth in subsection 166(b)(2) above. Any car-share organization seeking to benefit from any of the provisions of this Code must be listed as a certified car-share organization.

(4) An "off-street car-share parking space" is any parking space generally complying with the standards set forth for the district in which it is located and dedicated for current or future use by any car share organization through a deed restriction, condition of approval or license agreement. Such deed restriction, condition of approval or license agreement must grant priority use to any certified car-share organization that can make use of the space, although such spaces may be occupied by other vehicles so long as no certified car-share organization can make use of the dedicated car-share spaces. Any off-street car-share parking space provided under this Section must be provided as an independently accessible parking space. In new parking facilities that do not provide any independently accessible spaces other than those spaces required for disabled parking, off-street car-share parking may be provided on vehicle lifts so long as the parking space is easily accessible on a self-service basis 24 hours per day to members of the certified car-share organization. Property owners may enact reasonable security measures to ensure such 24-hour access does not jeopardize the safety and security of the larger parking facility where the car-share parking space is located so long as such security measures do not prevent practical and ready access to the off-street car-share parking spaces.

(5) A "car-share vehicle" is a vehicle provided by a certified car share organization for the purpose of providing a car share-service.

(6) A "property owner" refers to the owner of a property at the time of project approval and its successors and assigns.

(*c*~~b~~) Requirements for Provision of Car-Share Parking Spaces.

(1) In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided in the amount specified in Table 166. In newly constructed buildings in NCT, *MU-G, MU-R, MU-O, UMU, DTR, and SPD* Districts or the Van Ness and Market Downtown Residential Special Use District containing parking for non-residential uses, including non-accessory parking in a garage or lot, car-share parking spaces shall be provided in the amount specified in Table 166.

Table 166

REQUIRED CAR SHARE PARKING SPACES

Number of Residential Units	Number of Required Car Share Parking Spaces
0--49	0
50--200	1
201 or more	*2*~~1~~, plus 1 for every 200 dwelling units over 200
Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility	**Number of Required Car Share Parking Spaces**

0-24	0
25-49	1
50 or more	1, plus 1 for every 50 parking spaces over 50

(2) The required car-share spaces shall be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers. At the election of the property owner, the car-share spaces may be provided (i) on the building site, (ii) on another off-street site within 800 feet of the building site.

(3) Off-Street Spaces. If the car-share space or spaces are located on the building site or another off-street site:

(A) The parking areas of the building shall be designed in a manner that will make the car-share parking spaces accessible to non-resident subscribers from outside the building as well as building residents;

(B) Prior to Planning Department approval of the first building or site permit for a building subject to the car share requirement, a Notice of Special Restriction on the property shall be recorded indicating the nature of requirements of this Section and identifying the minimum number and location of the required car-share parking spaces. The form of the notice and the location or locations of the car-share parking spaces shall be approved by the Planning Department;

(C) All car-share parking spaces shall be constructed and provided at no cost concurrently with the construction and sale of units; and

(D) if it is demonstrated to the satisfaction of the Planning Department that no certified car-share organization can make use of the dedicated car-share parking spaces, the spaces may be occupied by non-car-share vehicles; provided, however, that upon ninety (90) days of advance written notice to the property owner from a certified car-sharing organization, the property owner shall terminate any non car-sharing leases for such spaces and shall make the spaces available to the car-share organization for its use of such spaces.

(*d*e) Provision of a required car-share parking space shall not be counted against the number of parking spaces allowed by this Code as a principal use, an accessory use, or a conditional use.

(*e*d) The Planning Department shall maintain a publicly-accessible list, updated quarterly, of all projects approved with required off-street car share parking spaces. The list shall contain the Assessor's Block and Lot number, address, number of required off-street car share parking spaces, project sponsor or property owner contact information and other pertinent information as determined by the Zoning Administrator.

~~***SEC. 175.6. EFFECTIVE DATE OF SOUTH OF MARKET ZONING CONTROL AMENDMENTS.***~~

~~*Any permit, including a building permit, site permit, police permit, conditional use, variance or other license, for property located in the South of Market Base District for which any application was filed prior to March 31, 1990 and approved by the Department of City Planning no later than December 31, 1990 shall be governed by the provisions of the City Planning Code in effect prior to adoption of the South of Market zoning control amendments to the Planning Code; provided, however, that such permit or*~~

~~*permit application is subject to any City Planning Commission discretionary review policy in effect upon the date of application for any such permit; such permit is subject to any time limits imposed pursuant to the Building Code or as a condition of approval of the project; and further provided that modifications in the project which exceed the scope of such approval shall be subject to any then applicable laws.*~~

SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS ZONING CONTROLS.

(a) Intent. It is the intent of this Section to provide for an orderly transition from prior zoning and planning requirements to the requirements imposed in implementing the Eastern Neighborhoods Controls, without impairing the validity of prior actions by the City, or frustrating completion of actions authorized prior to the effective date of those Controls.

(b) Applicability. This Section applies only to the specific types of development projects identified herein and that are subject to changed regulations or procedures as a result of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed Use District, an SLI District, or any PDR, R, or NC District located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(l). This Section shall not apply to any other project.

(c) Definitions. The following definitions shall apply to this Section:

(1) 'Eastern Neighborhoods Controls' shall mean all Ordinances adopted in furtherance of the Eastern Neighborhoods Area Plan Process, including but not limited to Ordinance Numbers _____, and associated amendments to the Planning Code, Zoning Map, and Administrative Code.

(2) 'Development Application' shall mean any application for a building permit, site permit, environmental review, Conditional Use or Variance.

(3) 'Project Approval' shall mean any required approval or determination on a Development Application that the Planning Commission, Planning Department, or Zoning Administrator issues.

(4) 'Code Conforming Project~~Application~~*' shall mean a* development project for which all required *Development Application*s~~, excepting an environmental review application, for which a~~ could have received *Project Approval*s ~~could have been issued or authorized~~ *in accordance with the provisions of the Planning Code in effect when* the first *such application was filed with the Planning Department.* Under no circumstances may a Code Conforming Project make use of any community plan intake process or fee schedule as set forth in Chapter 31 of the Administrative Code.

(5) 'Entitled Project' shall mean any project for which a Project Approval was granted prior to the effective date of the Eastern Neighborhoods Controls and:

(A) that is not, and has not been, in violation of any time limits imposed pursuant to the Building Code or as a condition of approval of the project; and

(B) for which no certificate of occupancy or completion of any type has ever been issued.

(6) 'Residential Project' shall mean any development project which includes at least one dwelling unit, group housing bedroom, or other residential use or uses.

(7) 'Non-Residential Project' shall mean any development project which is not a Residential Project.

(d) Effect of Amendments on Approved Projects. A Development Application that would modify an Entitled Project shall be governed ~~by the more recent of:~~

~~(1) the Planning Code in effect prior to the effective date of the Eastern Neighborhoods Controls; and~~

~~(2)~~ *all current provisions of the Planning Code (including the Zoning Maps) exclusive of the Eastern Neighborhood Controls.*

(e) Effect of Amendments on Projects for Which No Project Approval Has Occurred. A Code Conforming Project ~~Application~~ *for* ~~a project~~ *which* a Development Application first *was filed with the Planning Department during any of the time periods identified in this Subsection and that did not obtain Project Approval prior to the effective date of the Eastern Neighborhoods Controls shall be governed by Subsection (d), above, except as specifically modified below:*

(1) For Non-Residential and Single Room Occupancy (as defined in Sec. 890.88(c)) Code Conforming P~~p~~*rojects that filed a* first *Development Application with the Planning Department prior to January 19, 2007* and for Residential Code Conforming Projects, excluding Single Room Occupancy projects, that filed a first Development Application with the Planning Department prior to April 1, 2006*:*

(A) Articles 1, 1.2*, 1.5, and 2.5 of the Planning Code as amended by the Eastern Neighborhood Controls shall apply; and*

(B) The Planning Director may grant an increase beyond the otherwise-superseded height limits of no more than 8 feet when an equal or greater increase would be allowed under the Eastern Neighborhoods Controls and when such increase is necessary to comply with Subsection (e)(1)*(A), above.*

(C) If compliance with Subsection (e)(1)(A) would require a substantial re-design of the project or a significant change to the type or size of uses originally proposed, the applicant may seek complete or partial relief from that requirement through the Conditional Use authorization process as set forth in Section 303.

(D) Additionally, for proposed residential uses in PDR Districts where such uses are not permitted under the Eastern Neighborhoods Controls, Subsection (e)(1)(A), above, shall apply as if the residential use were located in an Urban Mixed Use (UMU) District.

(2) For Non-Residential Code Conforming *projects that filed a* first *Development Application with the Planning Department between January 19, 2007 and August 29, 2007:*

(A) Subsection (e)(1), above, shall apply;

(B) The impact fees set forth in Section 327 of the Eastern Neighborhoods Controls shall apply, except that the fees set forth in Table 327.3, regardless of fee tier, shall be reduced to ~~$4 per gross square foot of residential use and~~ *$3 per gross square foot of non-residential use; and*

~~(C) The housing requirements for residential projects as set forth in Section 319 of the Eastern Neighborhoods Controls shall apply.~~

(3) For Non-Residential Code Conforming *projects that filed a* first *Development Application with the Planning Department between August 30, 2007 and April 17, 2008* and for Residential Code Conforming Projects that filed a first Development Application with the Planning Department between April 1, 2006 and April 17, 2008:

(A) Subsection (e)(1), above, shall apply;

(B) The impact fees set forth in Section 327 of the Eastern Neighborhoods Controls shall apply; and

(C) The housing requirements for residential projects as set forth in Section 319 of the Eastern Neighborhoods Controls shall apply.

SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.

Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require conditional use authorization five years after the effective date of Ordinance Number _____ in order to allow for greater scrutiny of Integrated PDR uses in light of the City's Enterprise Zone Payroll Tax Credit program. The Planning Commission and Board of Supervisors should consider revising this control to continue permitting Integrated PDR uses if data show that 25 percent of all employees in areas Integrated PDR uses are eligible for the City's Enterprise Zone Payroll Tax Credit.

SEC. 175.9. DURATION OF AUTHORIZATION IN THE EASTERN NEIGHBORHOODS.

(a) This Section shall apply only to property located in any Eastern Neighborhoods Mixed Use District, the SLI District, or any NCT, RTO or PDR District which is located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(l).

(b) Notwithstanding any contrary provision in Section 175.6, should ~~Should~~ a project not receive its first building or site permit within 36 months after receiving the ~~latter~~ last of any required authorization under Sections 303, 305, or 329, ~~authorization~~, then any such authorization shall ~~expire~~ be subject to the Eastern Neighborhoods Public Benefit Fee set forth in Sections 327 et seq. at the date it receives its first building or site permit.

(c) Any residential project subject to Subsection (b) also shall provide the Planning Code's affordable housing requirements in the zoning district where the subject property is located.

(d) Notwithstanding any contrary provision of Subsection (c) above, if a residential project submitted its first application, including an environmental evaluation application or any other Planning Department or Building Department

application before July 1, 2006 and the project is in compliance with Section 175.6(c)(4), then it shall provide the lesser of:

(1) Three additional percentage points (3%) above the Residential Inclusionary Affordable Housing Program requirements that would have applied to the subject project pursuant to Sections 315 et seq. at the time of first application submittal or

(2) The Planning Code's affordable housing requirements in the zoning district where the subject property is located.

~~These provisions are~~ This provision

(e) The time period in Subsection (b) is subject to the following requirements: (1) the required authorization must be final and effective; and (2) the 36-month time period shall be tolled until the expiration of ~~the~~ any appeal period if no appeal is filed, or if an appeal is filed, final resolution of ~~the~~ any appeal. This time period also shall be tolled until a final judgment is issued in any litigation challenging the project authorization. ~~The Planning Commission shall hold a public hearing on any expired authorization in order to finalize the expiration or, upon presentation of evidence documenting extraordinary or unusual circumstances, extend the duration of validity of the authorization.~~

SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN NEIGHBORHOODS

(a) **Intent**. As a result of the Eastern Neighborhoods Zoning Controls, certain land uses that were previously permitted, particularly office and housing, are no longer permitted. The purpose of this Section is to establish a time-limited program wherein existing uses that have operated without the benefit of required permits may seek those permits. Uses that could be "legitimized" under this

Section are those uses which, under the current provisions of this Code and without this Section, could not otherwise seek the required permits.

(b) **Applicability.**

(1) Geography. This Section shall apply only to property located in the Eastern Neighborhoods Mixed Use Districts, the SLI District, or any PDR District which is located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(j). This Section shall not apply to any Live/Work use as set forth in Section 233.

(2) Eligibility. Any use that is the subject of an application under this Section shall be one that is determined by the Zoning Administrator as one which:

(A) exists as of the date of the application;

(B) would have been principally permitted or permitted with conditional use authorization under provisions of the Planning Code that were effective on April 17, 2008.

(C) would not be permitted under current provisions of this Code;

(D) is a land use that either:

(1) has been regularly operating or functioning on a continuous basis for no less than ~~3~~ 2 years prior to the effective date of this Section; or

(2) has been functioning in the space since at least April 17, 2008, and is associated with an organization, entity or enterprise which has been located in this space on a continuous basis for no less than ~~3~~ 2 years prior to the effective date of this Section;

(E) is not accessory to any other use; and

(F) is not discontinued and abandoned pursuant to the provisions of Section 183 that would otherwise apply to nonconforming uses.

(3) Sunset. All applications for a determination of eligibility under Subsection (d) must be received by the Zoning Administrator within three years of the effective date of this Section. If the Planning Department fails to timely issue notice pursuant to Subsection (c), the Zoning Administrator may extend this termination date for an additional period of time not to exceed the number of days that the Department delayed in issuing the notice.

(c) **Notification of Program Availability.**

Within 90 days of the effective date of this Section, the Planning Department shall cause notice to be mailed to all owners of property to which this Section applies. Such notification shall consist of an explanation of this program and application instructions and any other relevant information determined by the Zoning Administrator.

(d) **Application for Eligibility.**

An application under this Section may include multiple tenancies and/or uses on a property; however, only one application may be made per parcel for the duration of the program. Such application may not involve any expansion or intensification of the use in question. Any proposed expansion or intensification must be made under separate application and is subject to all current provisions of this Code.

Any application under this Subsection shall be accompanied by the following materials:

(1) Floor plans for the entire building along with specific demarcation of the space proposed for legitimization;

(2) evidence supporting the findings required under Subsection (b)(2) above. Such evidence may include but is not necessarily limited to the following: rental or lease agreements, building or other permits, utility records, business licenses, or tax records; and

(3) notification materials, including a list of all property owners within 300 feet of the subject property, as set forth in Section 306.3(a)(2) and, to the extent practical, a complete list of all current occupants of the subject property.

(e) **Determination of Eligibility.**

The Zoning Administrator shall determine compliance with the criteria set forth in Subsection (b)(2), above, through a written decision. No less than 30 days prior to making a determination, the Zoning Administrator shall mail and post a notice of intent to render a determination as set forth below so that parties other than the applicant are afforded the opportunity to present information which may have bearing on the determination:

(1) By mailing notice to owners within 300 feet of the property in question as set forth in Section 306.3(a)(2);

(2) by mailing notice to current tenants of the subject property using materials submitted pursuant to Section (d)(3), above;

(3) by mailing notice to all individuals or neighborhood organizations having made written request for notification for either (i) applications under this Section or (ii) specific properties or areas; and

(4) by posting a notice on the subject property as set forth in Section 306.8.

(f) **Application to Legitimize.**

Uses that are determined to be in compliance with the criteria of Subsection (b)(2), above, shall be governed as set forth below. Unless specifically stated by the Planning Commission in the case of a Conditional Use authorization, approval of any application under this Subsection shall be deemed to authorize all aspects of the use and portions of the structure housing the use under the Planning Code. Those portions of the use or structure that do not comply with current provisions of this Code shall be deemed nonconforming uses or noncomplying structures under Article 1.8 of this Code. Action under this Subsection shall in no way shall affect the applicability of relevant portions of the Building Code or other portions of the Municipal Code.

(1) Those uses which, under the provisions of this Code that were applicable on April 17, 2008, would have either: (i) required Conditional Use authorization pursuant to Section 303 or (ii) been principally permitted but required an allocation of office space of less than 50,000 gross square feet under the Annual Limit pursuant to Section 321(b)(4), may seek such authorization pursuant to all requirements of the applicable Section.

(2) Those uses which, under the provisions of this Code that were applicable on April 17, 2008, were principally permitted may seek a building permit in order to legally establish the use. Upon the Department's determination that the application is consistent with the enabling Zoning Administrator's decision, the Planning Department shall approve such permit.

(3) Those uses which, under the provisions of this Code that were applicable on April 17, 2008, would have required an allocation of office space of 50,000 or more gross square feet under the Annual Limit, may seek such authorization pursuant to the requirements of Section 321; however, no

application may be acted on by the Planning Commission until the termination date of the application period set forth in Subsection (b)(3), above. After that time, Planning Department staff shall take all reasonable steps to schedule pending eligible applications for Planning Commission review based on the order in which a project's determination of eligibility was issued. Nothing in this Section shall preclude the Director of Planning, based on the demand for participation in this program, from limiting the number of projects that appear before the Planning Commission in a given period of time.

(g) Fee payment. Any use authorized under Subsection (f) above shall pay all current fees set forth in Article 3 and elsewhere in this Code. Fees may be paid when required by the applicable Section or an applicant may elect to participate in a deferred payment program, as specified below:

(1) At least 20% of applicable fees are due annually following the issuance of the first site or building permit and final payment must be made within five years of receiving the first building or site permit.

(2) The applicant may elect to pay any outstanding balance at any time within these five years.

(3) A Notice of Special Restrictions shall be placed on the title of the property specifying that additional payment is required. This Notice of Special Restrictions shall be released when payment is complete.

(4) All outstanding fees will be adjusted annually based on the cost of living as defined by the Controller's Office.

(5) The Department may assess an additional fee for time and materials spent implementing this deferred fee program.

(6) Failure to comply with the terms of the program and associated NSR as specified in this Subsection shall be deemed a violation of this Code and result in an enforcement action by the Department, which may include, referral to the Bureau of Delinquent Revenue and a lien on the subject property. Any enforcement action also may result in additional charges or penalties to cover the City's costs in the enforcement action, including, but not limited to City Attorney's fees.

~~SEC. 179.1. USES LOCATED IN THE EASTERN NEIGHBORHOODS PLAN AREA.~~

~~The following provisions shall govern with respect to uses and features located in the Eastern Neighborhoods Plan Area to the extent that there is a conflict between the provisions of this Section and other sections contained in this Article 1.7.~~

~~(a) Applicability. This Section shall apply only to property located in any Eastern Neighborhoods Mixed Use District, the SLI District, or any PDR District which is located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(j). This section shall not apply to any Live/Work units as set forth in Sec. 233.~~

~~(b) Definitions. A "Recognized Existing Use" shall mean an actual use of space that existed on the effective date of Ordinance No. _____ for which the required permits have not been obtained. Such uses also may include existing office activities located within a lawfully permitted business service use, but may not include any activity located within lawfully permitted live/work use. Recognized Existing Uses shall be limited to include only an activity that:~~

~~(1) has been regularly operating, conducting business, or otherwise functioning on a reasonably continuous basis for no less than 3 years prior to the effective date of Ordinance No. _____;~~

~~(2) is conducted in a manner generally consistent with the nature of, and any improvements to, the space in which it exists;~~

~~(3) is not accessory to any other use;~~

~~(4) complies with the discontinuance and abandonment provisions of Section 183 that would otherwise apply to nonconforming uses; and,~~

~~(5) is determined to be a Recognized Existing Use by the Zoning Administrator, along with a use size and establishment date, when a property owner requests such determination and provides adequate supporting evidence, which may include but is not necessarily limited to the following: rental or lease agreements, building or other permits, utility records, business licenses, or tax records.~~

~~(c) Lawfully Existing Uses. The following provisions shall apply to all lawful existing uses:~~

~~(1) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ which is classified as a principal use by the enactment of Ordinance No. _____ is hereby deemed to be a permitted principal use.~~

~~(2) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ which is classified as a conditional use by the enactment of Ordinance No. _____ is deemed to be a permitted conditional use, subject to the provisions of Section 178 of this Code.~~

~~(3) Any use or feature in the Eastern Neighborhoods that lawfully existed on the effective date of Ordinance No. _____ and which use or feature is not permitted by~~

the enactment of Ordinance No. ____ is hereby deemed to be a nonconforming use subject to the provisions of Sections 180 through 186.1 of this Code.

(4) Any use or feature in the Eastern Neighborhoods that was nonconforming under Section 180 of this Code prior to the effective date of Ordinance No. ____, which is classified as a principal use by the enactment of Ordinance No. ____, is deemed to be a permitted principal use.

(5) Any use or feature in the Eastern Neighborhoods that was nonconforming under Section 180 of this Code prior to the effective date of Ordinance No. ____, which is classified as a conditional use by the enactment of Ordinance No. ____, is deemed to be a permitted conditional use, subject to the provisions of Section 178 of this Code.

(6) Any use or feature in the Eastern Neighborhoods that was nonconforming under Section 180 of this Code prior to the effective date of Ordinance No. ____, which continues to be not permitted by operation of Ordinance No. ____, shall still be classified as a nonconforming use, subject to the provisions of Sections 180 through 183 of this Code.

(d) Recognized Existing Uses. A Recognized Existing Use shall be deemed to be a permitted principal use, permitted conditional use, or nonconforming use, only if the use or feature complies with all applicable conditions prescribed in this Subsection; otherwise the use or feature shall be in violation of this Code subject to the provisions of Section 176.

(1) A Recognized Existing Use that is permitted as a principal use by the enactment of Ordinance No. ____, will be deemed to be a permitted principal use if:

~~(A) An application is filed for all permits necessary to bring the use into compliance with applicable Codes within three years of the effective date of this Section;~~

~~(B) The application is subject to only those Planning Code provisions that would have applied to the use at the time it was established, with the following exceptions:~~

~~(i) any requirement for a Conditional Use authorization,~~

~~(ii) any prohibition of the use itself,~~

~~(iii) any off-street parking or loading requirements set forth under Article 1.5; and~~

~~(C) The application does not involve any expansion or intensification of the recognized existing use, rather any such expansion or intensification would be proposed under separate application subject to all current Planning Code provisions;~~

~~(D) All necessary permits and entitlements are granted; and~~

~~(E) All work that is required for Code compliance under all applicable Codes is completed, including the issuance of a Certificate of Final Completion from the Department of Building Inspection, within one year of the granting of the necessary permits and entitlements, except that this time may be extended an additional one year should delays be caused by a government agency or by legal action.~~

~~(2) A Recognized Existing Use that is permitted as a conditional use by the enactment of Ordinance No. ____ and would have been a principally permitted use at the time the use was established, will be deemed to be a permitted conditional use if all the criteria identified in Subsection (e)(1)(A) through (e)(1)(E), above, are met.~~

~~(3) A Recognized Existing Use that is not a permitted use by the enactment of Ordinance No. _____, and would have been a principally permitted use at the time it was established, will be deemed to be a nonconforming use if all the criteria identified in Subsection (e)(1)(A) through (e)(1)(E), above, are met.~~

~~(4) A Recognized Existing Use that is permitted as a conditional use by the enactment of Ordinance No. _____, and would have been permitted as a conditional use at the time it was established, will be deemed to be a permitted conditional use if:~~

~~(A) Application are filed for (1) conditional use authorization pursuant to the provisions of Article 3 of this Code and (2) all permits necessary to bring the use into compliance with applicable Codes within 3 years of the effective date of this Section; and~~

~~(B) The application is subject to only those Planning Code provisions which would have applied to the use at the time it was established, with the following exceptions:~~

~~*(i) any prohibition of the use itself, and*~~

~~(ii) any off-street parking or loading requirements set forth under Article 1.5; and~~

~~(C) The application does not involve any expansion or intensification of the recognized existing use, rather any such expansion or intensification would be proposed under separate application subject to all current Planning Code provisions; and~~

~~(D) The conditional use is authorized the City grants all and all other necessary permits and entitlements for the use; and~~

~~(E) All work that is required for Code compliance under all applicable Codes is completed, including the issuance of a Certificate of Final Completion from the~~

~~Department of Building Inspection, within one year of the granting of the necessary permits and entitlements, except that this time may be extended an additional one year should delays be caused by a government agency or by legal action.~~

~~(5) A Recognized Existing Use that is not a permitted use by the enactment of Ordinance No. ____, and which would have been permitted as a conditional use at the time it was established, will be deemed a nonconforming use if all the criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.~~

~~(6) A Recognized Existing Use that is permitted as a conditional use by the enactment of Ordinance No. ____, and which was not permitted at the time the use was established, will be deemed to be a permitted conditional use if all the criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.~~

~~(e) Existing Uses Which Are Not Permitted. Any use that existed on the effective date of Ordinance No. ____ for which the required permits have not been obtained, and which use was not permitted either (1) at the time the use was established or (2) by the enactment of Ordinance No. ____ shall be in violation of this Code, subject to the provisions of Section 176 of this Code.~~

SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION.

The following provisions shall apply to non-conforming uses with respect to enlargements, alterations and reconstruction:

(a) A nonconforming use, and any structure occupied by such use, shall not be enlarged, intensified, extended, or moved to another location, with the exception of the construction of a mezzanine within a live/work unit *and expansion of dwelling units in PDR Districts*, unless the result will be elimination of the

nonconforming use, except as provided in Paragraph (b)(3) *and (i)* below and Section 186.1 of this Code. A nonconforming use shall not be extended to occupy additional space in a structure, or additional land outside a structure, or space in another structure, or to displace any other use, except as provided in Sections 182 and 186.1 of this Code.

(b) A structure occupied by a nonconforming use shall not be constructed, reconstructed or altered, unless the result will be elimination of the nonconforming use, except as provided in Section 186.1 of this Code and in Subsections (a) above and (d), (e), (f) and (g) below, and except as follows:

(1) Ordinary maintenance and minor repairs shall be permitted where necessary to keep the structure in sound condition, as well as minor alterations, where such work is limited to replacement of existing materials with similar materials placed in a similar manner.

(2) Minor alterations shall be permitted where ordered by an appropriate public official to correct immediate hazards to health or safety, or to carry out newly enacted retroactive requirements essential to health or safety.

(3) Alterations otherwise allowed by this Code shall be permitted for any portion of the structure that will not thereafter be occupied by the nonconforming use, provided the nonconforming use is not enlarged, intensified, extended, or moved to another location.

(4) All other alterations of a structural nature shall be permitted only to the extent that the aggregate total cost of such other structural alterations, as estimated by the Department of Public Works, is less than 1/2 of the assessed valuation of the improvements prior to the first such alteration, except that structural alterations required to reinforce the structure to meet the standards for

seismic loads and forces of the Building Code shall be permitted without regard to cost.

(c) A dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units set forth in Sections 207.5, 208, 209.1, ~~or~~ 209.2, *or 215* of this Code for the district in which it is located shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such dwelling or other housing structure exceeds the permitted density. This Section 181 shall apply with respect to enlargements, alterations and reconstruction of the nonconforming portion of such dwelling or other housing structure, consisting of those dwelling units or other housing units which exceed the permitted density. Any dwelling unit or other housing unit coming within the density limit shall not be affected by this Section 181. Except as provided in Section*s 181(h) and* 182(e), no dwelling or other housing structure exceeding the permitted density of dwelling units or other housing units shall be altered to increase the number of dwelling units or other housing units therein, or to increase or create any other nonconformity with respect to the dwelling unit or other housing unit density limitations of Section 209.1 or Section 209.2.

(d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition and use; provided that such restoration is permitted by the Building Code, and is started within one year and diligently prosecuted to completion. The age of such a structure for the purposes of Sections 184 and 185 shall nevertheless be computed from the date of the original construction of the structure. Except as provided in Subsection (e) below, no structure occupied

by a nonconforming use that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the use limitations of this Code.

For purposes of this Subsection, any dwelling unit or other housing unit in a structure that has, in whole or substantial part, been determined by the Director of Public Works to be unsafe to occupy or that will require substantial repair due to damage caused by the earthquake that occurred in San Francisco on October 17, 1989 and its associated aftershocks, may be restored and recorded as a lawfully permitted unit even if its prior lawful existence cannot be established if (1) the permit applicant can demonstrate to the satisfaction of the Zoning Administrator that the unit has been occupied within one year prior to the earthquake, and (2) the unit is brought into compliance with the Building Code, Housing Code, Fire Code and any applicable requirements of State and Federal law. Any dwelling unit or other housing unit legalized pursuant to this Subsection shall be offered to the previous tenant, or if that tenant does not desire to reoccupy such unit, to any tenant on reoccupancy at the rent which was charged prior to the earthquake. If the amount of rent cannot be established to the satisfaction of the Zoning Administrator, the Zoning Administrator shall set a rent that is affordable to households making 80 percent of the median income in San Francisco, according to guidelines established by the Mayor's Office of Housing.

(e) In order that major life safety hazards in structures may be eliminated as expeditiously as possible, a structure containing nonconforming uses and constructed of unreinforced masonry that is inconsistent with the requirements of the UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished and reconstructed with the same nonconforming use or a use as permitted by

Planning Code Section 182; provided that there is no increase in any nonconformity, or any new nonconformity, with respect to the use limitations of this Code; provided further that the current requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met; and provided further that such restoration or reconstruction is started within one year after razing or other demolition work on the structure and diligently prosecuted to completion.

(f) A nighttime entertainment use within the ~~*South of Market*~~ RSD, *MUG, MUR,* or SLR Districts may be enlarged, intensified, extended or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the enlargement, intensification, extension or expansion is approved as a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of this Code which would apply if the use were a permitted one; and (3) the provisions of Section 803.5(*b*~~*h*~~) of this Code are satisfied.

(g) Automotive sales and service signs within the Automotive Special Use District which have all required permits but which do not comply with the controls for new signs established in Section 607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to modify the signage text to describe new automobile ownerships and dealerships that may occur from time to time.

(h) In PDR Districts, no building containing a residential use shall be altered to increase the number of dwelling units or other housing units therein. However, individual dwelling units or other housing units may be expanded, subject to height, bulk, and all

other provisions of this Code which would otherwise be applicable to dwelling units or other housing units in the Urban Mixed Use District.

(i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a non-residential nonconforming use may expand in gross floor area by no more than 25 percent with conditional use authorization pursuant to Section 303 of this Code. Such conditional use authorization may not be granted for any subsequent or additional expansion beyond the initial 25 percent.

SEC. 182. NONCONFORMING USES: CHANGES OF USE.

The following provisions shall apply to nonconforming uses with respect to changes of use:

(a) A nonconforming use shall not be changed or modified so as to increase the degree of nonconformity under the use limitations of this Code, with respect to the type of use or its intensity except as provided in Section 181 for nighttime entertainment activities within the ~~*South of Market*~~ RSD, *MUG, MUR,* or SLR Districts and in Subsection (f) below. The degree of nonconformity shall be deemed to be increased if the new or modified use is less widely permitted by the use districts of the City than the nonconforming use existing immediately prior thereto.

(b) Except as limited in this Subsection, a nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of the City than the existing use, subject to the other applicable provisions of this Code. Except as otherwise provided herein, the new use shall still be classified as a nonconforming use.

(1) A nonconforming use in a Residential District (other than a Residential-Commercial Combined District or an RED District), which use is

located more than 1/4 mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, may change to another use which is permitted as a principal use at the first story and below in an NC-1 District, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts, as set forth in Sections 710.10 through 710.95 of this Code.

If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the nonconforming use may change to another use which is permitted as a principal use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this

Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts and any Individual Area NC District or Districts located within 1/4 mile of the use, as set forth in Article 7 of this Code.

(2) A nonconforming use in a Residential-Commercial Combined District may be changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which the existing use would first be permitted as a principal or conditional use.

(3) A nonconforming use in a Neighborhood Commercial District may be changed to another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of this Code.

(4) A nonconforming use in any district other than a Residential, Downtown Residential, or Neighborhood Commercial District may be changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which the existing use would first be permitted as a principal use.

(5) A nonconforming use in any South of Market *Mixed Use* District may not be changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment, hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not permitted or conditional, except as provided in Subsection (g) below.

(c) A nonconforming use may be changed to a use listed in Articles 2 or 7 of this Code as a conditional use for the district in which the property is located, subject to the other applicable provisions of this Code, without the necessity of specific authorization by the City Planning Commission except where major work on a structure is involved, and the new use may thereafter be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this Code.

(d) A nonconforming use may be changed to a use listed in Articles 2, 7 or 8 of this Code as a principal use for the district in which the property is located, subject to the other applicable provisions of this Code, and the new use may thereafter be continued as a permitted principal use.

(e) A nonconforming use in an R District subject to termination under the provisions of Section 185 of this Code may be converted to a dwelling unit without regard to the requirements of this Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5, provided the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location, and provided further that the requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

(f) Any nonconforming use in an RED District may change to any use falling within zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64 through 816.67, subject to the applicable provisions of this Code other than those controlling uses, and the new use may thereafter continue as a nonconforming use.

(g) Once a nonconforming use has been changed to a principal or conditional use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter be returned to its former nonconforming status, except that:

(1) Any area which is used as a live/work unit shall be allowed to return to its former nonconforming status.

(2) Within any South of Market *Mixed Use* District, any area occupied by a nonconforming office use which is changed to an arts, home and/or business service use falling within zoning categories 102.2 or 816.42 through 816.47 or a wholesale, storage or light manufacturing use falling within zoning categories 816.64 through 816.67 shall be allowed to return to its former nonconforming office use.

(3) Upon restoration of a previous nonconforming use as permitted by Subsection (1) or (2) above, any modification, enlargement, extension, or change of use, from circumstances which last lawfully existed prior to the creation of the live/work unit, or prior to the change from office use, shall be subject to the provisions of this Article, and the restored nonconforming use shall be considered to have existed continuously since its original establishment, prior to the live/work unit or change to office use, for purposes of this Article.

(h) If a nonconforming use has been wrongfully changed to another use in violation of any of the foregoing provisions, and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

SEC. 201. CLASSES OF USE DISTRICTS.

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

TABLE INSET:

Public Use Districts	

RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
RTO	Residential Transit-Oriented Neighborhood Districts
RTO-M	*Residential Transit-Oriented – Mission Neighborhood Districts*
Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District

NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes-Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	
North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial	

District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
~~*Valencia Street Neighborhood Commercial District*~~	
~~*24th Street-Mission Neighborhood Commercial District*~~	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
NCT-2	*Small-Scale Neighborhood Commercial Transit District*
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market NCT	
Valencia Street NCT	
24th Street – Mission NCT	

Mission Street NCT	
SoMa NCT	
~~*Chinatown Mixed Use Districts (Also see Article 8)*~~	
~~*CCB*~~	~~*Chinatown Community Business District*~~
~~*CR/NC*~~	~~*Chinatown Residential/Neighborhood Commercial District*~~
~~*CVR*~~	~~*Chinatown Visitor Retail District*~~
Commercial Districts	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
Industrial Districts	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts

PDR-1-B	*Production Distribution and Repair – Light Industrial Buffer*
PDR-1-D	*Production Distribution and Repair – Design*
PDR-1-G	*Production Distribution and Repair - General*
PDR-2	*Core Production Distribution and Repair – Bayview*
Chinatown Mixed Use Districts *(Also see Article 8)* —	
CCB	*Chinatown Community Business District*
CR/NC	*Chinatown Residential/Neighborhood Commercial District*
CVR	*Chinatown Visitor Retail District*
South of Market Use *Mixed Use* Districts (Also see Article 8)	
RED	Residential Enclave Districts
~~*SPD*~~	~~*South Park District*~~
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District

Eastern Neighborhoods Mixed Use Districts *(Also see Article 8)*	
SPD	*South Park District*
MUG	*Mixed Use – General*
MUO	*Mixed Use – Office*
MUR	*Mixed Use – Residential*
UMU	*Urban Mixed Use*
Downtown Residential Districts (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
SB-DTR	*South Beach Downtown Residential*
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District

MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District
MB-OS	Mission Bay Open Space District

SEC. 202. USES PERMITTED BY THIS CODE.

(a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8 and 9 for the use districts of the City, as established by Sections 201, 701, 801 and 902 of this Code and as shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of Section 105. The uses permitted under this Code shall consist of the following:

(1) Principal uses, permitted as of right in each established district where listed for that class of districts in Articles 2, 7, 8 and 9 as regulated herein and elsewhere in this Code;

(2) Conditional uses, permitted in each established district when authorized by the City Planning Commission under Section 303 of this Code, where listed for that class of districts in Articles 2, 7, 8 and 9 and as regulated herein and elsewhere in this Code;

(3) Accessory uses for such permitted principal and conditional uses, as defined and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C), Section 803.3(b)(1)(C), Section 903(a)(3) and Section 986 of this Code. Any use not qualified under such sections as an accessory use shall be classified as a principal or conditional use.

(b) Permitted uses shall include in each established district such uses not specifically listed in Articles 2, 7 or 8 of this Code as are from time to time determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.

(c) No use shall be permitted in any R District, C District, *PDR-1 Districts* or M-1 District which by reason of its nature or manner of operation creates conditions that are hazardous, noxious or offensive through emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(d) Except as specifically provided herein to the contrary, the provisions of Articles 2, 7, 8 and 9 of this Code shall apply to all uses, properties and developments, both public and private, including those of the City and County of San Francisco.

SEC. 204. ACCESSORY USES, GENERAL.

Subject to the limitations set forth in this Code, and especially as specified in Sections 204.1 through 204.5, a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use, and (c) in the case of Internet Services Exchange as defined in Section 209.6(c) which use does not exceed 25,000 gross square feet of floor area or use more than two megawatts of back-up power generators, shall be permitted as an accessory use when located on the same lot; provided, however, that in the Outer Clement Neighborhood Commercial District the storage of materials for a commercial use shall be permitted as an accessory use if the storage occurred prior to 1985, if it is within 200 feet of the use to which it is accessory, if it is accessible to the

principal permitted use without the use of a public sidewalk or other public right-of-way, and if the provision of storage would not conflict with the provisions of Section 145.1 relating to street frontage in N-C Districts. *In PDR Districts, accessory uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses.*

SEC. 204.4. DWELLING UNITS ACCESSORY TO OTHER USES.

(a) In any R, NC, or C District, one dwelling unit to serve as the residence of a manager and the manager's family shall be permitted as an accessory use for any permitted hotel, motel or group housing structure, without any such structure being classified as a dwelling for purposes of this Code due to the presence of such dwelling unit.

(b) In any NC, C, ~~or~~ M, *PDR, or Eastern Neighborhood Mixed Use* District, dwelling units which are integrated with the working space of artists, artisans and other craftspersons shall be permitted as an accessory use to such working space, when such dwelling units are occupied by a group of persons including no more than four adults, and where the occupancy meets all applicable provisions of the Building Code and Housing Code.

(c) In any M District, one dwelling unit or other form of habitation to serve as the residence of a caretaker and the caretaker's family shall be permitted as an accessory use for any permitted principal or conditional use in such district, where the operation of such use necessitates location of such residence in such district.

SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.

In order to be classified as an accessory use, off-street parking and loading shall meet all of the following conditions:

(a) Such parking or loading facilities shall be located on the same lot as the structure or use served by them. (For provisions concerning required parking on a separate lot as a principal or conditional use, see Sections 156, 159, 160 and 161 of this Code.)

(b) Such parking or loading facilities shall be for use by the occupants, patrons, employees or services of the structure or use to which they are accessory. Accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding 3/4 ton.

(c) Accessory parking facilities shall include only those facilities which do not exceed the following amounts for a structure, lot or development: three spaces where one space is required by this Code; four spaces where two spaces are required by this Code; 150 percent of the required number of spaces where three or more spaces are required by this Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces are required by this Code. For purposes of calculation under the last provision just stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps. Off-street parking facilities which exceed the amounts stated in this Subsection (c) shall be classified as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such facilities are located. This

subsection (c) does not apply to districts subject to Section 151.1, which establishes maximum amounts of accessory parking for all uses in those districts.

SEC. 205. TEMPORARY USES, GENERAL.

(a) The temporary uses listed in Sections 205.1 through 205.3, where not otherwise permitted in the district, may be authorized as provided herein, up to the time limits indicated. Further time for such uses may be authorized only by action upon a new application, subject to all the requirements for the original application, unless otherwise indicated in Sections 205.1 through 205.3.

(b) Action upon such uses shall be by the ~~*City*~~ Planning Commission, subject to all the requirements for conditional uses in Sections 303 and 306 through 306.5 of this Code; except that uses listed in Section 205.1, uses listed in Section 205.2 if located in a *PDR,* C, or M District, and uses listed in Section 205.3 within the South of Market *Mixed Use Districts and Eastern Neighborhoods Mixed Use* ~~d~~Districts, may be authorized by the Zoning Administrator without a public hearing.

(c) Wherever a use exists at the effective date of this Code or of an amendment thereto under which such use is classified as a temporary use, or wherever a use is being conducted under a temporary use authorization given prior to such a date, such use may be continued for the maximum term specified therefore, calculated from said effective date or date of authorization. No such use shall continue thereafter unless a temporary use authorization shall have been sought and obtained under a new application. Continuance of a temporary use beyond the date of expiration of the period authorized therefore, or failure to

remove a structure for such temporary use within 10 days thereafter, shall constitute a violation of this Code.

SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.

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

(a) Neighborhood carnival, exhibition, celebration or festival sponsored by an organized group of residents in the vicinity or, in *PDR,* C, or M Districts, sponsored by property owners or businesses in the vicinity;

(b) Booth for charitable, patriotic or welfare purposes;

(c) Open air sale of agriculturally produced seasonal decorations, including, but not necessarily limited to, Christmas trees and Halloween pumpkins.

SEC. 205.3. TEMPORARY USES: TWENTY-FOUR-HOUR LIMIT.

Within the South of Market *Mixed Use Districts and Eastern Neighborhoods Mixed Use* Districts, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to 12 events per year per premises for any of the following uses:

(a) A performance, exhibition, dance, celebration or festival requiring a liquor license, dance hall keeper or live entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or

(b) A performance, dance or party requiring a liquor license, dance, live entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants

or owner-occupants of the property or structure in which the temporary use is authorized.

Similar events or exhibitions lasting no more than 24 hours and requiring no City permit shall be permitted without authorization under this Article and without limitation as to frequency, subject to compliance with all other applicable laws.

When multiple events are proposed within the allowable annual time limit and City permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period.

SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL DISTRICTS.

The following statements of description and purpose outline the main functions of the R (Residential) Districts in the zoning plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code. These districts are established for purposes of implementing the Residence element and other elements of the ~~*Master*~~ *General* Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

(a) Preservation, improvement and maintenance of the existing housing stock through protection of neighborhood environments and encouragement of sound ownership practices and rehabilitation efforts;

(b) Recognition and protection of the architectural characteristics and densities of existing residential areas;

(c) Maximizing of housing choice by assuring the availability of quality owner and rental housing of various kinds, suitable for a whole range of household types, lifestyles and economic levels;

(d) Encouragement of residential development that will meet outstanding community needs, provide adequate indoor and outdoor spaces for its occupants, and relate well to the character and scale of existing neighborhoods and structures; and

(e) Promotion of balanced and convenient neighborhoods having appropriate public improvements and services, suitable nonresidential activities that are compatible with housing and meet the needs of residents, and other amenities that contribute to the livability of residential areas.

Additional purposes for *Eastern Neighborhoods and* South of Market ~~*R and*~~ Mixed Use Districts are listed in Article 8~~, *Sections 813 through 818*~~ of this Code.

SEC. 206.5. RTO-M (RESIDENTIAL, TRANSIT-ORIENTED - MISSION NEIGHBORHOOD) DISTRICT.

This district is intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms, in the Mission District. The RTO-M district is composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or provides multiple lines serving different parts of the city or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail

compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally-oriented uses.

A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space and overall off-street residential parking is limited. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.

The following rules shall apply in the calculation of dwelling unit densities under this Code:

(a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1 of this Code shall be required for each dwelling unit on the lot. Fractional numbers shall be adjusted downward to the next lower whole number of dwelling units.

(b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code, two or more of the dwelling and other housing uses specified in said sections may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where dwelling units and group housing are combined, the maximum permitted density for dwelling units and for group housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(c) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(d) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(e) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the dwelling units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

(f) In RTO *and RTO-M* districts, dwelling units that are affordable (meeting the criteria of Section 326.3(h)(2)(B) or the requirements of Section 315) shall not count toward density calculations or be limited by lot area.

SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the following subsections:

(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial Districts, except that any remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.

The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not exceeding the number of dwelling units permitted in the nearest Residential District, provided that the maximum density ratio shall in no case be less than the amount set forth in the following table. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

TABLE INSET:

NC District	Residential Density Limits
NC-1	One dwelling unit for each 800 sq. ft of lot area.
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	One dwelling unit for each 600 sq. ft. of lot area.

Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
~~*Valencia Street*~~	
24th Street-Mission	
24th Street-Noe Valley	
Broadway	One dwelling unit for each 400 sq. ft. of lot area.
~~*Hayes-Gough*~~	
Upper Market Street	
North Beach	
Polk Street	

(b) The dwelling unit density for dwellings specifically designed for and occupied by senior citizens or physically handicapped persons shall be at a density ratio not exceeding twice the number of dwelling units permitted by the limits set forth in Subsection (a).

(c) The dwelling unit density in NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk,

setbacks, open space, exposure, and unit mix, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.

(a) The dwelling unit density in the Chinatown Mixed Use District shall be at a density ratio not exceeding the amount set forth in the following Table 207.5(a):

Table 207.5(a)

Density of Dwelling Units in Chinatown Mixed Use Districts

TABLE INSET:

General Area District	Residential Density Limits
Chinatown Community Business	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Residential Neighborhood Commercial	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Visitor Retail	One dwelling unit for each 200 sq. ft. of lot area

(b) Except as indicated in Paragraph (c) below, the dwelling unit density in the South of Market Mixed Use Districts shall not exceed the amount set forth in the following table:

Table 207.5(b)

Density of Dwelling Units in South of Market Mixed Use Districts

TABLE INSET:

General Area District	Residential Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
~~*South Park (SPD)*~~	~~*One dwelling unit for each 600 sq. ft. of lot area*~~
Residential Service (RSD) Service/Light Industrial/Residential (SLR), Service/Secondary Office (SSO)	One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(c) of this Code.

(c) There shall be no density limit for single room occupancy (SRO) units in any South of Market Mixed Use District.

(d) There shall be no density limit for any residential use, as defined by Section 890.88 in any DTR district.

(e) There shall be no density limits for any residential use, as defined by Section 890.88, in the Eastern Neighborhoods Mixed Use Districts.

SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX ~~***AND UNIT DIVISION RESTRICTIONS***~~ **IN RTO,** ~~*AND*~~ **NCT,** ***DTR, AND EASTERN NEIGHBORHOODS MIXED USE*** **DISTRICTS.**

(a) Purpose. *In order to foster flexible and creative infill development while maintaining the character of the district, d*~~*D*~~welling unit density is not controlled by lot area in RTO, ~~*and*~~ NCT, *and Eastern Neighborhoods Mixed Use* Districts~~, *which are well-served by transit and services within walking distance,*~~ but *rather* by the physical constraints of ~~*the*~~ *this* Code (such as height, bulk, setbacks, open space, and *dwelling* unit exposure)~~, *in order to foster flexible and creative infill development while maintaining the character of the district*~~. However, to ensure an adequate supply of family-sized units in existing and new housing stock, ~~*subdivision of existing units is restricted and*~~ new *residential* construction must include a minimum percentage of units of *at least* 2 bedrooms ~~*or more*~~.

(b) *Applicability.*

(1) This Section shall apply in the RTO, NCT, DTR and Eastern Neighborhoods Mixed Use Districts.

(2) This Section shall apply to all applications for building permits and/or Planning Commission entitlements which propose the creation of five or more dwelling units.

(3) This Section does not apply to buildings for which 100 percent of the residential uses are: group housing, dwelling units which are provided at below market rates pursuant to Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, student housing (as defined in Sec. 315.1.38), or housing specifically and permanently designated for seniors or persons with physical disabilities. ~~*In RTO and NCT districts, for newly constructed residential projects or additions with 5 dwelling units or greater, no less than 40 percent of all dwelling units on site must have at least two bedrooms or more. This requirement does not apply to group housing; housing designated for seniors or persons with physical disabilities; or permanently affordable housing projects meeting the criteria of Section 326.3(h)(2)(b).*~~

(c) Controls.

(1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3 districts, no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. While existing dwelling units in buildings which do not comply with this Subsection need not be expanded to meet this requirement, all new dwelling units shall provide at least two bedrooms when less than 40 percent of the total number of dwelling units contain less than two bedrooms.

(2) For all other RTO and NCT districts, as well as DTR and Eastern Neighborhoods Mixed Use Districts, one of the following two must apply:

(A) *no less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.* or

(B) no less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

(d) Modifications.

(1) In NCT and RTO Districts, these requirements may be waived or modified with Conditional Use Authorization. In addition to those conditions set forth in Section 303, the Planning Commission shall consider the following criteria:

(A) The project demonstrates a need or mission to serve unique populations, or

(B) The project site or existing building(s), if any, feature physical constraints that make it unreasonable to fulfill these requirements.

(2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be waived in return for provision of family-sized affordable units, pursuant to Section 319.4(b). To receive this waiver, 100 percent of the total number of inclusionary units required under Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern Neighborhoods Mixed Use Districts, these requirements may be waived or modified through the Variance process set forth in Section 305, or in the case of projects subject to Section ~~309.2~~329*, through the procedures of that section.*

(~~4~~3*) In DTR Districts, these requirements may be modified per the procedures of Section 309.1.* ~~*The Planning Commission may waive the requirements of subsection (b) via Conditional Use procedures with one or more of the following affirmative findings: (1) the project demonstrates a need or mission to serve unique populations, or (2) the project site or subject building features physical constraints that make it unreasonable to fulfill the requirement.*~~

~~*(c) The Planning Commission may waive the requirements of subsection (b) via Conditional Use procedures with one or more of the following affirmative findings: (1) the project demonstrates a need or mission to serve unique populations, or (2)*~~

~~*(d) Division of any existing dwelling unit into two or more units in RTO and NCT districts shall be permitted only if it meets both of the following conditions:*~~

~~*The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms;*~~ ~~*and*~~

~~*At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.*~~

SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO AND NCT DISTRICTS.

In order to ensure an adequate supply of family-sized units in existing and new housing stock, the subdivision of existing units is restricted. The division of any existing dwelling unit into two or more units in RTO and NCT districts shall be permitted only if it meets both of the following conditions:

(a) The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms; and

(b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.

Except for single room occupancy units in the South of Market *Mixed Use Districts* ~~*Special Use District*~~, the density limitations for group housing, as described in Sections 209.2(a), (b), and (c), 790.88(b) and 890.88(b) of this Code, shall be as follows:

(a) The maximum number of bedrooms on each lot shall be as specified in the following table for the district in which the lot is located, except that in RTO, *RTO-M, UMU, MUG, MUR, MUO, SPD, DTR* and all NCT districts the density of group housing shall not be limited by lot area, and except that for lots in NC Districts, the group housing density shall not exceed the number of bedrooms permitted in the nearest Residential District provided that the maxi-mum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located.

Table 208

MAXIMUM DENSITY FOR GROUP HOUSING

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70
NC-1	275
NC-2	

NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	210
NC-S	
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
~~*Valencia Street*~~	
~~*24th Street Mission*~~	
24th Street-Noe Valley	
Broadway	140
Upper Market Street	
North Beach	
Polk Street	

Chinatown Community Business	70
Chinatown Residential	
Neighborhood Commercial	
Chinatown Visitor Retail	
RED	140
RSD, SLR, SLI and SSO	70
~~*SPD*~~	~~*210*~~

(b) For purposes of calculating the maximum density for group housing as set forth herein, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(c) The rules for calculation of dwelling unit densities set forth in Section 207.1 shall also apply in calculation of the density limitations for group housing, except that in NC Districts, any remaining fraction of 1/2 or more of the maximum amount of lot area per bedroom shall be adjusted upward to the next higher whole number of bedrooms.

(d) The group housing density in *all* RTO districts and all NCT districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable

requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Residential Design Guidelines in RTO districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

SEC. 209.1. DWELLINGS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
P	NA	NA	NA	NA	NA	NA	NA	NA	NA	*NA*	NA	NA	NA	NA	(a) One-family dwelling having side yards
	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(b) Other one-family dwelling.
		P	NA	NA	NA	NA	NA	NA	NA	*NA*	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
			P	P	P	P	P	P	P	*P*	P	P	P	P	(d) Other two-family dwelling.
				P	P	P	P	P	P	*P*	P	P	P	P	(e) Three-family dwelling.

	C	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
			C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
				C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.

					P	NA	NA	NA	NA	NA	P	NA	NA	NA	(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
						P	NA	NA	P	P		P	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
							P	NA	C	P			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.

								P	C	P				P	(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and satisfactory to the Department of City Planning.

										C	P					(n) Dwelling at a density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project has a physical design and articulation compatible with the character of surrounding

SEC. 209.2. OTHER HOUSING.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
			C	C	P	P	P	P	P	*P*	P	P	P	P	(a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and sorority house but shall not include group

															housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	P	P	P	P	P	*P*	P	P	P	P	(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a

																religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	C	C	C	C	C		(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time

																and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	C	C	C	C	C	(d) Hotel, inn or hostel	

															containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.
											C	C	C	C	(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.

SEC. 209.3. INSTITUTIONS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(a) Hospital, medical center or other

															medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the

																facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		(c) Residential care facility meeting all applicable requirements of Subsection

															209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
											C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13

															or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study.

															Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(i) Post secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have

															industrial arts as its primary course of study.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
											P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that:

(a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the

															dispensary was not in operation as of April 1, 2005, as defined in subsection (i), it is located not less than
															1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is

smoked on the premises the parcel containing the medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all

properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; and (h) after this 30 day period, the Planning Commission shall schedule

a hearing to consider whether to exercise its discretionary review powers over the building permit application for a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this Code; (i) Medical cannabis dispensaries that can demonstrate to the Planning Department, based on any criteria it may develop, they were in operation as of April 1, 2005 and have remained in continuous operation since then, have 18 months from the effective date of this legislation to

obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease

operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be considered to be in continuous operation. Any dispensary operating in a Residential-House or Residential-Mixed district of the City or which began operation after April 1, 2005, must immediately cease operations; (j) any permit issued for a medical cannabis dispensary shall contain the following statement in

															bold-face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."

SEC. 209.4. COMMUNITY FACILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(a) Community clubhouse, neighborhood center, community cultural center or other community facility not publicly owned but open for public use, in which the chief activity is not carried on as a gainful

															business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC Districts, see also Section 209.9(d).)
											C	C	C	C	(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see

															also Section 209.9(d).)

SEC. 209.5. OPEN RECREATION AND HORTICULTURE.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	C	*C*	P	P	P	P	(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.
P	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(b) Open space used for horticultural or passive recreational

																purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, plant nursery, rest area, community garden or neighborhood garden.
P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	(c) Greenhouse, plant nursery, truck garden

															or other land or structure devoted to cultivation of plants of any kind, either with or without retail or wholesale sales on the premises. (With respect to RC Districts, see also Section 209.9(d).)

SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(b) Utility

															installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or

															connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.

SEC. 209.7. VEHICLE STORAGE AND ACCESS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	NP	*NP*	C	C	C	C	(a) Community garage, confined to the storage of private passenger automobiles of residents

																of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.
NA	NA	NA	NA	NA	NA	NA	NA	NA	C	*C*	NA	NA	NA	NA	(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of section 166.
C	C	C	C	C	C	C	C	C	C	*C*	P	P	P	P	(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in

																the district where the driveway is located, provided that a solid fence, solid wall, or compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable requirements of Article 1.5 of this Code.
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(d) Off-street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the

provisions of Section 204.5 of this Code, in terms of its location and amount. Such parking shall meet, where applicable, the requirements of Section 156 for parking lots, Section 159 for parking not on the same lot as the building or use served, and the other provisions of Article 1.5 of this Code. In considering any application for a conditional use for such parking where the amount of parking provided exceeds the amount classified as accessory parking in Section

															204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. In RTO districts, such parking shall also be subject to criteria and requirements o f Sections 158.1, 144, and 155(r).
									P	P					*(e) Off-street car share parking spaces for car sharing vehicles, whether required or not, meeting the standards of Section 166.*

SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	
											P	NA	NA	NA	(a) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											C	NA	NA	NA	(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a

															principal use in a C-1 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
												P	P	P	(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
												C	C	C	(d) Except for

															massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
									P	*P*					(e) Any use meeting the standards and limitations set forth in Section 23*1*0: Limited Corner Commercial Uses in RTO Districts.

SEC. 209.9. OTHER USES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	*RTO-M*	RC-1	RC-2	RC-3	RC-4	

P	P	P	P	P	P	P	P	P	P	*P*	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.
C	C	C	C	C	C	C	C	C	C	*C*	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2															(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.
											P	P	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.

C	C	C	C	C	C	C	C	C	C	*C*					(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:
															(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and

														(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

C	C	C	C	C	C	C	C	C	C	*C*					(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.

											P	P	P	P	(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.

C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
											P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).

C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(j) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.

SEC. 210. DESCRIPTION AND PURPOSE OF COMMERCIAL, INDUSTRIAL, AND PRODUCTION/DISTRIBUTION/REPAIR DISTRICTS.

The following statements of description and purpose outline the main functions of the C (Commercial), M (Industrial), and PDR (Production, Distribution, and Repair) Districts in the zoning plan for San Francisco,

supplementing the statements of purpose contained in Section 101 of this Code. The emphasis, in the case of these districts, is upon the allocation of adequate areas in proper locations for the carrying on of business and industry to serve City, regional and national needs and provide San Francisco with a sound and growing economic base.

~~*The description and purpose statement for Neighborhood Commercial Districts are listed in Article 7, Sections 710.1 through 728.1. The description and purpose statements for South of Market Districts are listed in Article 8, Sections 813 through 818 of this Code.*~~

SEC. 210.8 PDR-1-*B* DISTRICT~~*S*~~: LIGHT INDUSTRIAL BUFFER.

The intent of this ~~*These*~~ district~~s~~ *is* ~~*are intended*~~ to create a buffer area between residential neighborhoods and light industrial areas, primarily in the Bayview Hunters Point neighborhood. *Thus, this district prohibits residential uses and limits office, retail, and institutional uses. Generally, all other uses are permitted.* This zone allows for less intensive *production, distribution, and repair* ~~*PDR*~~ activities that will not compromise the quality of life of nearby residents. These uses generate less external noise, odors, and vibrations and engage in fewer trucking activities than those permitted in PDR-2 districts. Uses in this district are generally conducted completely within enclosed structures. Small-scale retail and office uses are permitted, as are other activities that may serve well to buffer existing residential neighborhoods from areas of concentrated industrial operations. *In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

SEC. 210.9. PDR-1-D DISTRICT: DESIGN.

The intention of this district is to retain and encourage less-intensive production, distribution, and repair businesses, especially the existing clusters of design-related businesses. Thus, this district prohibits residential uses ~~(except for student housing)~~ and office, *and* limits ~~office~~, *retail*~~,~~ *and institutional uses. Additionally, this district prohibits heavy industrial uses, which generate external noise, odors, and vibrations and engage in frequent trucking activities. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

SEC. 210.10. PDR-1-G DISTRICT: GENERAL.

The intention of this district is to retain and encourage existing production, distribution, and repair activities and promote new business formation. Thus, this district prohibits residential and office *uses and limits* ~~office~~, *retail*~~,~~ *and institutional uses. Additionally, this district allows for more intensive production, distribution, and repair activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all other uses are permitted. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

SEC. 210.*911*. PDR-2 DISTRICT~~S~~: *CORE* PRODUCTION, DISTRIBUTION, AND REPAIR.

The intent of this ~~*These*~~ district~~s~~ *is to* encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. *Thus, this district*, ~~*while*~~ prohibit~~*sing*~~ new housing, large office developments, large-scale retail, and the heaviest of industrial uses, such as

incinerators. *Generally, all other uses are permitted.* The conservation of existing flexible industrial buildings is also encouraged. These districts permit certain non-industrial, non-residential uses, including small-scale retail and office, entertainment, certain institutions, and similar uses that would not create conflicts with the primary industrial uses or are compatible with the operational characteristics of businesses in the area. Light industrial uses in these districts may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law. Within the requirements of local, state, and federal health and safety regulations, and within the stipulation of this code, which may impose additional use size maximums and minimum distance requirements on certain activities, raw materials used for production, manufacturing, repair, storage, research, and distribution may be stored on site and may include chemical, biological, and other hazardous, explosive, or flammable materials. *In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.*

SEC. 215. DWELLINGS.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 215 DWELLINGS.
P	P	P	P	P	P	C	C	C					(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street there from, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less

														than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
		C	C	C	C									(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission

													pursuant to Section 303(c) of this Code.
						C	C	C					(c) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.

~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~		~~C~~			~~(d) Student housing, as defined in 315.1(38). In the PDR-1-D District, density limits and dwelling unit mix requirements do not apply. So long as these dwelling units are affiliated with and operated by an accredited post-secondary educational institution, the inclusionary housing requirements of Section 315 shall not apply. In the PDR-1-D District, the accredited post-secondary educational institution to which the student housing is affiliated must also contain educational facilities within the PDR-1-D District.~~

SEC. 216. OTHER HOUSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 216 OTHER HOUSING.
P	P	P	P	P	P	P	C	C					(a) Group housing, providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when

													not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for all group housing described in this subsection shall be based in this subsection shall be based upon the density limitations for group housing in the nearest R District, following the same rules as those set forth in Section 215(a) of this Code for dwelling unit densities in C and M Districts.
													(b) Hotel, inn or hostel containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as described

													in Subsection 216(c) below:
C	C	C	C	C	C	C	C	C					(i) 200 rooms or less;
C	C	C	C	C	C	C	C	C					(ii) More than 200 rooms.
C	N A		NA	N A	NA	NA	NA	NA					(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately accessible from a major thoroughfare as designated in the ~~*Master*~~ *General* Plan.
	C			C	C	C	C	C					(d) Motel, as described in Subsection 216(c) above but without restrictions as to

														location of the entrance.

SEC. 217. INSTITUTIONS.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which

													institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	C	P	P						(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term

													nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
P	P	P	P	P	P	P	P	P	*P under 5,000 gsf, C above*	*P under 5,000 gsf, C above*	P under 7,500 gsf	P under 5,000 gsf	(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
P	P	P	P	P	P	P	P	P	*P under 5,000 gsf*	*P under 5,000 gsf*	P under 5,000 gsf	P under 5,000 gsf	(d) Social service or philanthropic facility providing assistance of a

													charitable or public service nature.
P	P	P	P	P	C	P	P			*P*			(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P			*P under 20,000 gsf if no housing*	P under 20,000 gsf if no housing		(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the

													institution.
P	P	P	P	P	P	P	P			*P under 20,000 gsf if no housing*	P under 20,000 gsf if no housing		(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	P	P	P	P	P			*P under 20,000 gsf if no housing*	P under 20,000 gsf if no housing		(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education,

													which *is required to submit an institutional master plan pursuant to* ~~*institution has met the applicable provisions of*~~ Section 304.5 of this Code ~~*concerning institutional master plans.*~~ Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
					P	P	P	P	*P under*	*P under*	P under 20,000 gsf if no	P under 20,000 gsf if no	(i) Secondary or postsecondary educational

									20,000 gsf if no housing	*20,000 gsf if no housing. C above.*	housing	housing	institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	P	P	P	P	P	P	*P under 20,000 gsf if no housing*	*P under 20,000 gsf if no housing*	P under 20,000 gsf if no housing	P under 20,000 gsf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	P	P	P	P							(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that: (a) the

medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or a community clubhouse, or

													neighborhood center as defined in Section 221(e) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the dispensary was not in operation as of April 1, 2005, as defined in subsection (i), it is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in

Section 221(e) of this Code; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is smoked on the premises the parcel containing the medical cannabis dispensary is not located on the same parcel as a facility providing

substance abuse services that is licensed or certified by the state of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all

properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of

neighborhood properties and neighborhood groups; and (h) after this 30 day period, the Planning Commission shall schedule a hearing to consider whether to exercise its discretionary review powers over the building permit application for a medical cannabis dispensary. The scheduling and the mailed notice for this hearing shall be processed in accordance with Section 312(e) of this code; (i) Medical cannabis dispensaries that

can demonstrate to the Planning Department, based on any criteria it may develop, they were in operation as of April 1, 2005 and have remained in continuous operation since then, have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation

as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, also have 18 months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or

upon denial of a permit application if it occurs before the end of that 18 month period. Notwithstanding the foregoing, in no case shall a dispensary that had or has a suspended or revoked permit be considered to be in continuous operation. Any dispensary operating in a Residential-House or Residential-Mixed district of the City or which began operation after April 1, 2005, must immediately cease operations; (j) any permit issued

													for a medical cannabis dispensary shall contain the following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law.

SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 218. RETAIL SALES AND

													PERSONAL SERVICES.
													The uses specified in this Section shall not include any use first specifically listed in a subsequent Section of this Code.
P	NA	NA	NA	NA	NA	NA	NA	NA	*NA*	*NA*	*NA*	*NA*	(a) Retail business or personal service establish

													ment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.
	P	P	P	P	P	P	P	P	*P under 2,500 gsf per lot*	*P under 5,000 gsf per lot*	P under 2,500 gsf *per lot*-*-#	P under 2,500 *gsf per lot* *#	(b) Retail business or personal service establishment not limited to sales or services

													primarily for residents in the immediate vicinity, and not restricted to sale of new commodities.
	P	P	P	P	P	P	P	P	*P under 2,500 gsf per lot; C above*	*P under 5,000 gsf per lot; C above*	*P under 2,500 gsf per lot **	*P under 2,500 gsf per lot **	*(c) Grocery stores, as defined in Section 790.102(a)*
	P	P	P	P	P	P	P	P	*P under 2,500*	*P under 5,00*	*P under*	*P under 2,500 gsf*	*(d) Health club, fitness,*

									0 gsf per lot; C above	*0 gsf per lot; C above*	*2,500 gsf per lot **	*per lot **	*gymnasium, or exercise facility when including equipment and space for weight-lifting and cardio-vascular activities.*
													Subject to the limitations of Section 121.~~5~~8
													~~# Except practice studios, cat boarding, hardware stores~~

													~~and contractor supply operations, which are permitted in these districts without size restriction.~~

SEC. 218.1. MASSAGE ESTABLISHMENTS.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 218.1. MASSAGE ESTABLISHMENTS.
C	C	C	C	C	C	C	C	C	*C*	*C*	C	C	Massage establishments, as defined by Section 1900 of the San

Francisco Health Code provided that: (a) the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, except that such proviso shall not apply where: (1) massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used

primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities, or (2) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times, (b) the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other massage establishment; except that such proviso shall not apply where massage services are incidental to the institutional uses

permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities; and further provided that: (c) the following standards and conditions are met: (1) the hours of operation of the massage activity shall be limited to from 7:00 a.m. to 12:00 a.m.; (2) signs

announcing the massage activity shall be no more than a single sign affixed to the wall of the building and shall not exceed nine square feet in area and shall not be directly illuminated; (3) there shall be no outdoor activity associated with the massage activity; (4) disposed of on a daily basis during the days the establishment is in operation; and (6) any change of there shall be nonalcoholic beverages served on the premises; (5) there shall be a litter patrol financed by the establishment such that any litter within 100 feet of the premises is cleaned

													and ownership or change in operation of the massage establishment which requires a new Health Permit shall be required to meet these standards and conditions.

SEC. 219. OFFICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 219. OFFICES.
P	P	P	P	P	P	P	P	P	*NP*	*NP*	P*	P*	(a) Professional and business offices, *as defined in 890.70,* not more than 5,000 gross square feet in size and offering on-site services to the general public.

P	P	P	C	P	P	P	P	P	*NP*	*NP*			(b) Professional and business offices, *as defined in 890.70,* larger than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	C	P	P	P	P	P	*NP*	*NP*	P under 5,000 gsf per use *	P under 5,000 gsf per use *	(c) Other professional and business offices, *as defined in 890.70,* above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from

													the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C		C	C	P	P	P	*NP*	*NP*	P under 5,000 *g*sf per use *	P under 5,000 *g*sf per use *	(d) Other professional and business offices, *as defined in 890.70,* at or below the ground floor.
									P	*P*			*(e) Offices in designated landmark buildings*
													* Subject to the limitations of Section 121.~~5~~8.
													~~*# Use size control shall apply to all types of "Office use" as listed in*~~

													~~Section 313.1(35)(A) and (B).~~

SEC. 220. LAUNDERING, CLEANING AND PRESSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 220. LAUNDERING, CLEANING AND PRESSING.
P	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.
	P	P	P	P	P	P	NA	NA	*P*	*P*	P	P	(b) Establishment for hand-ironing only, not employing

													more than five persons.
P	NA	NA	NA	NA	NA	NA	NA	NA	*P*	*P*	P under 2,500 gsf	P	(c) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:

													(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or
													(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment, where the total number of units does not exceed eight and their total aggregate capacity does

													not exceed 40 cubic feet; or
													(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 40 pounds, and no more than four self-service units the aggregate capacity of which shall not exceed 20 cubic feet.
	P	P	P	P	P	P	NA	NA	*P*	*P*	P under 2,50		(d) Dry-cleaning establishment, including

											0 gsf	P	pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:
													(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 pounds and

													operated by employees of the establishment; or
													(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment where the total number of units does not exceed 16 and their total aggregate capacity does not exceed 80 cubic feet; or
													(3) The establishment is a combination of

													the two foregoing types, with a central cleaning unit with a rated load factor of no more than 60 pounds, and no more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.
							P	P	*P*	*P*	P under 2,500 gsf	P	(e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any

													opening, other than fixed windows or exits required by law, within 50 feet of any R District.
							P	P	*P*	*P*	P under 2,500 gsf	P	(f) Cleaning or dyeing plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.

							P	P	*P*	*P*	P under 2,500 gsf	P	(g) Bag, carpet or rug cleaning, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.

SEC. 221. ASSEMBLY AND ENTERTAINMENT.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	

P	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(a) Clubhouse.
P	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(b) Lodge building.
P	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(c) Meeting hall.
	P	P	P	P	P	P	P	P	*P if no more than 3 screens*	*P if no more than 3 screens*	P if no more than 3 screens	P if no more than 3 screens	(d) Theater, except as specified under Subsection (k), below.
P	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(e) Recreation building.
	P	P	P	P	P	P	P	P	*P*	*P*	P under 5,000 gsf	P	(f) Amusement enterprise, including billiard hall, dance hall, nightclub,

														other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by

													adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.
P *	P *			P	P	P	P	P	*P*	*P*	P	P	(g) Private noncommercial recreationa

													l open use.
	P *					N A	N A	NA	*P*	*P*		P	(h) Amusement park, and related commercial amusement enterprises not conducted in completely enclosed buildings; provided, that the use lawfully existed at the effective date of this Code, or is so located that (1) the

													premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.
					C	P	P	P	C	C		C	(i) Commercial open-air sports stadium or arena, if conducted on

													premises not less than 200 feet from any R District.
					C	P	P	P	*P*	*P*		P	(j) Circus, carnival, or other amusement enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.
P	P	P	P	P	P	P	P	P	*P*	*P*		P	(k) Adult entertainment

														enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainment enterprise:
														(i) Adult bookstore, as defined by Section

													791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);
													(ii) Adult theater, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);
													(iii) Encounter studios, as defined by

													Section 1072.1 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code). [See Section 212(a)]

SEC. 222. HOME AND BUSINESS SERVICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 222. HOME AND BUSINESS SERVICES.
													The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer

													and concerned primarily with custom trade.
	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(a) Household repair shop.
	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(b) Interior decorating shop.
	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(c) Upholstering shop.
	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(d) Sign-painting shop.
	P			P	P	P	P	P	*P*	*P*	P	P	(e) Carpenter shop.
	P			P	P	P	P	P	*P*	*P*	P	P	(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)
	P	P	P	P	P	P	P	P	*P*	*P*	P P	P	(g) Catering establishment

											under 5,000 gsf		
	P	P	P	P	P	P	P	P	*P*	*P*	P under 2,500 gsf	P	(h) Printing shop.
	P	P	P	P	P	P	P	P	*P*	*P*	P under 2,500 gsf	P	(i) Newspaper publication.
	P	P	P	P	P	P	P	P	*P*	*P*	P under 2,500 gsf	P	(j) Blueprinting shop.
P	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*(k) Hardware stores and contractor supply operations*

SEC. 223. AUTOMOTIVE.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 223. AUTOMOTIVE.
	P	P	P	P	P	P	P	P	*P*	*P*	P	P	(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.
	P			P	P	P	P	P	*P*	*P*	P	P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
	C*			C	C	P	P	P	*P*		P	P	(c) Lot for sale or rental of new or used automobiles.
	C*			C	C	P	P	P	*P*		P	P	(d) Lot for sale or rental of new or used trucks.
	C*			C	C	P	P	P	*P*		P	P	(e) Sale or rental

													of new or used automobile trailers.
P*	NA			NA	NA	NA	NA	NA	*P*	*P*	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:

													(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
													(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;
													(3) Installation of lamp globes, sparkplugs, oil filter or filtering element,

													windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;
													(4) The servicing and repairing of tires and batteries;
													(5) The installation and servicing of smog control devices; and
													(6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical

													conveyor blower or steam-cleaning device.
	P*			P	P	P	P	P	*P*	*P*	P	P	(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
													(1) Tune-up, including the repair or replacement of distributors, sparkplugs and carburetors;
													(2) Brake repair;

													(3) Shock absorber replacement;
													(4) Muffler exchange, with no open flame or torch;
													(5) Wheel balancing and alignment;
													(6) Wheel bearing and seals replacement;
													(7) Replacement of universal joints;
													(8) Radiator mounting and dismounting, with repairs done elsewhere;
													(9) Clutch

													adjustments;
													(10) Repair or replacement of water pumps;
													(11) Repair or replacement of generators, alternators and voltage regulators;
													(12) Repair or replacement of starters;
													(13) Repair or replacement of fuel pumps;
													(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph

													8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
	P			P	P	P	P	P	*P*	*P*	P under 7,500 gsf	P	(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.

													(1) Body and fender repair limited to replacement of parts and spot paint spraying; and
													(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
					P		P	P	*P*	*P*	P under 5,000 gsf	P	(i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by

													law within 50 feet of any R District:
													(1) Internal engine repair or rebuilding;
													(2) Repair or rebuilding of transmissions, differentials or radiators;
													(3) Reconditioning of badly worn or damaged motor vehicles or trailers;
													(4) Collision service, including body, frame or fender straightening or repair; and
													(5) Full body paint spraying.

	C*			C	C	C	P	P	*P*	*P*	P	P	(j) Automobile wash, when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least 1/4 the hourly capacity in vehicles of such facilities; provided,
													(1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and
													(2) that complete enclosure within a building may be required as a condition of

													approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
					P	P	P	P	*P*			P	(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.
C*	P*				C	P	P	P	*C*		C	C	(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
C	P	C	C	C	C	P	P	P	*C*	*C*	C	C	(m) Storage garage open to the

													public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.
C*	C*	C	C	C	C	P	P	P	C	C	C	C	(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article

													1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.
P*	P*	P	P	P	P	P	P	P	*P*	*P*	P	P	(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under

													other provisions of law.
C	P	C	C	C	C	P	P	P	*C*	*C*	C	C	(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
	C	C	C	C	NA	NA	NA	NA	*P*	*P*		P	(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely

													enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					P	P	P	P	*P*	*P*		P	(r) Parcel delivery service, not subject to the above limitations.
	C			C	P	P	P	P	*P*	*P*		P	(s) Ambulance service.
				C	P	P	P	P	*P*	*P*		P	(t) Storage garage for commercial passenger vehicles and light delivery trucks.
					C	P	P	P	*P*	*P*		P	(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence

													not less than six feet high.
							C	C	*P*	*P*		P	(v) Truck terminal facility, if located not less than 200 feet from any R District.

SEC. 224. ANIMAL SERVICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 224. ANIMAL SERVICES.
	C			C	C	C	P	P	*P*	*P*	P	P	(a) Animal hospital or clinic, if conducted entirely within an enclosed building; not including a commercial kennel as specified below.
						P	P	P	*P*	*P*	P	P	(b) Animal hospital or clinic, if conducted on premises not less than 200 feet from any R District.

						P	P	P	*P*	*P*		P	(c) Commercial kennel, if conducted on premises not less than 200 feet from any R District. A "commercial kennel" shall mean any commercial or business premises or other premises where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.
						P	P	P	*P*	*P*		P	(d) Riding academy or livery stable, if conducted on premises not less than 200 feet from any R District.
P	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*P*	*(e) Cat boarding*

SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	

													SEC 225 WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.
	C		C	C	P	P	P	P					(a) Storage building for household goods.
		P	P	P	P	P	P	P	*P*	*P*	P under 5,000 gsf	P	(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.
					P	P	P	P	*P*	*P*	P under 5,000 gsf	P	(c) Wholesale storage warehouse, except for storage of inflammables.
								P				C	(d) Bulk storage of inflammable or highly combustible materials, if

													conducted not less than 500 feet from any R or NC District.
								C				C	(e) Bulk storage of explosives, if conducted not less than 500 feet from any R or NC District.
							P	P	*P*			P	(f) Cold storage plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
									P			P	(g) Grain elevator.
					C	C	NA	NA	*P*			P	(h) Dairy products distribution plant,

													where provision is made for off-street parking of all vehicles used and all operations including loading and unloading are conducted entirely within an enclosed building. (See also Section 226.)
						P	P	P	*P*		P under 5,000 gsf	P	(i) Lot for sale of new or used merchandise, not including any use first specifically listed below.
						P	P	P	*P*	*P*	P under 5,000 gsf	P	(j) Service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet

													high.
							P	P	*P*	*P*	P under 5,000 gsf	P	(k) Contractor's storage yard or yard for rental of contractors' equipment if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
							P	P	*P*	*P*	P under 5,000 gsf	P	(l) Yard for storage or sale of building materials or lumber, livestock feed, or coal, if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
							P	P	*P*	*P*		P	(m) Stone or monument yard, if conducted within an area enclosed by a

													wall or a concealing fence not less than six feet high.
							P	P				P	(n) Storage within a completely enclosed building of junk, waste, secondhand, discarded or salvaged materials, excluding automobile wrecking operations as defined in this Section 225; and if conducted not less than 200 feet from any R or NC District.
								P				P	(o) Junkyard, if located not less than 200 feet from any R or NC District. Junkyard shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used

														lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; excluding automobile wrecking operations as defined in this Section 225 yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation in the same premises.
							C	C				C		(p) Automobile wrecking operation; provided, (1) that there shall be sufficient working space on the

property to permit proper functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or parts, (2) that the operation shall be clearly separated from adjacent properties and public rights-of-way,. and (3) that the operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has been granted pursuant to this Code; provided, however, that no such

													automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1 1/2 years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term "automobile wrecking operation" as used herein shall mean the disassembling, dismantling, junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.
								C				C	(q) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which

shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site

													facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.

SEC. 226. MANUFACTURING AND PROCESSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 226. MANUFACTURING AND PROCESSING.
		P	P	P	P	P	NA	NA	*P*	*P*	P under 5,000 gsf	P	(a) Light manufacturing uses, involving only the assembly, packaging,

													repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:
													(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;
													(2) That the mechanical equipment required for such uses, together with related floor space used primarily by

													the operators of such equipment, shall not in the aggregate occupy more than 1/4 of the gross floor area of the building in which the uses are located; and
													(3) That no machine shall be used that has more than five horsepower capacity.
					P	P	NA	NA	*P*	*P*	P under 5,000 *g*sf	P	(b) Light manufacturing which occupies not more than 1/2 the ground story of the building and involves or requires no machine that has more than five

													horsepower capacity, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.
					P	P	NA	NA	*P*	*P*	P under 5,000 gsf	P	(c) Light food-processing for delicatessen, catering or restaurant supply, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits

													required by law, within 20 feet of any R District.
							P	P	*P*	*P*	P under 5,000 gsf	P	(d) Light manufacturing, not including any use first specifically listed below.
		P	P	P	P	P	P	P	*P*	*P*	P under 2,500 gsf	P	(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.
		P	*P*	*P*	*P*	*P*	*P*	*P*					*(f) Life Science laboratory (as defined in Sections 890.52 and 890.53)*
					~~C~~	~~C~~	~~P~~	~~P~~				~~P~~	~~*(f) Experimental laboratory.*~~
						P	P	P				*C*	(g) Battery manufacture, if

													conducted on premises not less than 200 feet from any R District.
							P	P	*C*	*C*		*C*	(h) Any of the following uses, when conducted within a completely enclosed building; provided that no part of the building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
													(1) Automobile assembling.
													(2) Bottling plant, brewery dairy products plant, malt manufacturing or

													processing or malt products plant;
													(3) Ice manufacturing plant;
													(4) Concrete mixing, concrete products manufacture;
													(5) Electric foundry or foundry for nonferrous metals;
													(6) Metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drop hammers.
													(7) Enameling, lacquering, wholesale paint

													mixing from previously prepared pigments and vehicles;
													(8) Woodworking mill, manufacture of wood-fiber, sawdust or excelsior products not involving chemical processing.
								P	C	C		C	(i) Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, not including any use first specifically

													listed below.
								P	C	C		C	(j) Flour mill.
								P	C	C		C	(k) Sugar refinery.
								P	C	C		C	(l) Wool pulling or scouring.
								C	C	C		C	(m) Blast furnace, rolling mill, smelter.
								C				C	(n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.
								C	C			C	(o) Production or refining of petroleum products.

							P	P	C			C	(p) Steam power plant.
								P				C	(q) Shipyard.
						P	P	P				C	(r) Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if conducted on premises not less than 200 feet from any R District.
								P				C	(s) Live storage, killing or dressing of poultry or rabbits, if conducted on premises not less than 200 feet from any R District, without limitation as to nature of sale.
								C					(t) Stockyard,

													livestock feed yard, abattoir.
							C	C	C			C	(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment.
								C					(v) Incineration of garbage, refuse, dead animals or parts thereof.
								P				C	(w) The following uses, when conducted not less than 500 feet from any R or NC

														District:
														(1) Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison,

													potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, varnish;
													(2) Curing, smoking or drying fish, manufacture of fish oil;
													(3) Tanning or curing of raw hides or skins;
													(4) Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive works,

													roundhouse or railroad shop.

SEC. 227. OTHER USES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	*PDR-1-G*	*PDR-1-D*	PDR-1-*B*	PDR-2	
													SEC. 227. OTHER USES.
P*	P*				P	P	P	P	*P*	*P*	P	P	(a) Greenhouse or plant nursery.
P*	P*					P	P	P	*P*	*P*	P under 10,000 *gsf*	P	(b) Truck gardening, horticulture.
	C			C	C	P	P	P	*P*		P	P	(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary

													goods.
P	P	P	P	P	P	P	P	P	*C*	*C*	C	C	(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	P	P	P	P	P	*P*	*P*	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(t)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.

C*	C*	C	C	C	C	C	C	C	*C*	*C*		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of Supervisors under other provisions of law, and which includes:
													(1) Off-street passenger terminal facilities for mass transportation of a single or combined modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit

													shelter or similar ancillary feature of a transit system; and
													(2) Landing field for aircraft.
C*	C*	C	C	C	C	C	P	P	*P*	*P*		P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	*P*		C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic

													signals where:
													(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser height; and
													(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic

													antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	*C*		C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
													(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this

													Code, whichever is the lesser height; or
													(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or combination of C-3 and M Districts), includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. (See also Section 204.3.)
P*	P*	P	P	P	P	P	P	P	*P*	*P*	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	P	P	P	P	P	P					(k) General advertising sign, as

													defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	*P*	*P*	P	P	(l) Access driveway to property in any C or M District.
C	C					C	C	C	*C#*	*C#*	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
								P					(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.

SEE SECTIONS 205 THROUGH 205.2													(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. *(* See Section 121(a).)*
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					~~*(p) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the unit and that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.*~~
~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~					~~*(q) Subject to Section*~~

													~~*233(a), live/work units not included above but satisfying the conditions of Section 233(b) of this Code.*~~ -
P	P	P	P	P	P	P	P	P	*P##*	*P##*	P##	P##	(*p~~r~~*) Arts activities
	P						P	P				P	(*q~~s~~*) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.
C	C	C	C	C	C	C	C	C			C	C	(*r~~t~~*) Internet Services Exchange as defined in Section 209.6(c).

P	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; C above	P under 5,000 gsf per lot; C above	P under 2,500 gsf per lot, and subject to controls of Section 121.8	P under 2,500 gsf per lot, and subject to controls of Section 121.8	(s#) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a1/4 miles of an existing fringe financial service.
NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NP	NP	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional

													requirements:
													(A) Each unit may
													contain only uses
													principally or
													conditionally permitted
													in the subject zoning
													district, or office uses
													(as defined in Section
													890.70);
													(B) Any retail uses are
													subject to any per-
													parcel size controls of
													the subject zoning
													district;
													(C) No residential uses
													shall be permitted;
													(D) Fifty percent of the
													units in the building
													must contain no more
													than 500 gross square
													feet each, while the
													remaining fifty percent
													of the units in the
													building must contain
													no more than 2,500
													gross square feet each;
													an exception to this
													rule applies for larger
													PDR spaces on the

													ground floor, as described in subsection (E) below ~~and~~ (E) An S.E.W. building may contain units larger than 2,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sec. 220 and 222 through 227 of this Code. *(*(F)~~E~~) After the issuance of any certificate of occupancy or completion for the building,* ~~no~~ any *merger, subdivision, expansion, or* ~~any~~ *other change in gross floor area of any unit shall be permitted* only

as long as the provisions of this subsection (D) and (E) are met. To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.

(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section.

(3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec.

													~~230~~231 *limiting demolition of industrial buildings.*
NA	*NA*	*NA*	*NA*	*NA*	*NA*	*NA*	*NA*	*NA*	*P, subject to controls in Sec. 890.49*	*P, subject to controls in Sec. 890.49*	*NP*	*NP*	*(u) Integrated PDR, as defined in Sec. 890.49.*
													#Dwellings are not permitted as part of any Planned Unit Development in these districts. ## For these districts, commercial production and post-production of video and digital films, including special effects production, is subject to the use size restrictions ~~per~~ *set forth in* Section 219 *for* ~~O~~*o*ffice~~s~~ *uses*.

													(*See Section 212(a).)

SEC. 23*1θ*. Limited Corner Commercial Uses in RTO Districts.

(a) Purpose. Corner stores enhance and support the character and traditional pattern of RTO districts. These small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby streets and properties. These uses are permitted only on the ground floor of corner buildings, and their intensity and operating hours are limited to ensure compatibility with the predominantly residential character of the district. Accessory off-street parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

(b) Location. Uses permitted under this section must be located:

(1) completely within an RTO district

(2) on or below the ground floor; and.

(3) on a corner lot as defined by Section 102.15, with no part of the use extending more than 50 feet in depth from said corner, as illustrated in Figure 23*1θ*.

(c) Permitted Uses. Any use is permitted which complies with the most restrictive use limitations for the first story and below of:

~~(1)~~ *an* NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code~~;~~ ~~*and*~~

~~*(2) Any Individual Area Neighborhood Commercial District within ¼ mile of the use, as set forth in Sections 714.10 through 729.95 of this Code; and*~~

~~*(3) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections 781 through 781.7 of this Code.*~~

(d) Use Size. *No more than 1,200 occupied square feet of commercial area shall be allowed per corner lot, except those lots which occupy more than one corner on a given block and which may provide an additional 1,200 occupied square feet of commercial area per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project.* ~~*There is an aggregate maximum use size of 1,200 gross square feet per corner lot, as illustrated in Figure 230.*~~

(e) Formula Retail Uses. All uses meeting the definition of "formula retail" use per Section 703.3(b) shall not be permitted except by Conditional Use through the procedures of Section 303.

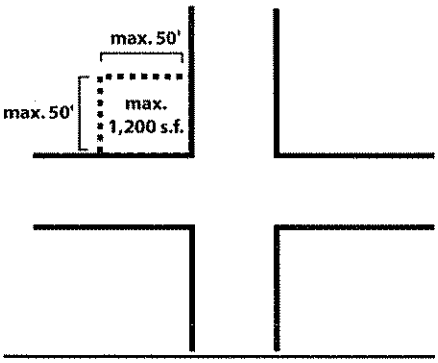


Figure 23*10*. Limitations on Corner Retail in RTO Districts

(*fe*) Parking. No accessory parking shall be permitted for uses permitted under this Section.

(*gf*) Operating Hours. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.

(*hg*) Conditions. Any uses described above shall meet all of the following conditions:

(1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood.

(2) Any signs on the property shall comply with the requirements of Article 6 of this Code pertaining to NC-1 districts.

(3) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features

(4) Noise, odors and other nuisance factors shall be adequately controlled; and

(5) The use shall comply with all other applicable provisions of this Code.

SEC. 233. LIVE/WORK UNITS.

~~*(a) After the effective date of this ordinance, n*~~No City official, department, board or commission shall issue or approve a building permit or other land use entitlement authorizing a new live/work unit as defined in Section 102.13 of this Code, except as authorized as an accessory use under Section 204.4. Lawfully approved live/work units ~~*existing on the that date shall comply with the Code provisions in effect at the time they were authorized, as set forth below and in other sections of this Code applicable to live/work units, and shall further be*~~ *are* subject to the nonconforming use provisions of Section 181 of this Code

~~*(b) If a live/work unit would occupy any space last used as a dwelling unit or group housing, or whose legal use as shown in the permit records of the City is as a dwelling*~~

~~*unit or group housing, the live/work unit shall not be permitted in any RH or RM District, and shall require conditional use approval in any RC, C, M or South of Market District, notwithstanding Sections 209.9 or 227 of this Code.*~~

~~*(c) Live/work units satisfy the conditions of this subsection if:*~~

~~*(1) They are part of a project which will result in issuance of a certificate or certificates of occupancy for 10 or more new or additional live/work units; and*~~

~~*(2) The project is sponsored by one or more organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, each of whose articles of incorporation state as a principal purpose providing living quarters to artists, and each of whose articles of incorporation require that at least 51 percent of the members of the board of directors must be artists engaging in one or more arts activities falling within the definition of Section 102.2 of this Code; and*~~

~~*(3) The qualified sponsoring organization or organizations will, until completion of the project:*~~

~~*(A) Own the project,*~~

~~*(B) Own an interest of 51 percent or more in a joint tenancy or tenancy in common which owns the project,*~~

~~*(C) Have a right to 51 percent or more of the net income and of all distributions, including distributions on liquidation, of a partnership or joint venture which owns the project, or*~~

~~*(D) Be the only general partner or only general partners, or only managing general partner, in a limited partnership which will qualify the project for complete or partial exemption from property tax under California Revenue and Taxation Code Section 214(g) or a successor provision; and*~~

~~*(4) All permits for the project are issued on the application of, and in the name of, a corporation described in Subsection (2) above or a partnership described in Subsection (3)(C) or (3)(D); and*~~

~~*(5) The project will, under federal or State law, or local legal authority other than this Code, be required to rent, lease or sell at least 20 percent of the live/work units in the project at rates or prices affordable to households whose incomes are no greater than 50 percent of the median income for households in San Francisco as determined under California Administrative Code Section 6932, or its successor provision, or, alternatively, be so required to rent, lease or sell a minimum of 40 percent of the live/work units at rates or prices affordable to households whose incomes are no greater than 60 percent of said median income; and*~~

~~*(6) All non-arts activity other than residential in the project is otherwise permitted in the district, or is otherwise conditional in the district and is approved as a conditional use pursuant to this Code; and*~~

~~*(7) The subject live/work units are marketed on a preferential basis for arts activities as defined in Section 102.2 of this Code. For the purpose of this subsection, "preferential marketing" shall consist of:*~~

~~*(A) Advertising the initial leasing of all newly created units in publications which are oriented to audiences engaged in arts activities for a minimum of three months in advance of other advertising and, for subsequent vacancies, advertising in similar publications promptly after future vacancies are known to the owner or the owner's representatives, but in no event less than one month in advance of other advertising, and*~~

~~*(B) Notification of organizations concerned with arts activities a minimum of three months in advance of initial leasing activities and, for subsequent vacancies, promptly*~~

~~*after future vacancies are known to the owner or owner's representative, but in no case less than one month in advance of other advertising.*~~

~~*(d) The location of each live/work unit in a multi-unit structure in a C or M District shall be marked by a plaque, diagram or other device visible to emergency personnel from the exterior building face of the structure containing the unit.*~~

~~*(e) Each person, other than a person applying as owner of a fee interest, who applies to erect or alter a live/work unit, or to change use or occupancy in order to authorize a live/work unit, shall submit on a form approved by the Department of Public Health, a disclosure signed by a fee owner of the property in question stating what hazardous materials, if any, are known to exist in the vicinity of the unit.*~~

SEC. 234.2. CONDITIONAL USES, P DISTRICTS.

The following uses shall be subject to approval by the City Planning Commission, as provided in Section 303 of this Code:

(a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a); 209.5(a), (b); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.

(b) With respect to any lot in a P District, which lot is within 1/4 mile of the nearest NC-1 or Individual Area Neighborhood Commercial District as described in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless such use or feature complies with the controls which are applicable in any NC-1 or Individual Area Neighborhood Commercial District or Restricted Use Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning category .82, as defined in Section 790.80 of Article 7.

(c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this Code when located within any P district within the *Eastern Neighborhoods*

Mixed Use District, the South of Market *Mixed Use* ~~*Base*~~ District, the Market and Octavia Plan Area, and within the right-of-way of any State or federal highway.

(d) In any P District which is within the *Eastern Neighborhoods Mixed Use District and the* South of Market *Mixed Use* ~~*Base*~~ District, if the use is located within the right-of-way of any State or federal highway, the following uses:

(1) Retail and personal service uses primarily meeting the needs of commuters on nearby streets and highways or persons who work or live nearby, provided that:

(A) The space is on the ground floor of a publicly-accessible parking garage;

(B) The total gross floor area per establishment does not exceed 2,500 square feet;

(C) The space fronts on a major thoroughfare; and

(D) The building facade incorporates sufficient fenestration and lighting to create an attractive urban design and pedestrian-oriented scale.

(2) Open-air sale of new or used merchandise, except vehicles, located within a publicly-accessible parking lot, provided that:

(A) The sale of goods and the presence of any booths or other accessory appurtenances are limited to weekend and/or holiday daytime hours;

(B) Sufficient numbers of publicly-accessible toilets and trash receptacles are provided on-site and are adequately maintained; and

(C) The site and vicinity are maintained free of trash and debris.

SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

(a) Purpose. The Life Science and Medical Special Use District is intended to support uses that benefit from proximity to the University of California, San Francisco

(UCSF) campus at Mission Bay. These uses include medical office and life science (biotechnology) uses.

(b) Geography. The boundaries of the Life Science and Medical Special Use District are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east. Within this area, the Dogpatch Historic District is generally excluded.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section:

(1) Medical Services. Medical services, including medical offices and clinics, as defined in Section 890.114, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)). For the purposes of this Section, a medical service use may be affiliated with a hospital or medical center as defined in 890.44.

(2) Life Science Offices. Office uses that contain Life Science facilities, as defined in Section 890.53, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

(3) Life Science Laboratories. Laboratories that engage in life science research and development, as defined in Section 890.52, are a principally permitted use and are exempted from use size limitation, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.

(a) Purpose. The purpose of the Innovative Industries Special Use District is to provide affordable office space to small firms and organizations which are engaged in innovative activities, including incubator businesses and microenterprises.

(b) Geography. The boundaries of the Life Science Special Use District are shown on Sectional Map No. 8SU of the Zoning Map.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that:

(1) office uses shall be principally permitted uses on all stories above the ground story.

(2) retail uses shall be subject to the size controls applicable in the Urban Mixed Use District, as stated in Sec. 843.45.

SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.

(a) Purpose. The Transit-Oriented Retail Special Use District is intended to support street activity along ~~important transit routes, including~~ *16th Street* ~~and 3rd Street.~~

(b) Geography. The boundaries of the Transit-Oriented Retail Special Use District include all parcels in PDR Districts that are along 16th St. from Mission St. to Potrero Avenue ~~I-280, or along 3rd St. from 23rd Street to Cesar Chavez St.~~

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that the amount and types of retail sales and services allowed on a parcel will be controlled in the same manner as in the UMU District.

SEC. 249.39. RESTRICTED INTEGRATED PDR SPECIAL USE DISTRICT.

(a) Purpose. The Restricted Integrated PDR Special Use District is intended to ensure that newly constructed Integrated PDR uses support the intention of the PDR-1-G District in the Central Waterfront.

(b) Geography. The boundaries of the Restricted Integrated PDR Special Use District include all parcels designated PDR-1-G east of I-280, south of 20th St., and north of Cesar Chavez St.

(c) Controls. All provisions of the Planning Code currently applicable shall continue to apply, except that newly constructed Integrated PDR shall require conditional use authorization pursuant to the provisions of Sec. 303. ~~In addition to the findings normally required under Section 303(c), the Commission shall find the proposed project results in twice as much PDR on the existing site. For purposes of this calculation:~~

~~(1) Every square foot of Integrated counts as 0.5 square feet of PDR; and~~

~~(2) PDR is defined as that included in Planning Code Section 220 or 222 through 227, exclusive of subsections 227(r) through (u).~~

SEC. 253.4. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 65 FEET IN THE MISSION STREET NCT DISTRICT.

(a) Applicability. This Section shall apply to parcels which:

(1) are located within the 85-X Height and Bulk District;

(2) are located within the Mission Street NCT Zoning District; and

(3) have any frontage along Mission Street.

(b) Controls. Frontages along Mission Street are subject to a 15-foot front setback above a height of 65 feet, measured from the front lot line.

(c) Modifications. The Planning Commission may reduce or waive this requirement with Conditional Use Authorization pursuant to Section 303 of this Code.

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

(a) Method of Measurement. The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

(1) The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below.

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height," as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

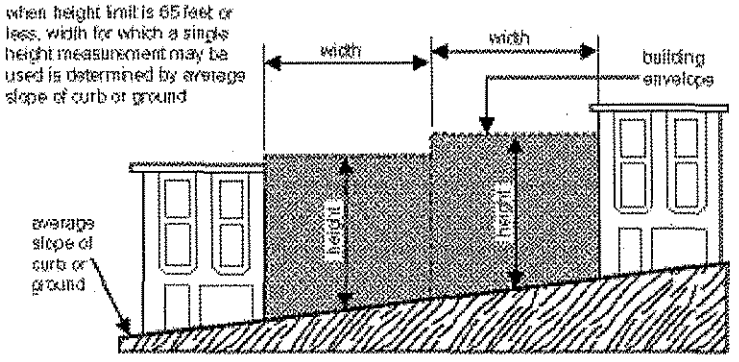
TABLE 260

HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS 65 FEET OR LESS

TABLE INSET:

Average Slope of	Maximum Width

Curb or Ground From Which Height is Measured	for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet



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

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)(1) shall not exceed 20 percent of

the horizontal area of the roof above which they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

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

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet

of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The design of all elevator penthouses in Residential Districts shall be consistent with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission.

The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. All requests for height exemptions for elevator penthouses located in Residential or Neighborhood Commercial Districts shall be subject to the neighborhood notification requirements of Sections 311 and 312 of this Code.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) In any C-3, *Eastern Neighborhoods Mixed Use Districts,* or South of Market *Mixed Use* District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the

requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 20.

(G) In any C-3 District, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations otherwise applicable to this subsection, provided that the extension is less than 100 square feet in cross-section and 18 feet in diagonal dimension.

(H) In the Rincon Hill Downtown Residential District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(I) In the Rincon Hill Downtown Residential District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141, shall not exceed 10 percent of the total height of any building taller than 105 feet, shall have a horizontal area not more than 85 percent of the total area of the highest occupied floor, and shall contain no space for human occupancy. The features described in (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by this Subsection.

(J) In the Van Ness Special Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to 3/4 of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 10 where the height limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark.

(L) In the Candlestick Point Special Use District, light standards for the purpose of the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other ornamentation associated with the stadium.

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related windscreens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.

(I) Radio and television antennae where permitted as accessory uses and towers and antennae for transmission, reception, or relay of radio, television or other electronic signals, where permitted as principal or conditional uses, subject to the limitations of Subsections 227(h) and (i) of this Code and limitations imposed by the City Planning Commission.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

(O) Additional building height, up to a height of five feet above the otherwise applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work units located within a South of Market District.

(P) Enclosed recreational facilities up to a height of 10 feet above the otherwise applicable height limit when located within ~~*both an SSO District and*~~ a 65-U Height and Bulk District and *either an MUO or SSO District, and only then* when authorized by the ~~*City*~~ Planning Commission as a conditional use pursuant to Sections 303 and 316 of this Code, provided that the project is designed in such a way as to reduce the apparent mass of the structure above a base 50 foot building height.

(Q) Historic signs within an historic sign district permitted pursuant to Sections 302, 303 and 608.14 of this Code.

(R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more than 100 square feet, exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the otherwise applicable height limit.

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

(a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width or narrower) and alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to provide ample sunlight and air, as follows:

(b) ***Definitions.***

(1) "Narrow Street" shall be defined as a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under the requirements of Section 270.2.

(2) "Subject Frontage" shall mean any building frontage in an RTO, NCT or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet from an intersection with a street wider than 40 feet.

(3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

(c) ***Controls.***

(1) ***General Requirement***. *~~All building frontages~~ 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 to 1.25 times the width of the abutting narrow street.*

*(2) **Southern Side of East-West Streets**. All subject frontages on the southerly side of an East-West Narrow Street~~(c) on the southerly southern side of those right-of-ways streets and alleys listed in this subsection (b)(1) and that are greater more than 60 feet from an intersection with another street right-of way wider than 40 feet,~~* shall *have upper stories which are ~~be~~* set back at the property line such that they avoid penetration of a sun access plane defined by an angle of *45 degrees extending from the most directly opposite northerly property line ~~50 degrees from a line 5 feet southerly and of parallel to the northern right-of way line~~* (as illustrated in Figure 261.1A. ~~*For example, for a 35-foot wide right-of way, this would a 50 degree setback at the property line above a height of approximately 36 feet.)*~~ No part or feature of a building, including but not limited to any feature listed in Sections 260(b), may penetrate the required setback plane. ~~*(1) Streets and alleys with required sun angle setback on south side include: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets, and all streets narrower than 40 feet within the Eastern Neighborhoods Mixed Use Districts, RED, or within any RTO or NCT district.*~~

*(3) **Mid-block Passages.** Subject frontages abutting a mid-block passage provided per the requirements of Section 270.2 shall have upper story setbacks as follows:*

(A) for mid-block passages between 20 and 30 feet in width, a setback of not less than 10 feet above a height of 25 feet.

(B) for mid-block passages between 30 and 40 feet in width, a setback of not less than 5 feet above a height of 35 feet.

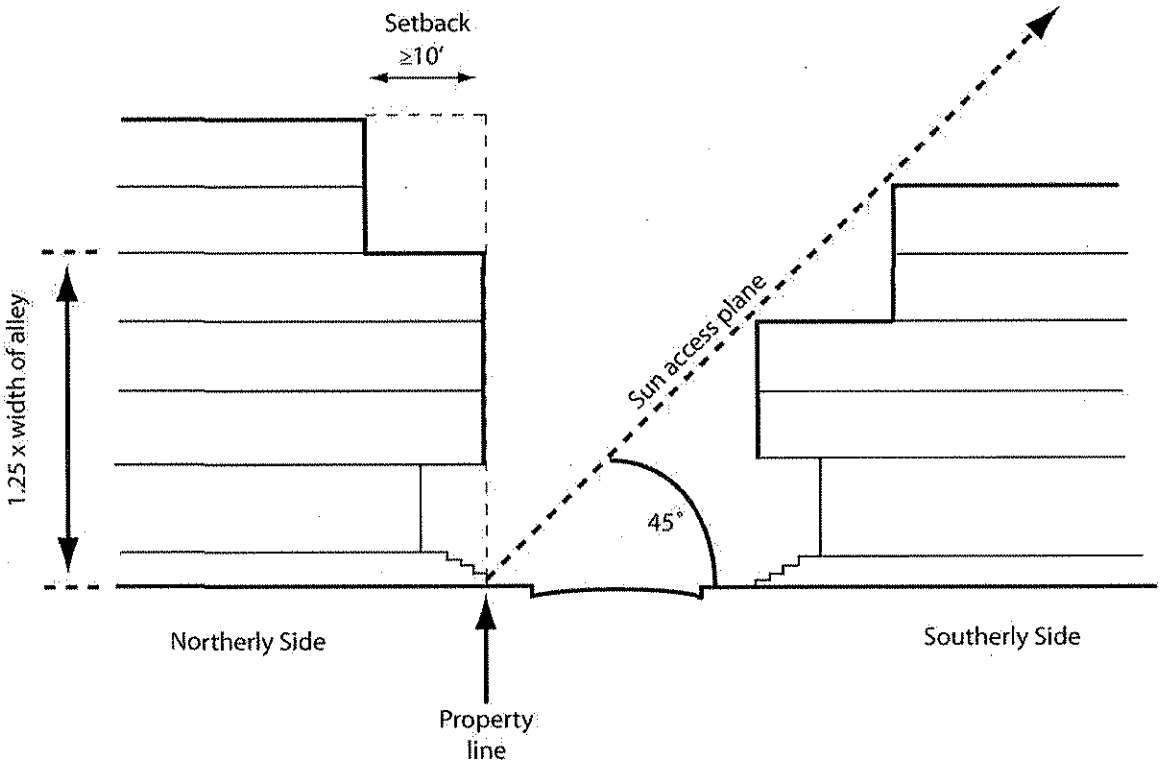


Figure 261.1A

SEC. 263.19. HEIGHT LIMITS: PERMITTED PODIUM AND TOWER HEIGHTS IN THE R BULK DISTRICT.

(a) Intent. As described in Section 827(a), the general development concept for Rincon Hill is of podium buildings up to 85 feet in height, with adequately spaced slender towers up to 550 feet in height rising above the podium buildings. *In South Beach, towers up to 200 feet in height are permitted to rise in limited locations above a podium height that varies from 65 to 105 feet.* This urban form is implemented in the R height and bulk district, mapped in all portions of the Rincon Hill *and South Beach* Downtown Residential District*s* where towers are permitted.

(b) Maximum Height Controls for Podiums and Towers. In the R bulk district, as designated on Sectional Map No. 1H of the Zoning Map, maximum

permitted building heights for both podiums and towers are expressed as two numbers separated by a slash, including *65/200-R, 105/200-R,* 85/150-R, 85/200-R, 85/250-R, 65/400-R, 85/400-R, 45/450-R, and 45/550-R. The number preceding the slash represents the height limit for podium buildings. The number following the slash represents the height limit for towers. No building may exceed the podium height limit except for towers meeting the bulk and tower spacing controls established in Section 270(e).

SEC. 263.21. SPECIAL HEIGHT EXCEPTIONS: VERTICAL NON-HABITABLE ARCHITECTURAL ELEMENTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) Purpose. In order to allow for vertical architectural elements on large lots which will mitigate the effect of long, monotonous individual buildings and create visual focal points that build upon the architectural tradition and character of an area, certain architectural elements may be excepted from otherwise applicable height limits. The mostly topographically flat Eastern Neighborhoods, particularly the South of Market, Showplace, and Mission Districts have a strong tradition of larger and longer buildings incorporating vertical architectural elements above the predominant roofline. These vertical elements are proportioned to the building and are generally not visible on the skyline or distant views.

(b) Applicability. This Section shall apply to all projects subject to Section ~~309.2~~329 *in the Eastern Neighborhoods Mixed Use Districts which are also located in Height and Bulk Districts of 85 feet or less.*

(c) Controls. Additional height for non-habitable architectural building elements, as illustrated in Figure 263.21, may be permitted subject to the ~~309.2~~329 *procedure for exemptions subject to the following criteria:*

(1) Only one such element shall be permitted per lot;

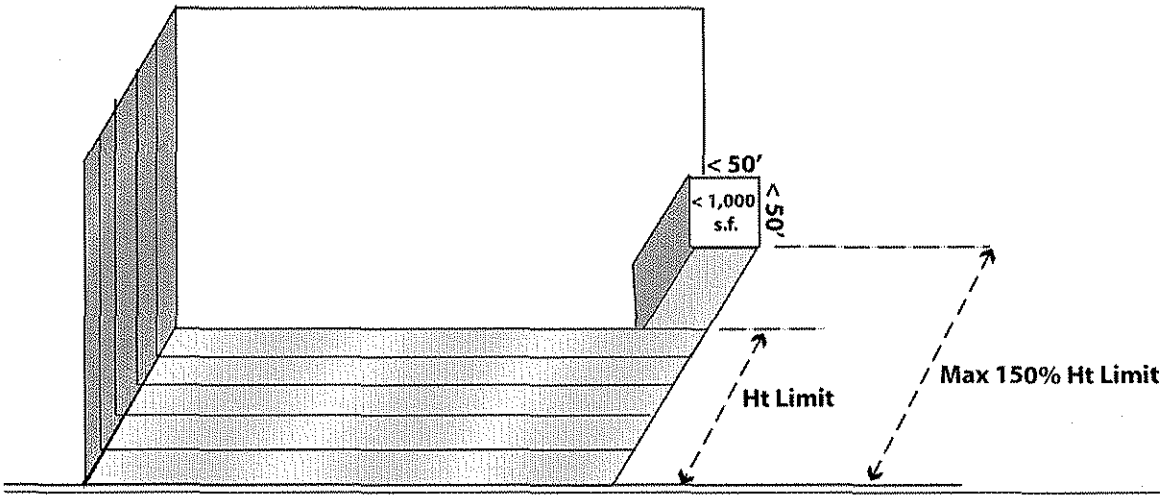
(2) Such element shall not exceed 1,000 square feet in gross floor area;

(3) Such element shall not have a plan dimension greater than 50 feet;

(4) The height of such element shall not exceed a height equal to 50 percent of the applicable height limit; and

(5) Such elements shall be consistent with the design, materials and character of the building.

Figure 263.21



SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE INSET:

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200
I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100

R	This table not applicable. But see Section 270(e).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) Base. The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means.

(2) Lower Tower.

(A) Dimensions. Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

(B) Additional Bulk for Elevators. Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) Upper Tower.

(A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

(B) Volume Reduction. When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

(C) Extensions. Extension of the upper tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.

(D) Termination of the Tower. The top of the tower shall be massed in a manner that will create a visually distinctive roof or other termination of the building facade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

(e) Rincon Hill *and South Beach*. In Bulk District R (Rincon Hill *and South Beach* DTR District*s*), bulk limitations are as follows:

(1) There are no bulk limits below ~~*a height of 85 feet*~~ *the podium height as described in Section 263.19*, except for the lot coverage limitations and setback requirements described in Section*s 825 and* 827.

(2) Tower Bulk and Spacing. *All portions of s*~~S~~tructures above ~~*85 feet in height*~~ *the podium height as described in Section 263.19* shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between ~~*85*~~ *the podium height limit* ~~–~~and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120

feet, and may not exceed a maximum average floor area of 7,500 gross square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor are of 9,000 toss square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

(E) To allow variety in the articulation of towers, the floor plates of individual floors may exceed the maximums described above by as much as 5 percent, provided the maximum average floor plate is met.

(F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates described in (A)--(D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

(G) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Any project that is permitted pursuant to the exception described in

Section 270(e)(3) shall not be considered for the purposes of measuring tower spacing pursuant to this Section.

(H) The procedures for granting special exceptions to bulk limits described in Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

(I) Additional setback, lot coverage, and design requirements for the ~~*Rincon Hill*~~ DTR District*s* are described in Section*s 825 and* 827.

(3) Exceptions to tower spacing and upper tower sculpting requirements *in Rincon Hill DTR*. An exception to the 115 feet tower spacing requirement and the upper tower sculpting requirement described in (F) and (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code provided that projects meet the following criteria:

(i) Applications for environmental review and conditional use related to a building above 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and February 1, 2005, respectively;

(ii) Given the 115 tower spacing requirement described in (F) above, the existence of an adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

(iii) The subject lot has a total area of no less than 35,000 square feet;

(iv) The proposed project is primarily residential and has an area of no more than 528,000 gross square feet;

(v) The proposed project conforms to all other controls described or referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

(vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be the sum of the gross areas of all floors of a building or buildings above street grade measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings, excluding area below street grade. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

(4) Allowance for limited reduction in spacing from existing towers *in Rincon Hill DTR*. To allow limited variation in tower placement from towers for which a certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described in (G) above may be granted pursuant to the procedures described in 309.1 of this Code if all the following criteria are met:

(i) For every percent reduction from the maximum average floor area as described in (2) above, an equal percent reduction in tower separation may be granted subject to the following limits:

(ii) Up to a height of one-and-one-half times the maximum permitted podium height, tower spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to a height of 180 feet, tower spacing described in (G) above may be reduced by not more than 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS REDUCTIONS IN LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) Purpose. There is a disproportionately high number of large lots in historically industrial and mixed-use areas, particularly in the South of Market, Showplace Square, Mission and Central Waterfront areas, which could be developed with long, monotonous and massive buildings. In recognition of this, special controls to allow for appropriate building articulation and mass reduction are provided in this Section.

(b) Applicability. This Section applies to all buildings in the Eastern Neighborhoods Mixed Use Districts with street frontage greater than 200 feet in length, and that receive their first site or building permit after the effective date of this Section.

(c) Controls. Buildings subject to this Section must incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. As illustrated in Figure 270.1A, such mass reduction breaks shall:

(1) be not less than 30 feet in width;

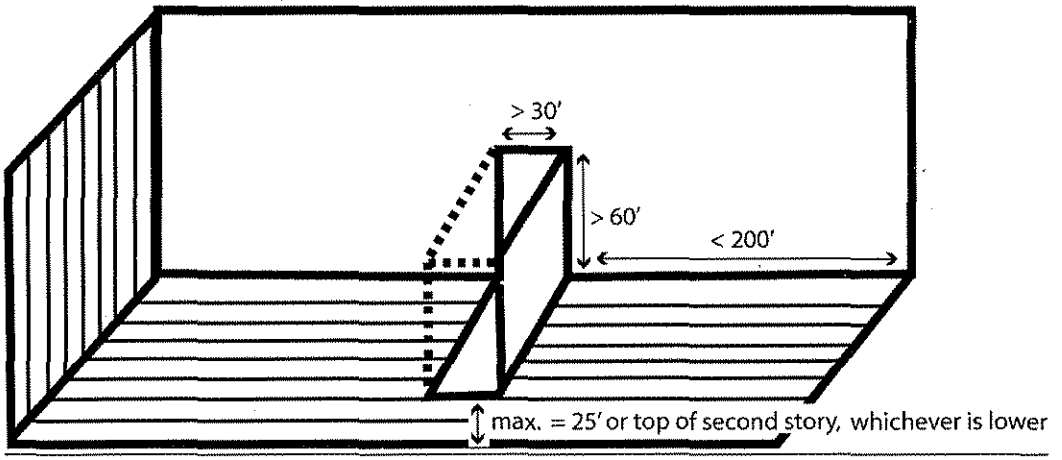
(2) be not less than 60 feet in depth from the street-facing building façade;

(3) extend up to the sky from a level not higher than 25 feet above grade or the third story, whichever is lower; and

(4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200 feet.

Bays, balconies or other obstructions permitted over streets and alleys in Section 136(c), shall not be considered for the calculation of the above dimensions.

Figure 270.1.A Required Horizontal Mass Reduction



(d) Modifications. The Planning Commission may modify or waive this requirement through the process set forth in Section ~~309.2~~329*. When considering any such application, the Commission shall consider the following criteria:*

(1) no more than 50% of the required mass is reduced unless special circumstances are evident;

(2) the depth of any mass reduction breaks provided is not less than 15 feet from the front façade, unless special circumstances are evident;

(3) the proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building; and

(4) the proposed building achieves unique and superior architectural design.

SEC 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE AND DTR DISTRICTS.

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width;

in Showplace Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in the Mission many blocks are over 500 feet in length. In areas of the City historically developed as moderate and high-density residential and commercial environments, the block pattern is much smaller, with many alternate and redundant paths of travels, service alleys, and public mid-block pedestrian walkways and stairways; the typical North of Market block is 275 feet in width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks further into smaller increments.

Large blocks inhibit pedestrian movement and convenience by significantly lengthening walking distances between points, thereby reducing the ability and likelihood of people to walk between destinations, including reducing access to and likelihood of using transit. Academic studies have shown that the likelihood of people to walk for trips of all purposes, including walking to transit stops, declines substantially above distances as low as 1/5th of a mile, and that the propensity to walk is very elastic for distances of one mile or less and heavily dependent on distance and route barriers (Berman, Journal of American Planning Literature, May 1996). People are generally willing to walk not more than 1/3-mile to access rail transit, and less to access bus transit. In the Eastern Neighborhoods Mixed Use and DTR Districts, longer walking distances due to large blocks generally lengthens walking distances by up to 1,000 feet or more for even the shortest trips, a major factor in reduced use of transit in these areas. In areas with large blocks, walking distances between destinations can be between 50% and 300% longer than for areas with smaller blocks and more route choices (Hess, Places, Summer 1997). In the South of Market area, for example, the distance between destinations for walking trips can be as much as 2.5 times longer than a trip between destinations similarly situated apart north of Market Street. Given equivalent densities and distributions of development, where walking distances are greater due to longer and larger blocks,

residents have access to up to 50% fewer destinations (e.g. shops, services, transit) for equal walking distances (Id.). Greater walking distances and fewer route choices also severely degrade accessibility to transit, services, and shops for people with disabilities and the elderly (Kulash, Development, July/August 1990). Because there are fewer pedestrian route choices and people must walk on fewer, more-highly trafficked and busier streets for longer distances, the quality of the pedestrian experience is severely diminished and there are more conflicts with motor vehicles, with corresponding heightened concerns for pedestrian safety on major streets.

Large blocks also increase vehicular and service demand on streets. Where there are no secondary streets or service alleys, all vehicular functions (including service loading as well as private vehicular access to off-street parking) are concentrated onto fewer streets, increasing traffic volumes on these streets and creating significant and frequent conflicts with automobile traffic, transit, bicycles, and pedestrian activity.

Where industrial uses with low densities of workers and residents remain in place, the condition of large blocks is not a problem. However, where land use changes occur with new development and the intensity and density of residential and employment population are increased by new development, there is thus a significant new need created to improve pedestrian and vehicular circulation by mitigating the size the blocks, providing alternate and redundant paths of travel, and creating a more pedestrian-accessible environment.

(b) Purpose. The mid-block alley requirements of this Section are intended to ameliorate the conditions and impacts described in the Findings of subsection (a) above and make the subject areas appropriate for a higher density of activity and population in areas being targeted for more intense development.

(c) Applicability. This Section applies to all new construction on parcels that have one or more street frontage of over 200 linear feet on a block face longer than 400 feet between intersections, and are in the Eastern Neighborhoods Mixed Use Districts or DTR Districts, except for parcels in the RH DTR District, which are subject to Section 827.

(d) Requirements.

(1) New construction on lots with greater than 300 linear feet of street frontage shall provide a publicly-accessible mid-block alley for the entire depth of the property, generally located toward the middle of the subject block face, perpendicular to the subject frontage and connecting to any existing streets and alleys. For development lots with frontage on more than one street that exceeds the above dimensions, one such mid-block alley will be required per frontage.

(2) For new construction on lots with frontage greater than 200 linear feet but less than 300 feet the project shall provide a publicly-accessible mid-block alley for the entire depth of the property where any of the following criteria are met:

(A) There is an opportunity to establish a through-block connection between two existing alleys or streets, or

(B) A portion of the subject frontage extends over the central half of the block face, or

(C) Where it is deemed necessary by the Planning Department and Commission to introduce alleys to reduce the scale of large development, particularly in areas with a surrounding pattern of alleys.

(e) Design and Performance Standards. The alleys provided per subsections (a) and (b) above shall meet the following standards:

(1) Generally be located as close to the middle portion of the subject block face as possible, perpendicular to the subject frontage and connect to existing adjacent streets and alleys;

(2) Provide pedestrian access;

(3) Provide no, limited or full vehicular access, as specific conditions warrant;

(4) Have a minimum width of 20 feet from building face to building face, exclusive of those obstructions allowed pursuant to Section 136, and a minimum clearance height from grade of 15 feet at all points;

(5) Have a minimum clear walking width of 10 feet free of any obstructions in the case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width with not less than 4 feet minimum clear walking width in the case of an alley with vehicular access;

(6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the sky, including those encroachments permitted in front setbacks by Section 136 of this Code;

(7) Provide such ingress and egress as will make the area easily accessible to the general public;

(8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

(9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in this Section;

(10) Be provided with appropriate paving, furniture, and other amenities that encourage pedestrian use, and be landscaped to greatest extent feasible;

(11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

(12) Be free of any changes in grade or steps not required by the underlying natural topography and average grade; and

(13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent feasible.

(14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

(f) Maintenance. Mid-block paths and alleys required under this Section shall be maintained at no public expense. The owner of the property on which the alley is located shall maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state of repair. Conditions intended to assure continued maintenance of the right-of-way for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1 for DTR or ~~309.2~~329 for Eastern Neighborhoods Mixed Use Districts.

(g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the right of the public to pass through the alley and stating the name and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size.

(h) Property owners providing a pathway or alley under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of the right-of-way, and are solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the right-of-way.

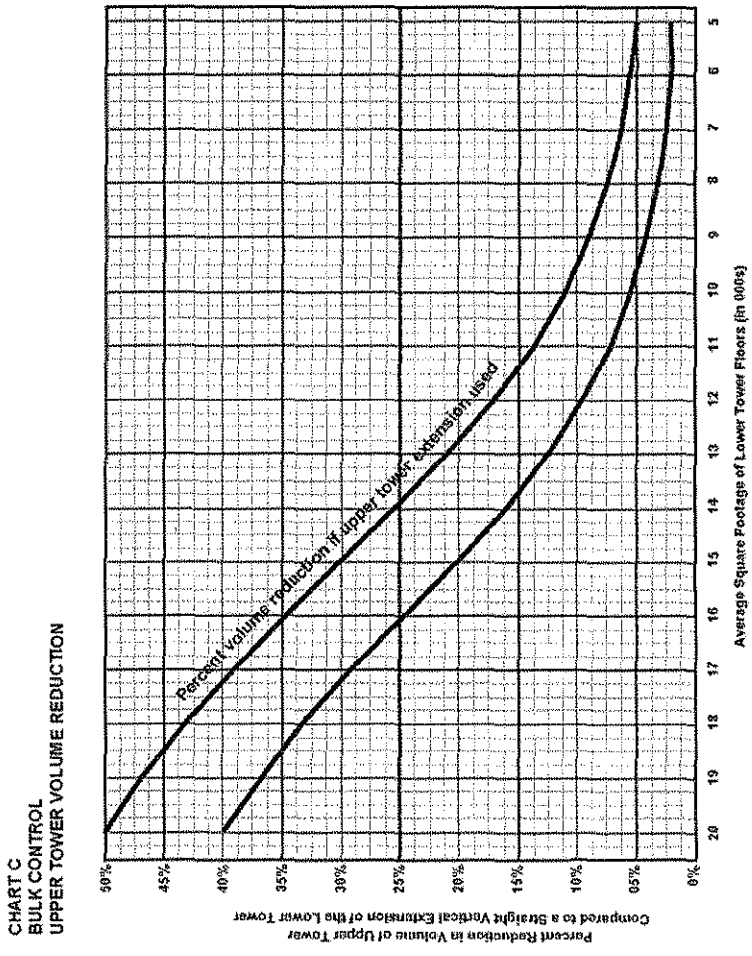
(i) Any non-vehicular portions of such a pathway or alley, including sidewalks or other walking areas, seating areas, or landscaping, may count toward any open space

requirements of this Code which permit publicly-accessible open space, provided that such space meets the standards of Section 135.

SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS OTHER THAN C-3.

(a) General. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in districts other than C-3. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree; however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

(1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.



(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) Procedures. Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code, *or for the procedures for design review in Section* ~~309.2~~329 *of this Code for subject projects in the Eastern Neighborhoods Mixed Use Districts*.

(c) Criteria. In acting upon any application for a conditional use *or modification* to permit the bulk limits to be exceeded under this section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Section*s* 303(c) *and* ~~309.2~~329 of this Code:

(1) The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

(2) In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

(3) While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

SEC. 304. PLANNED UNIT DEVELOPMENTS.

In districts other than C-3, *the Eastern Neighborhoods Mixed Use Districts ,the DTR Districts,* or the South of Market *Mixed Use* ~~*Base*~~ Districts, the ~~*City*~~ Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section. After review of any proposed development, the City Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

(a) Objectives. The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units

and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

(b) Nature of Site. The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than 1/2 acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) Application and Plans. The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

(d) Criteria and Limitations. The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

(1) Affirmatively promote applicable objectives and policies of the ~~*Master*~~ *General* Plan;

(2) Provide off-street parking adequate for the occupancy proposed;

(3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

(4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

(5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 23*10* of this Code;

(6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

(7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code; and

(8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

(9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale

of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

SEC. 305. VARIANCES.

(a) General. The Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in this Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type or size or height of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code; or which would waive, reduce or adjust the inclusionary housing requirements of Sections 315 through 315.9*; or which would reduce or waive any portion of the usable open space fees applicable under certain circumstances in the Eastern Neighborhoods Mixed Use Districts pursuant to Section 135(j) and 135.3(d)* . The procedures for variances shall be as specified in this Section and in Sections 306 through 306.5.

(b) Initiation. A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

(c) Determination. The Zoning Administrator shall hold a hearing on the application, provided, however, that if the variance requested involves a deviation of less than 10 percent from the Code requirement, the Zoning Administrator may at his option either hold or not hold such a hearing. No variance shall be granted in whole or in part unless there exist, and the Zoning Administrator specifies in his findings as part of a written decision, facts sufficient to establish:

(1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

(2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

(4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

(5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

Upon issuing his written decision either granting or denying the variance in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of his written decision except upon the filing of a valid appeal to the Board of Permit Appeals as provided in Section 308.2.

(d) Conditions. When considering an application for a variance as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Zoning Administrator, or the Board of Appeals on appeal, shall comply with that Chapter which requires, among other things, that the Zoning Administrator and the Board of Appeals not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, in granting any variance as provided herein, the Zoning Administrator, or the Board of Permit Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

SEC. 306.2. SCHEDULING OF HEARINGS.

When an action for an amendment to the Planning Code, conditional use or variance has been initiated by application or otherwise, except as provided by Sections 316.2 through 316.5, the Zoning Administrator shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 30 days from the date upon which the application is accepted for filing. The procedures for scheduling of hearings and determinations on conditional use applications where such authorization is required in any South of Market *or Eastern Neighborhoods Mixed Use* District, or pursuant to zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 for each Neighborhood Commercial District, are set forth in Sections 316.2 through 316.8 of this Code. When an action for an amendment to the General Plan has been initiated by the Planning Commission, the Planning Department shall set a time and place for a hearing thereon within a reasonable period.

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306, and Sections 316 through 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Planning Director, who shall be kept informed of the actions of the Zoning Administrator.

(a) Rules, Regulations and Interpretations. The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and

interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Department of City Planning. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) Compliance with This Code. The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record-keeping, enforcement against violations as described in Section 176, and other means.

(c) Inspection of Premises. In the performance of any prescribed duties, the Zoning Administrator and employees of the Department of City Planning authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) Code Maintenance. The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Planning Director and the City Planning Commission.

(e) Exercise of Powers and Duties by Others. In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action by the Zoning Administrator, the Planning Director may designate

any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) Cooperation With Other Departments. The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of all the rules, regulations, interpretations and other determinations of the Department of City Planning relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

(g) Exceptions from Certain Specific Code Standards through Administrative Review. ~~*I*~~ *i*n the Chinatown Mixed Use Districts and the South of Market *Mixed Use* Districts, *T*he Zoning Administrator may allow complete or partial relief from parking, rear yard, open space and wind and shadow standards as authorized in the applicable sections of this Code, when modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

*(h) **Exceptions from Certain Specific Code Standards through Administrative Review in the Eastern Neighborhoods Mixed Use Districts**. In the Eastern Neighborhoods Mixed Use Districts, the Zoning Administrator may allow complete or partial relief from certain standards specifically identified below and elsewhere in this*

Code when modification of the standard would result in a project fulfilling the criteria set forth below and in the applicable section.

(1) Applicability. For projects not subject to Section ~~309.2~~329, relief may be provided for the following requirements: rear yard; non-residential open space; off-street loading requirements; and off-street parking limits up to the maximum quantities described in Section 151.1. Relief may also be provided for dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts per Article 10 of the Planning Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met: (i) literal enforcement of Section 140 would result in the material impairment of the historic resource; and (ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code.

(2) Procedures. The review of a modification requested under this Section shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations; no additional fee shall be required. Under no circumstance shall such modification provide relief from any fee, including those related to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this Subsection (h) shall not preclude such additional conditions as may be deemed necessary by the Zoning Administrator to further the purposes of this Section or other Sections of this Code.

SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for the construction

or substantial alteration of structures in Downtown Residential districts, the granting of exceptions to requirements of this Code, and the imposition of modifications necessary to achieve the objectives and policies of the General Plan and the purposes of this Code as provided for in Sections *825,* 827 and elsewhere. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered.

(a) Design Review.

(1) In addition to the standard permit review process, the design of projects greater than 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for 309.1 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

(B) Architectural treatments, facade design and building materials;

(C) The design of lower floors, including building setback areas, townhouses, entries and parking and loading access;

(D) On sloping sites, parking provided above ground pursuant to Section *~~827(7)(A)~~ 825(b)(6)*;

(E) The provision of required open space, both on- and off-site;

(F) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(G) Circulation, including streets, alleys and mid-block pedestrian pathways

(H) Other changes necessary to bring a project into conformance with the Rincon Hill Plan and other elements and area plans of the General Plan.

(2) If the project sponsor opposes project modifications and conditions recommended by the Planning Director pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (e) and which shall be available to the public upon mail notification of said hearing.

(b) Exceptions.

(1) Exceptions to the following provisions of this Code may be granted as provided for below:

(A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).

(B) Provision for exceeding ~~*an accessory residential parking ratio of 0.5 off-street car parking spaces per dwelling unit, up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in Section 151.1. the*~~ *principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein.*

(C) Exceptions to the lot coverage requirements of Section 827~~(d)(2)~~*(a)(4)* for conversions of existing non-residential structures to residential use.

(D) Reductions in the dwelling unit exposure requirements of Section 140.

(E) Allowing parking access from Folsom Street, pursuant to 827~~(d)(7)~~*(a)(8)* and 155(r).

(F) Reduction of required on-site residential open space of 36 square feet per unit described in Section ~~*827(e)(2)(A)*~~ *825(b)(5)* to create additional off-site publicly-accessible open space and superior building design.

(G) Design, location, and size of publicly-accessible open space as allowed by Section 827(e) and equivalence of proposed publicly-accessible open space in size and quality with required on-site open space.

(H) Modifications to the required upper story setback above a height of 45 feet on the north side of mid-block pedestrian pathways as allowed in Section ~~*827(d)(4)(C)(i)*~~ *827(a)(5)*.

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

(1) Hearing. The Planning Commission shall hold a public hearing for all projects greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for applications that require exceptions as provided in Subsection (b).

(2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. Such notice shall also be published at least once in an official newspaper of general circulation at least 10 days prior to the date of the hearing. The notice shall state that the written recommendation of the Planning Director regarding

design modifications to the project and regarding any requests for exceptions is available for public review at the office of the Planning Department.

(3) Director's Recommendations on Modifications and Exceptions. At the hearing, the Planning Director shall review for the Commission key urban design issues related to the project based on the design review pursuant to Subsection (a) and recommend to the Commission modifications to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (b).

(4) Decision and Imposition of Conditions. The Commission may, after public hearing and, after making appropriate findings, approve, disapprove or approve subject to conditions, the project and any applications for exception. In addition to the requirements set forth in this Code, additional requirements, modifications, and limitations may be imposed on a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the General Plan or the purposes of this Code, including any modifications recommended by the Planning Director arising from design review. If pursuant to the provisions of this Section, the Planning Commission determines that conditions should be imposed on the approval of a building or site permit application or an application for exceptions to conform the building to the standards and intent of the Rincon Hill Plan and other elements of the General Plan and the applicant agrees to comply, the Commission may approve the application subject to those conditions.

(5) Appeal. The decision of the Planning Commission on the granting of any exceptions pursuant to Subsection (b) may be appealed to the Board of

Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) Decision on Appeal. Upon the hearing of an appeal, the Board of Appeals may, subject to the same limitations as are placed on the Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from the Planning Commission. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(7) Discretionary Review. No requests for discretionary review, other than through the procedures set forth in this Subsection, shall be accepted by the Planning Department or heard by the Planning Commission for permits in a DTR district.

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

(e) Unbuilt Tower Projects; Progress Requirement and Approval Revocation.

(1) Construction of any development in an "R" bulk district containing a building taller than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the date the tower project is first approved by the

Planning Commission or Board of Appeals pursuant to the provisions of this Section. For tower projects that contain more than one tower structure, each tower structure shall be considered as a separate phase of development, with a requirement for commencement of construction for each subsequent tower phase of 18 months beginning after the Certificate of Final Completion and Occupancy is issued on the previous tower phase. Failure to begin construction work within that period, or thereafter to carry the development diligently to completion, shall be grounds for the Planning Commission to revoke approval of the tower project or phase. Neither the Department of Public Works nor the Board of Permit Appeals shall grant any extension of time inconsistent with the requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the development diligently to completion" shall mean continuous construction work without significant stoppage toward the completion of a tower structure beyond any site clearance, grading, excavation, or demolition of existing buildings on the project site.

(2) The Department of Building Inspection shall notify the Planning Department in writing of its approval for issuance and issuance of a site or building permit for any tower protect and of the revocation, cancellation, or expiration of any such permit.

(3) At the first regularly scheduled Planning Commission meeting after the time period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or tower phase, the Planning Commission shall hold a hearing requiring the tower project sponsor to report on the construction progress of the subject tower project or phase. If the Commission finds that the tower project or phase does not meet the progress requirement of Subsection

(e)(1), the Commission may revoke or extend, up to a maximum of 12 months for each extension, the approvals for the tower project or phase.

(4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

~~SEC. 309.2. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.~~

~~(a) Purpose. The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the Eastern Neighborhoods Design Guidelines, and the purposes of this Code.~~

~~(b) Applicability. This Section applies to all new construction and proposed alterations of existing buildings in the Eastern Neighborhoods Mixed Use Buildings that meet at least one of the following criteria:~~

~~(1) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or~~

~~(2) The project involves a net addition or new construction of more than 25,000 gross square feet; or~~

~~(3) The project has 200 or more linear feet of contiguous street frontage on any public right of way; or~~

~~(c) Planning Commission Design Review: As set forth in Subsection (e), below, the Planning Commission shall review and evaluate all physical aspects of a~~

~~proposed project at a public hearing. At such hearing, the Director of Planning shall present any recommended project modifications or conditions to the Planning Commission, including those which may be in response to any unique or unusual locational, environmental, topographical or other relevant factors. The Commission may subsequently require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the General Plan or the purposes of this Code. This review shall address physical design issues including but not limited to the following:~~

~~(1) Overall building massing and scale;~~

~~(2) Architectural treatments, facade design and building materials;~~

~~(3) The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;~~

~~(4) The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;~~

~~(5) The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2~~

~~(6) Streetscape and other public improvements, including tree planting, street furniture, and lighting;~~

~~(7) Circulation, including streets, alleys and mid-block pedestrian pathways;~~

~~(8) Bulk limits;~~

~~(9) Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.~~

~~(d) Exceptions. As a component of the review process under this Section 309.2, projects may seek specific exceptions to the provisions of this Code as provided for below:~~

~~(1) Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;~~

~~(2) Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).~~

~~(3) Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).~~

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

~~(5) Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;~~

~~(6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6, pursuant to the criteria of Section 305(c);~~

~~(7) Exception for rear yards, pursuant to the requirements of Section 134(f);~~

~~(8) The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project site, so long as~~

~~(A) an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project,~~

~~(B) office uses are consolidated within a lesser number of buildings than would otherwise be the case, and~~

~~(C) the resulting location and mix of uses increases the project's consistency with nearby land uses;~~

~~(9) Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.~~

~~(e) Hearing and Decision.~~

~~(1) Hearing. The Planning Commission shall hold a public hearing for all projects that are subject to this Section.~~

~~(2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the same requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.~~

~~(3) Director's Recommendations on Modifications and Exceptions. At the hearing, the Planning Director shall review for the Commission key issues related to the project based on the review of the project pursuant to Subsection (c) and recommend to the Commission modifications, if any, to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (d).~~

~~(4) Decision and Imposition of Conditions. The Commission, after public hearing and, after making appropriate findings, may approve, disapprove or approve~~

~~subject to conditions, the project and any associated requests for exception. As part of its review and decision, the Planning Commission may impose additional conditions, requirements, modifications, and limitations on a proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this Code.~~

~~(5) Appeal. The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.~~

~~(6) Discretionary Review. No requests for discretionary review shall be accepted by the Planning Department or heard by the Planning Commission for projects subject to this Section.~~

~~(7) Change of Conditions. Once a project is approved, authorization of a change in any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.~~

SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH, RM AND RTO DISTRICTS.

(a) Purpose. The purpose of this Section is to establish procedures for reviewing building permit applications for lots in R Districts in order to determine compatibility of the proposal with the neighborhood and for providing notice to property owners and residents neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

(b) Applicability. Except as indicated herein, all building permit applications for demolition and/or new construction, and/or alteration of residential buildings in RH, RM, and RTO districts shall be subject to the notification and review procedures required by this Section. Subsection 311(e) regarding demolition permits and approval of replacement structures shall apply to all R Districts.

(1) For the purposes of this Section, an alteration *in RH and RM Districts* shall be defined as any change in use or change in the number of dwelling units of a residential building, removal of more than 75 percent of a residential building's existing interior wall framing or the removal of more than 75 percent of the area of the existing framing, or an increase to the exterior dimensions of a residential building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26).

(2) For the purposes of this Section, an alteration in RTO Districts shall be defined as a change of use described in Section 312(c) or a change in the number of dwelling units of a building, removal of more than 75 percent of a building's existing interior wall framing or the removal of more than 75 percent of the area of the existing framing, or an increase to the exterior dimensions of a building except those features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26).

(c) Building Permit Application Review for Compliance and Notification. Upon acceptance of any application subject to this Section, the Planning Department shall review the proposed project for compliance with the Planning Code and any applicable design guidelines approved by the Planning Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, Residential Design

Guidelines, including design guidelines for specific areas adopted by the Planning Commission, or with any applicable conditions of previous approvals regarding the project, shall be held until either the application is determined to be in compliance, is disapproved or a recommendation for cancellation is sent to the Department of Building Inspection.

(1) Residential Design Guidelines. The construction of new residential buildings and alteration of existing residential buildings in R Districts shall be consistent with the design policies and guidelines of the General Plan and with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission. *The design for new buildings with residential uses in RTO Districts shall also be consistent with the design standards and guidelines of the "Ground Floor Residential Units Design Guidelines" as adopted and periodically amended by the Planning Commission.* The Planning Director may require modifications to the exterior of a proposed new residential building or proposed alteration of an existing residential building in order to bring it into conformity with the "Residential Design Guidelines" and with the General Plan. These modifications may include, but are not limited to, changes in siting, building envelope, scale texture and detailing, openings, and landscaping.

(2) Notification. Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice describing the proposed project to be sent in the manner described below. This notice shall be in addition to any notices required by the Building Code and shall have a format and content determined by the Zoning Administrator. It shall include a description of the

proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including the position of any adjacent buildings, exterior dimensions and finishes, and a graphic reference scale. The notice shall describe the project review process and shall set forth the mailing date of the notice and the expiration date of the notification period.

Written notice shall be mailed to the notification group which shall include the project sponsor, relevant neighborhood organizations as described in Subparagraph 311(c)(2)(C) below, all individuals having made a written request for notification for a specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical, occupants, of properties in the notification area.

(A) The notification area shall be all properties within 150 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot, the notification area shall further include all property on both block faces across from the subject lot, and the corner property diagonally across the street.

(B) The latest City-wide Assessor's roll for names and addresses of owners shall be used for said notice.

(C) The Planning Department shall maintain a list, available for public review, of neighborhood organizations which have indicated an interest in specific properties or areas. The organizations having indicated an interest in the subject lot or its area shall be included in the notification group for the proposed project.

(3) Notification Period. All building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents and owners of neighboring properties and by neighborhood groups.

(4) Elimination of Duplicate Notice. The notice provisions of this Section may be waived by the Zoning Administrator for building permit applications for projects that have been, or before approval will be, the subject of a duly noticed public hearing before the Planning Commission or Zoning Administrator, provided that the nature of work for which the building permit application is required is both substantially included in the hearing notice and is the subject of the hearing.

(5) Notification Package. The notification package for a project subject to notice under this Section 311 shall include:

(A) A description of the proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including exterior dimensions and finishes, and a graphic reference scale.

(B) Information stating whether the proposed project includes horizontal, vertical, or both horizontal and vertical additions.

(C) Information showing the relationship of the project to adjacent properties, including the position and height of any adjacent building and location of windows facing the subject property.

(D) 11 by 17 drawings at a measurable scale with all dimensions legible that shows (i) both existing and proposed floor plans, (ii) specific dimensional changes to the building, including parapets, penthouses, and other

proposed building extensions and (iii) the location and amount of removal of exterior walls.

(E) Floor plans where there is a new building, building expansion, or change in the floor plans of an existing building.

(F) The name and telephone number of the project planner at the Planning Department assigned to review the application.

(G) A description of the project review process, information on how to obtain additional information about the project, and information about the recipient's rights to request additional information, to request discretionary review by the Planning Commission, and to appeal to other boards or commissions.

(d) Requests for Planning Commission Review. A request for the Planning Commission to exercise its discretionary review powers over a specific building permit application shall be considered by the Planning Commission if received by the Planning Department no later than 5:00 p.m. of the last day of the notification period as described under Subsection (c)(3) above, subject to guidelines adopted by the Planning Commission.

The project sponsor of a building permit application may request discretionary review by the Planning Commission to resolve conflicts between the Planning Director and the project sponsor concerning requested modifications to comply with the Residential Design Guidelines.

(1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing requests for discretionary review by the Planning Commission within a reasonable period.

(2) Notice. Mailed notice of the discretionary review hearing by the Planning Commission shall be given not less than 10 days prior to the date of the

hearing to the notification group as described in Paragraph 311(c)(2) above. Posted notice of the hearing shall be made as provided under Planning Code Section 306.8.

(e) Demolition of Dwellings, Approval of Replacement Structure Required. Unless the building is determined to pose a serious and imminent hazard as defined in the Building Code an application authorizing demolition in any R District of an historic or architecturally important building or of a dwelling shall not be approved and issued until the City has granted final approval of a building permit for construction of the replacement building. A building permit is finally approved if the Board of Appeals has taken final action for approval on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

(1) The demolition of any building whether or not historically and architecturally important may be approved administratively where the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning Administrator, that an imminent safety hazard exists, and the Director of the Department of Building Inspection determines that demolition or extensive alteration of the structure is the only feasible means to secure the public safety.

(f) Wireless Telecommunications Services Facility as Accessory Use, Notification and Review Required. Building permit applications for new construction of a wireless telecommunications services facility as an accessory use under Article 2 of the Planning Code in RH and RM Districts shall be subject to the notification and review procedures required by this Section.

SEC. 312. ~~*NEIGHBORHOOD COMMERCIAL*~~ PERMIT REVIEW PROCEDURES FOR ALL NC *AND EASTERN NEIGHBORHOODS MIXED USE* DISTRICTS.

(a) Purpose. The purpose of this Section is to establish procedures for reviewing building permit applications for lots in NC *and Eastern Neighborhoods Mixed Use* Districts in order to determine compatibility of the proposal with the neighborhood and for providing notice to property owners, occupants and residents neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

(b) Applicability. Except as indicated herein, all building permit applications for demolition, new construction, changes in use to a formula retail use as defined in Section 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be subject to the notification and review procedures required by Subsection 312(d). Subsection 312(f) regarding demolition permits and approval of replacement structures shall apply to all NC *and Eastern Neighborhoods Mixed Use* Districts. For the purposes of this Section, addition to a building of the features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under this Section.

(c) Changes of Use. *In NC Districts, A*all building permit applications for a change of use to a bar, as defined in Section 790.22, a liquor store, as defined in Section 790.55, a walkup facility, as defined in Section 790.140, other large institutions, as defined in Section 790.50, other small institutions, as defined in Section 790.51, a full-service restaurant, as defined in Section 790.92, a large fast food restaurant, as defined in Section 790.90, a small self-service restaurant,

as defined in Section 790.91, a massage establishment, as defined in Section 790.60, an outdoor activity, as defined in Section 790.70, an adult or other entertainment use, as defined in Sections 790.36 and 790.38, or a fringe financial service use, as defined in Section 790.111, shall be subject to the provisions of Subsection 312(d). *In all Eastern Neighborhoods Mixed Use Districts all building permit applications for a change of use from any one land use category to another land use category shall be subject to the provisions of Subsection 312(d). For the purposes of this Subsection, 'land use category' shall mean those categories used to organize the individual land uses which appear in the use tables in Article 8, immediately preceding a group of individual land uses, and include the following: residential use, institutional use, retail sales and service use, assembly, recreation and entertainment use, office use, motor vehicle services use, industrial home and business service use, or other use.*

(d) Building Permit Application Review for Compliance and Notification. Upon acceptance of any application subject to this Section, the Planning Department shall review the proposed project for compliance with the Planning Code and any applicable design guidelines approved by the Planning Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including design guidelines for specific areas adopted by the Planning Commission, or with any applicable conditions of previous approvals regarding the project, shall be held until either the application is determined to be in compliance, is disapproved or a recommendation for cancellation is sent to the Department of Building Inspection.

(1) Neighborhood Commercial Design Guidelines. The construction of new buildings and alteration of existing buildings in NC Districts shall be consistent with the design policies and guidelines of the General Plan as adopted

and periodically amended for specific areas or conditions by the Planning Commission. The Director of Planning may require modifications to the exterior of a proposed new building or proposed alteration of an existing building in order to bring it into conformity with the General Plan. These modifications may include, but are not limited to, changes in siting, building envelope, scale texture and detailing, openings, and landscaping.

(2) Notification. Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice describing the proposed project to be sent in the manner described below. This notice shall be in addition to any notices required by the Building Code and shall have a format and content determined by the Zoning Administrator. It shall include a description of the proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference scale, existing and proposed uses and commercial or institutional business name, if known. The notice shall describe the project review process and shall set forth the mailing date of the notice and the expiration date of the notification period.

Written notice shall be mailed to the notification group which shall include the project sponsor, relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C) below, all individuals having made a written request for notification for a specific parcel or parcels pursuant to Planning Code Section

351 and all owners and, to the extent practical, occupants, of properties in the notification area.

(A) The notification area shall be all properties within 150 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot, the notification area shall further include all property on both block faces across from the subject lot, and the corner property diagonally across the street.

(B) The latest City-wide Assessor's roll for names and addresses of owners shall be used for said notice.

(C) The Planning Department shall maintain a list, updated every six months with current contact information, available for public review, and kept at the Planning Department's Planning Information Counter, and reception desk, as well as the Department of Building Inspection's Building Permit Counter, of neighborhood organizations which have indicated an interest in specific properties or areas. The organizations having indicated an interest in the subject lot or its area shall be included in the notification group for the proposed project. Notice to these groups shall be verified by a declaration of mailing signed under penalty of perjury. In the event that such an organization is not included in the notification group for a proposed project as required under this subsection, the proposed project must be re-noticed.

(3) Notification Period. All building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighboring properties and by neighborhood groups.

(4) Elimination of Duplicate Notice. The notice provisions of this Section may be waived by the Zoning Administrator for building permit applications for projects that have been, or before approval will be, the subject of a duly noticed public hearing before the Planning Commission or Zoning Administrator, provided that the nature of work for which the building permit application is required is both substantially included in the hearing notice and is the subject of the hearing.

(e) Requests for Planning Commission Review. A request for the Planning Commission to exercise its discretionary review powers over a specific building permit application shall be considered by the Planning Commission if received by the Planning Department no later than 5:00 p.m. of the last day of the notification period as described under Subsection (d)(3) above, subject to guidelines adopted by the Planning Commission.

The project sponsor of a building permit application may request discretionary review by the Planning Commission to resolve conflicts between the Director of Planning and the project sponsor concerning requested modifications to comply with relevant design guidelines of the General Plan.

(1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing requests for discretionary review by the Planning Commission within a reasonable period.

(2) Notice. Mailed notice of the discretionary review hearing by the Planning Commission shall be given not less than 10 days prior to the date of the hearing to the notification group as described in Paragraph 312(d)(2) above. Posted notice of the hearing shall be made as provided under Planning Code Section 306.8.

(f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless the building is determined to pose a serious and imminent hazard as defined in the Building Code an application authorizing demolition in any NC *or Eastern Neighborhoods Mixed Use* District of an historic or architecturally important building or of a dwelling shall not be approved and issued until the City has granted final approval of a building permit for construction of the replacement building. A building permit is finally approved if the Board of Appeals has taken final action for approval on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

(1) The demolition of any building whether or not historically and architecturally important may be approved administratively where the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning Administrator, that an imminent safety hazard exists, and the Director of the Department of Building Inspection determines that demolition or extensive alteration of the structure is the only feasible means to secure the public safety.

(g) Wireless Telecommunications Services Facility as Accessory Use, Notification and Review Required. Building permit applications for new construction of a wireless telecommunications services facility as an accessory use under Article 7 *or 8* of the Planning Code in all NC *or Eastern Neighborhoods Mixed Use* Districts shall be subject to the notification and review procedures required by this Section.

SEC. 313.6. COMPLIANCE THROUGH PAYMENT OF IN-LIEU FEE.

(a) Commencing on March 11, 1999, the amount of the fee which may be paid by the sponsor of a development project subject to this ordinance in lieu of developing and providing the housing required by Section 313.5 shall be determined by the following formulas for each type of space proposed as part of the development project and subject to this ordinance.

Net Addition Gross Sq. Ft. Entertainment Space	×	$10.57 = Total Fee
Net Addition Gross Sq. Ft. Hotel Space	×	$8.50 = Total Fee
Net Addition Gross Sq. Ft. Office Space	×	$11.34 = Total Fee
Net Addition Gross Sq. Ft. Research and Development	×	$7.55 = Total Fee
Net Addition Gross Sq. Ft. Retail Space	×	$10.57 = Total Fee

(b) (1) Commencing on January 1, 2002, the amount of the fee which may be paid by the sponsor of a development project subject to this ordinance in lieu of developing and providing the housing required by Section 313.5 shall be determined by the following formulas for each type of space proposed as part of the development project and subject to this ordinance:

Net Addition Gross Sq. Ft. Entertainment Space	×	$13.95 = Total Fee
Net Addition Gross Sq. Ft. Hotel Space	×	$11.21 = Total Fee
Net Addition Gross Sq. Ft. Office Space	×	$14.96 = Total Fee
Net Addition Gross Sq. Ft. R & D Space	×	$9.97 = Total Fee
Net Addition Gross Sq. Ft. Retail Space	×	$13.95 = Total Fee

(2) Commencing on January 1, 2009, the amount of the fee which may be paid by the sponsor of a development project subject to this ordinance in lieu of developing and providing the housing required by Section 313.5 shall be determined by the following formulas for each type of space proposed as part of the development project and subject to this ordinance:

Net Addition Gross Sq. Ft. IPDR or S.E.W. Space	×	$15.69 = Total Fee

(1) Integrated PDR or IPDR, is defined in Section 890.49 of the Planning Code. (2) Small Enterprise Workspaces or S.E.W., is defined in Section 227(t) of the Planning Code.

(c) No later than July 1 of each year, the Mayor's Office of Housing shall adjust the in lieu fee payment option and provide a report on its adjustment to the Board of Supervisors. The Mayor's Office of Housing shall provide notice of any fee adjustment on its website at least 30 days prior to the adjustment taking effect. The Mayor's Office of Housing is authorized to develop an appropriate methodology for indexing the fee, based on adjustments in the costs of constructing housing and in the price of housing in San Francisco consistent with the indexing for the Residential Inclusionary Affordable Housing Program in lieu fee set out in Planning Code Section 315.6. The method of indexing shall be published in the Procedures Manual for the Residential Inclusionary Affordable Housing Program. In making a determination as to the amount of the fee to be paid, the Planning Department shall credit to the sponsor any excess Interim Guideline credits or excess credits which the sponsor elects to apply against its housing requirement.

(c) Prior to the issuance by DBI of the first site or building permit for a development project subject to this ordinance, the sponsor must notify the Planning Department and MHO in writing that it has either (i) satisfied the conditions of Section 313.5(e), ~~or~~ (ii) paid in full the sum required by this Section to the Treasurer, or (iii) satisfied the conditions of Section 328. If the sponsor fails by the applicable date to demonstrate to the Planning Department that the sponsor has satisfied the conditions of Section 313.5(e) or paid the applicable sum in full to the Treasurer, DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Treasurer notifies DBI and MOH that such payment has been made, and the Treasurer shall immediately initiate lien proceedings against the sponsor's property pursuant to Section 313.9 to recover the fee.

(d) Upon payment of the fee in full to the Treasurer and upon request of the sponsor, the Treasurer shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Planning Department, DBI and MOH prior to the issuance by DBI of the first site or building permit or certificate of occupancy for the development project. DBI shall not issue the site or building permit or certificate of occupancy without proof of payment of the fee from the Treasurer. Any failure of the Treasurer, DBI or the Planning Department to give any notice under this Section shall not relieve a sponsor from compliance with this Section. Where DBI inadvertently issues a site or building permit without payment of the fee, DBI shall not issue any certificate of occupancy for the project without notification from the Treasurer that the fee required by this Section has been paid. The procedure set forth in this Subsection is not intended to preclude enforcement of the provisions of this Section pursuant to any other

section of this Code, or other authority under the laws of the State of California. An exception to this process exists for Integrated PDR projects that are subject to Section 328 of the Planning Code, for which only 50% of the fees must be paid before the issuance of the final certificate of occupancy.

SEC. 315.1. DEFINITIONS.

The following definitions shall govern interpretation of this ordinance:

(1) "Affordable housing project" shall mean a housing project containing units constructed to satisfy the requirements of Sections 315.4 or 315.5.

(2) "Affordable to a household" shall mean a purchase price that a household can afford to pay based on an annual payment for all housing costs, as defined in California Code of Regulations ("CCR") Title 25, Section 6920, as amended from time to time, of 33 percent of the combined household annual gross income, assuming a down payment recommended by the Mayor's Office of Housing in the Procedures Manual, and available financing, or a rent that does not exceed 30 percent of a household's combined annual gross income. Where applicable, the purchase price or rent may be adjusted to reflect the absence or existence of a parking space(s), subject to the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time.

(3) "Affordable to qualifying households" shall mean:

(A) With respect to owned units, the average purchase price on the initial sale of all affordable owned units in an affordable housing project shall not exceed the allowable average purchase price and all units must be sold only to households with annual gross incomes up to and including 120 percent of

median income for the City and County of San Francisco. In addition, each unit shall be sold:

(i) Only to households with an annual gross income equal to or less than the qualifying limits for a household of moderate income, adjusted for household size;

(ii) On the initial sale, at or below the maximum purchase price; and

(iii) On subsequent sales at or below the prices to be determined by the Director Mayor's Office of Housing in the Conditions of Approval or Notice of Special Restrictions according to the formula specified in the Procedures Manual, as amended from time to time, such that the units remain affordable to qualifying households. The formula in the Procedures Manual may permit the seller to include certain allowable capital improvements in the sales price.

(B) With respect to rental units in an affordable housing project, the average annual rent, including the cost utilities paid by the tenant according to HUD utility allowance established by the San Francisco Housing Authority, shall not exceed the allowable average annual rent. Each unit shall be rented:

(i) Only to households with an annual gross income equal to or less than the qualifying limits for a household of low income as defined in this Section;

(ii) At or less than the maximum annual rent.

(4) "Allowable average purchase price" shall mean a price for all affordable owned units of the size indicated below that are affordable to a household of median income as defined in this Section, adjusted for the household size indicated below as of the date of the close of escrow, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable

housing units as specified in the Procedures Manual and amended from time to time:
TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

(5) "Allowable average annual rent" shall mean annual rent for an affordable rental unit of the size indicated below that is 30 percent of the annual gross income of a household of median income as defined in this Section, adjusted for the household size indicated below, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time:
TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2

2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

(6) "Annual gross income" shall mean gross income as defined in CCR Title 25, Section 6914, as amended from time to time, except that the Mayor's Office of Housing may, in order to promote consistency with the procedures of the San Francisco Redevelopment Agency, develop an asset test that differs from the State definition if it publishes that test in the Procedures Manual.

(7) "Average annual rent" shall mean the total annual rent for the calendar year charged by a housing project for all affordable rental units in the project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

(8) "Average purchase price" shall mean the purchase price for all affordable owned units in an affordable housing project of an equal number of bedrooms divided by the total number of affordable units in the project with that number of bedrooms.

(9) "Community apartment" shall be as defined in San Francisco Subdivision Code Section 1308(b).

(9a) "Conditional use" for purposes of this Ordinance means a conditional use authorization which, pursuant to the Planning Code, is required for the residential component of a project.

(10) "Conditions of approval" shall be a set of written conditions imposed by the Planning Commission or another permit-issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives a

conditional use or planned unit development permit for the construction of a principal project or other housing project subject to this Program.

(11) "Condominium" shall be as defined in California Civil Code Section 783.

(12) "Director" shall mean the Director of City Planning or his or her designee, including other City agencies or departments.

(13) "First certificate of occupancy" shall mean either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 109, whichever is issued first.

(14) Intentionally Left Blank.

(15) "Household" shall mean any person or persons who reside or intend to reside in the same housing unit.

(16) "Household of low income" shall mean a household whose combined annual gross income for all members does not exceed 60 percent of median income for the City and County of San Francisco, as calculated by the Mayor's Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(17) "Household of median income" shall mean a household whose combined annual gross income for all members does not exceed 100 percent of the median income for the City and County of San Francisco, as calculated by the Mayor's Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(17A) "Household of moderate income" shall mean a household whose combined annual gross income for all members does not exceed 120 percent of the median income for the City and County of San Francisco, as calculated by the Mayor's Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(18) "Housing project" shall mean any development which has residential units as defined in the Planning Code, including but not limited to dwellings, group housing, independent living units, and other forms of development which are intended to provide long-term housing to individuals and households. "Housing project" shall not include that portion of a development that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes of this Program shall also include the development of live/work units as defined by Planning Code Section 102.13. Housing project for purposes of this Program shall mean all phases or elements of a multi-phase or multiple lot residential development.

(19) "Housing unit" or "unit" shall mean a dwelling unit as defined in San Francisco Housing Code Section 401.

(20) "Live/work unit" shall be as defined in San Francisco Planning Code Section 102.13.

(21) "Live/work project" shall mean a housing project containing more than one live/work unit.

(22) "Long term housing" shall mean housing intended for occupancy by a person or persons for 32 consecutive days or longer.

(23) "Market rate housing" shall mean housing constructed in the principal project that is not subject to sales or rental restrictions.

(24) "Maximum annual rent" shall mean the maximum rent that a housing developer may charge any tenant occupying an affordable unit for the calendar year. The maximum annual rent for an affordable housing unit of the size indicated below shall be no more than 30 percent of the annual gross income for a household of low income as defined in this Section, as adjusted for the household size indicated below as of the first date of the tenancy:
TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1100 square feet)	3
3 (1101 to 1300 square feet)	4
4 (More than 1300 square feet)	5

(25) "Maximum purchase price" shall mean the maximum purchase price for an affordable owned unit of the size indicated below that is affordable to a household of moderate income, adjusted for the household size indicated below, assuming an annual payment for all housing costs of 33 percent of the combined household annual gross income, a down payment recommended by MOH and set forth in the Procedures Manual, and available financing:
TABLE INSET:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1100 square feet)	3
3 (1101 to 1300 square feet)	4
4 (More than 1300 square feet)	5

(25A) "Mayor's Office of Housing" shall mean the Mayor's Office of Housing or its successor.

(26) "Notice of Special Restrictions" shall mean a document recorded with the San Francisco Recorder's Office for any unit subject to this Program detailing the sale and resale or rental restrictions and any restrictions on purchaser or tenant income levels included as a Condition of Approval of the principal project relating to the unit.

(27) "Off-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on a site other than the site of the principal project.

(28) "On-site unit" shall mean a unit affordable to qualifying households constructed pursuant to this Ordinance on the site of the principal project.

(29) "Ordinance" shall mean Planning Code Sections 315.1 through 315.9.

(30) "Owned unit" shall mean a unit affordable to qualifying households which is a condominium, stock cooperative, community apartment, or detached single-

family home. The owner or owners of an owned unit must occupy the unit as their primary residence.

(31) "Owner" shall mean the record owner of the fee or a vendee in possession.

(32) "Principal project" shall mean a housing development on which a requirement to provide affordable housing units is imposed.

(33) "Procedures Manual" shall mean the City and County of San Francisco Affordable Housing Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as amended.

(34) "Program" shall mean the Residential Inclusionary Affordable Housing Program.

(35) "Project applicant" shall mean an applicant for a building permit or a site permit or an applicant for a conditional use permit or planned unit development permit, seeking approval from the Planning Commission or Planning Department for construction of a housing project subject to this Section, such applicant's successors and assigns.

(36) "Rent" or "rental" shall mean the total charges for rent, utilities, and related housing services to each household occupying an affordable unit.

(37) "Rental unit" shall mean a unit affordable to qualifying households which is not a condominium, stock cooperative, or community apartment.

(38) "Student housing" shall mean a building where 100 percent of the residential uses are affiliated with and operated by an accredited post-secondary educational institution. Typically, student housing is for rent, not for sale. *This housing shall* ~~providing~~ provide *lodging or both meals and lodging, by prearrangement for one week or more at a time. This definition only applies in the Eastern Neighborhoods Mixed Use Districts* ~~and the PDR-1-D District~~.

SEC. 315.3. APPLICATION.

(a) This Ordinance shall apply to any housing project that consists of five or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with five or more units, even if the development is on separate but adjacent lots; and

(1) Does not require Planning Commission approval as a conditional use or planned unit development;

(2) Requires Planning Commission approval as a conditional use or planned unit development;

(3) Consists of live/work units as defined by Planning Code Section 102.13; or

(4) Requires Planning Commission approval of replacement housing destroyed by earthquake, fire or natural disaster only where the destroyed housing included units restricted under the Residential Inclusionary Housing Program or the City's predecessor inclusionary housing policy, condominium conversion requirements, or other affordable housing program.

(b) This Ordinance shall apply to all housing projects that have not received a first site or building permit on or before the effective date of this ordinance with the following exceptions. Until these application dates take effect as described below, the provisions of the Ordinance as it exists on July 18, 2006 shall govern.

(1) The amendments to the off-site requirements in Section 315.5(c) and (d) relating to location and type of off-site housing, and Section 315.4(e) relating to when a developer shall declare whether it will choose an alternative to the on-site requirement shall apply only to projects that receive their Planning

Commission or Department approval on or after the effective date of this legislation.

(2) The amendments to the percentage-requirements of this Ordinance that govern the number of affordable units a housing project is required to provide in Section 315.4(a) and 315.5(a) apply only to housing projects that submit their first application, including an environmental evaluation application or any other Planning Department or Building Department application, on or after July 18, 2006. Notwithstanding the foregoing, the amendments to the percentage-requirements of this Ordinance also apply to any project that has not received its final Planning Commission or Department approvals before July 18, 2006 for housing projects that receive a Zoning Map amendment or Planning Code text amendment related to their project approvals that (A) results in a net increase in the number of permissible residential units, or (B) results in a material increase in the net permissible residential square footage. For purposes of subsection B above a material increase shall mean an increase of 5 percent or more, or an increase in 10,000 square feet or more, whichever is less.

(3) The amendments in Section 315.1 to the way median income is calculated apply to any housing project that has not received a first site or building permit by the effective date of this Ordinance. (4) This Ordinance shall apply to all housing projects of 5 to 9 units that filed their first application, including an environmental evaluation application or any other Planning Department application on or after July 18, 2006.

(c) This Ordinance shall not apply to:

(1) That portion of a housing project located on property owned by the United States or any of its agencies or leased by the United States or any of its

agencies for a period in excess of 50 years, with the exception of such property not used exclusively for a governmental purpose;

(2) That portion of a housing project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose; ~~or~~

(3) That portion of a housing project located on property under the jurisdiction of the San Francisco Redevelopment Agency or the Port of San Francisco where the application of this Ordinance is prohibited by California or local law;

(4) That portion of a housing project for which a project applicant can demonstrate that an impact fee under the Jobs-Housing Linkage Program, commencing with Planning Code Section 313, has been paid~~.~~ *; or*

~~(5) Student housing, as defined in Section 315.1.38. However, any change of use from student housing to another kind of dwelling unit will require full compliance with the inclusionary housing requirements of Section 315.~~

(d) Waiver or Reduction:

(1) A project applicant of any project subject to the requirements in this Program may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the inclusionary requirement.

(2) A project applicant subject to the requirements of this Program who has received an approved building permit, conditional use permit or similar discretionary approval and who submits a new or revised building permit, conditional use permit or similar discretionary approval for the same property

may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

(3) Any such appeal shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the Planning Department sends notice to the project applicant of the number of affordable units required as provided in Section 315.4(a) and 315.5(a). The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. The decision of the Board shall be by a simple majority vote and shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Treasurer.

(e) For projects that have received a first site or building permit prior to the effective date of this legislation, the requirements in effect prior to the effective date of this Ordinance shall apply.

SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.

Except as provided in Section 315.4(e), all housing projects subject to this Program through the application of Section 315.3 shall be required to construct on-site units subject to the following requirements:

(a) *Number of Units:*

(1) (A) For any housing development of any height that is located in an area with a specific inclusionary housing requirement, the more specific inclusionary housing requirement shall apply. In addition, the following provisions shall apply only to the following Area Plans as provided below:

(i) Market and Octavia Area Plan: The requirements of Sections 315 through 315.9 shall apply in the Plan Area subject to the following:

An additional affordable housing requirement shall apply in the Market and Octavia Plan Area as follows:

Definitions. The definitions in Section 326.2 and 318.2 shall apply.

Amount of fee: All projects that have not received Planning Department or Commission approval as of the effective date of this legislation and that are subject to the Residential Inclusionary Affordable Housing Program shall pay an additional affordable housing fee per square foot of Residential Space Subject to the Community Improvements Impact Fee as follows; $8.00 in the Van Ness Market Special Use District; $4.00 in the NCT District; and $0.00 in the RTO District. A project applicant shall not pay a fee for any square foot of space designated as a below market rate unit under this inclusionary affordable housing program or any other unit that is designated as an affordable housing unit under

a Federal, State, or local restriction in a manner that maintains affordability for a term no less than 50 years.

Timing of payment: The fee shall be paid before the City issues a first certificate of occupancy for the project.

Use of Fee: The additional affordable housing requirement specified in this Section for the Market and Octavia Plan Area shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. MOH shall expend the funds according to the following priorities: First, to increase the supply of housing affordable to qualifying households in the Market and Octavia Plan Area; second, to increase the supply of housing affordable to qualifying households within 1 mile of the boundaries of the Plan Area; third, to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 315.6(e).

Other fee provisions: This additional affordable housing fee shall be subject to the following provisions of Sections 326 et seq.; the inflation adjustment provisions of Section 326.3(d); the waiver and reduction provisions of Section 326.3(h); the lien proceedings in Section 326.4; and the refund provisions of Section 326.5. This additional affordable housing fee may not be met through the in-kind provision of community improvements or Community Facilities (Mello Roos) financing options of Sections 326.3(e) and (f).

Findings: The Board of Supervisors hereby finds that the additional affordable housing requirements of this Section are supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 315.2(12) and found in Board File No. 081152. The Board of Supervisors has

reviewed the study and staff analysis and report of the study and, on that basis finds that the study supports the current inclusionary housing requirements combined with the additional affordable housing fee. Specifically, the Board finds that the study: identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the current inclusionary requirements combined with the additional fee are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the current inclusionary requirements and additional fee do not duplicate other City requirements or fees.

Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Housing program and the additional fee or that the in lieu fees and the additional fee will reimburse the City for expenditures on affordable housing that have already been made.

Furthermore, the Board finds that a major Market and Octavia Area Plan objective is to direct new market rate housing development to the area. That new market rate development will greatly out number both the number of units and potential new sites within the plan area for permanently affordable housing opportunities. The City and County of San Francisco has adopted a policy in its General Plan to meet the affordable housing needs of its general population and

to require new housing development to produce sufficient affordable housing opportunities for all income groups, both of which will not be met by the projected housing development in the plan area. In addition, the "Draft Residential Nexus Analysis City and County of San Francisco" of December 2006 indicates that market rate housing itself generates additional lower income affordable housing needs for the workforce needed to serve the residents of the new market rate housing proposed for the plan area. In order to meet the demand created for affordable housing by the specific policies of the Plan and to be consistent with the policy of the City and County of San Francisco it is found that an additional affordable housing fee need be included on all market rate housing development in the Plan Area with priority for its use being given to the Plan area.

(ii) Eastern Neighborhoods Project Area: The requirements of Sections 315 through 315.9 and 319 shall apply in the Eastern Neighborhoods Plan Area subject to the following and subject to any stated exceptions elsewhere in this Code, including the specific provisions in Section 319:

Definitions:

"Gross square footage" shall have the meaning set forth in Section 102.9.

"Development Application" shall have the meaning set forth in Section 175.6.

"Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6.

Application. The option described in this subsection (ii) shall only be provided to development projects that are subject to the Eastern Neighborhood Controls as defined in Section 175.6 (e), and consist of 20 units or less or less than 25,000 gross square feet.

Amount of Fee. All projects subject to this subsection may choose to pay a square foot in lieu fee instead of the in lieu fee provided for in Section 315.6 as follows. If this option is selected, the project applicant shall pay $40.00 per gross square foot of net new

residential development. The calculation of gross square feet shall not include nonresidential uses, including any retail, commercial, or PDR uses, and all other space used only for storage and services necessary to the operation or maintenance of the building itself.

Timing of Payment. The project applicant shall pay the fee prior to issuance by DBI of the first site or building permit for the project. At the project applicant's option, it may choose to pay only 50% of the fee prior to issuance by DBI of the first site or building permit and, prior to issuance of the first site or building permit, the City shall impose a lien on the property for the remaining 50% of the fee through the procedures set forth in Section 315.6(f) except that no interest will accrue for the first twelve months from the issuance of the first site or building permit for the project. The project applicant shall pay the remaining 50% of the fee prior to issuance by DBI of a first certificate of occupancy. When 100% of the fee is paid, including interest if applicable, the City shall remove the lien.

Use of Fee. The fee shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. MOH shall expend the funds according to the following priorities: First, to increase the supply of housing affordable to qualifying households in the Eastern Neighborhoods Project Areas; second, to increase the supply of housing affordable to qualifying households within 1 mile of the boundaries of the Eastern Neighborhoods Project Areas; third, to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 315.6(e).

Findings. The Board of Supervisors hereby finds that the fee provisions of this Section are equivalent to or less than the fees for developments of over 20 units previously

adopted by the Board in Ordinance No. 051685 and 060529 and are also supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 315.2(12) and found in Board File No. 081152. The Board of Supervisors has reviewed the study and staff analysis prepared by the Mayor's Office of Housing dated July 24, 2008 in Board File No. 081152 and on that basis finds that the study supports the current proposed changes to the inclusionary housing requirements for projects of 20 units or less in the Eastern Neighborhood Area Plan. Specifically, the Board finds that the study and staff memo: identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the new inclusionary requirements are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the inclusionary requirements do not duplicate other City requirements or fees.

Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Housing program and the in lieu fees will reimburse the City for expenditures on affordable housing that have already been made.

Furthermore, the Board finds that small scale development faces a number of challenges in the current development climate, including limited access to credit and often, a higher land cost per unit for the small sites on which they develop. Because of these and other variations from larger-scale development, they operate under a somewhat unique development model which cannot be fully encapsulated within the constraints of the

Eastern Neighborhoods Financial Analysis, prepared to assess the financial feasibility of increasing housing requirements and impact fees in the Plan Areas. To address these challenges, the Board finds that a number of slight modifications to the affordable housing requirements of the Eastern Neighborhoods, to apply to small projects (defined as 20 units or fewer, or less than 25,000 gross square feet) are appropriate.

SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN NEIGHBORHOOD COMMERCIAL, *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS,* AND SOUTH OF MARKET *MIXED USE* DISTRICTS AND FOR LIVE/WORK UNITS IN RH AND RM DISTRICTS.

In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the following procedures set forth in this and the following sections shall govern applications for conditional use authorization where this authorization is required pursuant to Sections 178, 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; zoning categories .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for each Neighborhood Commercial District; ~~or~~ Sections 813 through 818 for the South of Market Mixed Use Districts; *or Section 840 through 843 for the Eastern Neighborhoods Mixed Use Districts*. The criteria for determinations on such applications are set forth in Section 303(c) of this Code. Additional criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 of Article 7 are set forth in the Section of this Code containing the control. Additional criteria for determinations on certain applications within *Mixed Use* ~~South of Market~~ Districts are set forth in Sections 263.11 and 803.5 *through 803.9* of this Code.

SEC. 319. HOUSING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT PROJECTS IN THE UMU ZONING DISTRICTS OF THE

***EASTERN NEIGHBORHOODS* AND THE LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT.**

SEC. 319.1. FINDINGS.

(a) Need for New Housing and Other Land Uses. San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about $86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.

The Association of Bay Area Governments' (ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.

(b) Target Area For New Housing. San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to achieve higher affordability, and meet a greater range of need.

The Mission, Showplace Square – Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met.

New affordable units are currently funded through a variety of sources, including inclusionary housing and in lieu fees leveraged by new market rate residential development pursuant to Sections 313 and 315; as well as City, State, and federal funding. Using these existing sources, the Planning Department projects that approximately 1,000 to 1,500 new units of affordable housing will be developed in the Eastern Neighborhoods.

Recognizing that this number of affordable units is not sufficient, the Plans call for further measures beyond the existing inclusionary requirements and Citywide funding, including new funding sources for affordable housing programs such as an impact fee; and new zoning districts in formerly industrial areas which require deeper affordability.

(c) Requirements for New Development To Contribute Towards Housing Objectives. A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying for a reasonable share of their impact on the neighborhood's infrastructure. They further require new development in transitioning formerly industrial

areas to contribute a higher share towards the City's exponentially high affordability needs.

To address the full range of housing needs of all income categories, including low, moderate and middle income families and individuals, the Plans provide programs which address all of these income levels, as follows:

(1) Low: Current housing programs funded by federal and State funds, private equity raised through Low-Income Housing Tax Credits, and local funds such as inclusionary in-lieu and Jobs-Housing Linkage fees and run by the Mayor's Office of Housing and the San Francisco Redevelopment Agency fund affordable housing primarily at very low and low income levels, to households making below 80% of the area median income; but due to the low supply and high costs of land in the City, are at a disadvantage for sites upon which to provide such housing. An alternative to the city's Inclusionary Housing Program will allow developers to dedicate sites for very low and low income level units.

(2) Moderate: The City's Inclusionary Housing Program funds affordable housing primarily at the moderate income levels through on-site provision of below-market rate units, to households making between 80% and 120% of the San Francisco median income. Continuation and expansion of the Inclusionary Housing Program will allow provision of these moderate income units to increase.

(3) Middle: The City has no current programs to fund affordable housing to those at "middle" income levels, below the 200% area median income level estimated to be required to purchase market rate housing yet above the 120% threshold required for the City's Inclusionary Housing Program. An alternative to the city's Inclusionary Housing Program will allow developers to provide "middle" income level units.

The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure feasibility. This feasibility amount remains below the nexus established in the Residential Nexus Analysis, April 2007, on file with the Planning Department. The following housing requirement tiers are created in the UMU Zoning Districts of the Eastern Neighborhoods, and included as a notation on each parcel in the Planning Department's Parcel Information System:

- *Tier A. Sites within the UMU which do not receive zoning changes that increase heights, as compared to allowable height prior to the rezoning (May 2008).*
- *Tier B. Sites within the UMU which receive zoning changes that increase heights by one to two stories.*
- *Tier C. Sites within the UMU which receive zoning changes that increase heights by three or more stories.*

Within these districts, new development of market-rate housing will be required to meet affordable housing requirements above the City's ordinary affordable housing requirements for Residential And Live/Work Development Projects (Section 315), as described in Sections 319.2-319.4. These housing requirements may be met through increased inclusionary requirements under the City's traditional Inclusionary Program, or through alternative methods contained herein.

SEC. 319.2. DEFINITIONS.

The following definitions shall supplement the definitions contained within Section 315.1, and shall govern interpretation of this ordinance:

(a) "Middle Income Household" shall mean a household whose combined annual gross income for all members is between 120 percent and 150 percent of the local median income for the City and County of San Francisco, as calculated by the Mayor's

Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, as calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

(b) "Total developable site area" shall mean that part of the site that can be feasibly developed as residential development, excluding land already substantially developed, parks, required open spaces, streets, alleys, walkways or other public infrastructure.

(c) "Dedicated" shall mean legally transferred to the City and County of San Francisco, including all relevant legal documentation, at no cost to the City.

(d) "Dedicated site" shall mean the portion of site proposed to be legally transferred at no cost to the City and County of San Francisco under the requirements of this section.

(e) "Principal site" shall mean the total site proposed for development, including the portion of site proposed to be legally transferred to the City and County of San Francisco under the requirements of this section.

(f)"Affordable to qualifying middle income households" shall mean:

(1) With respect to owned units, the average purchase price on the initial sale of all qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This purchase price shall be based on household spending of 35% of income for housing, and shall only apply to initial sale, and not for the life of the unit.

(2) With respect to rental units, the average annual rent-- including the cost of utilities paid by the tenant according to the HUD utility allowance established by the San

Francisco Housing Authority -- for qualifying middle income units shall not exceed the allowable average purchase price deemed acceptable for households with an annual gross income equal to or less than the qualifying limits for a household of middle income, adjusted for household size. This price restriction shall exist for the life of the unit.

(g) "Rental Housing Project" shall mean a project consisting solely of rental housing units, as defined in Section 315.1(37) that meets the following requirements:

(1) The units shall be rental housing for not less than 30 years from the issuance of the certificate of occupancy pursuant to an agreement between the developer and the City. This agreement shall be in accordance with ~~California Government Code Section 66452.50~~applicable State law governing rental housing;

(2) A Notice of Special Restrictions (NSR), with the City as a third party beneficiary and subject to written approval of the Director, shall be recorded on the title of the property prior to final map approval containing the terms of the agreement desr9bed above in subsection (1). Once the agreement is recorded against the property, the NSR shall terminate.

SEC. 319.3. APPLICATION.

Section 319.3 of this Ordinance shall apply to any housing project located in the UMU Zoning District of the Eastern Neighborhoods, that is subject to the requirements of Section 315 et seq.

SEC. 319.4. HOUSING REQUIREMENTS FOR UMU DISTRICTS.

(a) ***Requirements for the Inclusionary Housing Component.*** *The requirements of Sections 315 through 315.9 shall apply subject to the following exceptions:*

(1) For all project sites designated as Tier A, a minimum of 18 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project applicant must construct .18 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 23 percent so that a project applicant must construct .23 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

(2) For all project sites designated Tier B, a minimum of 20 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project applicant must construct .20 times the total number of units produced in the principal project beginning with the construction of

the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 25 percent so that a project applicant must construct .25 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the project applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

(3) For all project sites designated Tier C, a minimum of 22 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project applicant must construct .22 times the total number of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project applicant elects pursuant to Section 315.4(e), to build off-site units to satisfy the requirements of this program, the project applicant shall construct 27 percent so that a project applicant must construct .27 times the total number

of units produced in the principal project beginning with the construction of the fifth unit. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu fee to satisfy the requirements of this program, the project applicant shall meet the requirements of Section 315 according to the number of units required above if the project applicant were to elect to meet the requirements of this section by off-site housing development. For the purposes of this section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure as required by Section 315.5(a).

(b) ***Alternatives to the Inclusionary Housing Component.*** *In addition to the alternatives specified in Section 315.4 (e), (and further described above and in Section 315.5. Compliance Through Off-Site Housing Development, and Section 315.6. Compliance Through In-Lieu Fee), and described further above, the project sponsor may elect to satisfy the requirements of Section 315.4 by one of the alternatives specified in this Section. The project sponsor has the choice between the alternatives and the Planning Commission may not require a specific alternative. The project sponsor must elect an alternative before it receives project approvals from the Planning Commission or Planning Department and that alternative will be a condition of project approval. The alternatives are as follows:*

(1) Middle Income Alternative. On sites with less than 50,000 square feet of total developable area, applicants may provide units as affordable to qualifying "middle income" households as follows:

(A) A minimum percent of the total units constructed shall be affordable to and occupied affordable to qualifying "middle income" households upon initial sale, according the schedule in Table 319.4. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. Units shall be affordable to households between 120 percent and 150 percent of the San Francisco Area Median Income, with an average affordability level of 135 percent for all units provided through this alternative.

(B) Where market rate sales prices exceed restricted sales prices, the difference between the market rate sales prices and the restricted sales prices shall be held by the Mayor's Office of Housing as a silent second mortgage according to the Procedures Manual. The City shall hold a deed of trust and promissory note for the second mortgage. The Mayor's Office of Housing shall hold this mortgage shall release it when the original note and proportional share of the appreciation are paid in full to the City.

(C) Units shall initially be sold at or below prices to be determined by the Mayor's Office of Housing in the Conditions of Approval or Notice of Special Restrictions according to the formula specified in the Procedures Manual to make them affordable to middle income households. Upon resale, the seller shall be permitted to sell the units at their market price. The City will waive its right of first refusal to the seller when the promissory note and deed of trust are paid, along with the City's share of the appreciation of the unit. The promissory note shall accrue no interest and shall require no monthly payments.

(D) Upon first resale, the seller shall have a right to keep a percentage of the total appreciation of the unit proportional to every year the original seller owns the unit as an owner occupant. The remainder of the proceeds of the sale, after the 1st

mortgage, the second mortgage, and any other subordinate financing is paid off, shall be repaid to the Mayor's Office of Housing. Detailed resale procedures shall be specified in the Middle Income Housing Procedures Manual published by the Mayor's Office of Housing and approved by the Planning Commission. The Director of the Mayor's Office of Housing shall amend the Procedures Manual as needed with the Planning Commission's approval.

(E) The City shall monitor units provided under this option during the 2 and 5-year Monitoring Report specified in Planning Code Section 342 and in separate resolution. Should this monitoring report indicate that units constructed under this program do not meet the programs stated goals of providing affordable housing to Middle Income Households, the Planning Department and Mayor's Office of Housing shall consider changes to this program, including, but not limited to, legislative changes.

(F) If the project sponsor elects to satisfy the requirements of Section 315.4 and of this Section by the alternative specified above, the requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms may be waived provided the minimum percent of total units affordable to qualifying "middle income" as required by Table 319.4 is increased by 10%.

(2) Land Dedication Alternative. Applicants may dedicate a portion of the total developable area of the principal site to the City and County of San Francisco for the purpose of constructing units affordable to qualifying households. A minimum percentage of developable area, representing an equivalent percent of total potential units to be constructed, shall be dedicated to the City according the schedule in Table 319.4. To meet the requirements of this alternative, the developer must convey title to land in fee simple absolute to the Mayor's Office of Housing according to the Procedures Manual,

provided the dedicated site is deemed of equivalent or greater value to the principal site per those procedures and is in line with the following requirements:

(A) The dedicated site will result in a total amount of inclusionary units not less than forty (40) units. The Mayor's Office of Housing may conditionally approve and accept dedicated sites which result in no less than twenty five (25) units at its discretion.

(B) The dedicated site will result in a total amount of inclusionary units that is equivalent or greater than the minimum percentage of the units that will be provided on the principal site, as required by Table 319.4. The Mayor's Office of Housing may also accept dedicated sites that represent the equivalent of or greater than the required percentage of units for all units be provided on a collective of sites within a one-mile radius, provided the total amount of inclusionary units provided on the dedicated site is equivalent to or greater than the total requirements for all principal sites participating in the collective, according to the requirements of Table 319.4.

(C) The dedicated site is suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of affordable housing that is sound, safe and acceptable.

(D) The dedicated site includes infrastructure necessary to serve the inclusionary units, including sewer, utilities, water, light, street access and sidewalks.

(E) The developer must submit full environmental clearance for the dedicated site before the land can be considered for conveyance, and before a first site or building permit may be conferred upon the principal project.

(F) The City may accept dedicated sites that vary from the minimum threshold provided such a dedication is deemed generally equivalent to the original requirement by the Mayor's Office of Housing.

(G) The City may accept dedicated sites that meet the above requirements in accordance with the Procedures Manual, in combination with in-lieu fees or on-site units, provided such a combination is deemed generally equivalent by the Mayor's Office of Housing to the original requirement.

(H) The project applicant has a letter from the Mayor's Office of Housing verifying acceptance of site before it receives project approvals from the Planning Commission or Planning Department, which shall be used to verify dedication as a condition of approval.

(I) If the project sponsor elects to satisfy the requirements of Section 315.4 and of this Section by the alternative specified above, the requirement that 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms may be waived.

(J) The Land Dedication Alternative may be satisfied through the dedication to the City of air space above or adjacent to the project, upon the approval of the Mayor's Office of Housing, or a successor entity, and provided the other requirements of subsection (b)(2)(A)-(I) are otherwise satisfied.

TABLE 319.4

HOUSING REQUIREMENTS FOR THE UMU DISTRICT

Tier	*On-Site Housing Requirement*	*Off-Site/ In-Lieu Requirement*	*Middle Income Alternative**	*Land Dedication Alternative* for sites that	Land Dedication Alternative for sites that

				have less than 30,000 square feet of developable area	have at least 30,000 square feet of developable area
A	*18%*	*23%*	*30%*	*35%*	30%
B	*20%*	*25%*	*35%*	*40%*	35%
C	*22%*	*27%*	*40%*	*45%*	40%

**Requirement increases by 5% if two-bedroom requirement is waived.*

(c) **Rental Incentive**. Qualified rental housing projects, as defined in Section 319.2(g), are allowed a reduction in their inclusionary housing requirements as follows:

(1) If the rental housing project chooses to meets its inclusionary housing requirements through on-site construction, off-site construction , or an in-lieu fee, then the project is entitled to a 3% reduction in the requirements specified above in subsection (a).

(2) If the rental housing project chooses to meet its inclusionary housing requirements through the land dedication option for projects less than 30,000 square feet, then the project is entitled to a 5% reduction in the requirements specified above in the subsection (b)(2).

(3) In addition, a rental housing project shall receive a fee waiver from the Eastern Neighborhood Public Benefit Fee as set forth in Section 327.3 in the amount of $1.00 per gross square foot.

(4) No rental incentive shall be provided for project that chooses the land dedication alternative for projects over 30,000 square feet.

*(c~~d~~) **Adjustments to Requirements for the Inclusionary Housing Component.***

This Section is intended to incorporate, rather than supersede, any changes made to Planning Code Sections 315. In the instance that the base requirements of Section 315 are amended, the above-noted requirements shall be reviewed, and if appropriate, amended and/or increased accordingly.

SEC. 319.5. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT.

The Land Dedication alternative is available for any project within the Mission NCT District under the same terms and conditions as provided for in Section 319.4(b)(2)(A) – (J).

SEC. 327. EASTERN NEIGHBORHOODS PUBLIC BENEFIT FUND.

Sections 327.1 to 327.6 set forth the requirements and procedures for the Eastern Neighborhoods Public Benefit Fund.

SEC. 327.1. FINDINGS.

(a) New Housing and Other Land Uses. San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the city was about $86,000. Yet median home prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of households in the city can afford a median-priced home.

The Association of Bay Area Governments'(ABAG) Regional Housing Needs Determination (RHND) forecasts that San Francisco must produce over 31,000 new units

in the next five years, or over 6,000 new units of housing annually, to meet projected needs. At least 60%, or over 18,000, of these new units should be available to households of very low, low, and moderate incomes. With land in short supply in the City, it is increasingly clear that the City's formerly industrial areas offer a critical source of land where this great need for housing, particularly affordable housing, can be partially addressed.

San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offer an opportunity to achieve higher affordability, and meet a greater range of need. The Mission, Showplace Square – Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met, as described in Section 319. To support this new housing, other land uses, including PDR businesses, retail, office and other workplace uses will also grow in the Eastern Neighborhoods.

(b) Need for Public Improvements to Accompany New Uses. The amendments to the General Plan, Planning Code, and Zoning Maps that correspond to this ordinance will permit an increased amount of new housing and other uses, as noted above. The Planning Department anticipates an increase of at least 7,365 new housing units within the next 20 years, and over 13,000 new jobs, as estimated under Option B of the Eastern Neighborhoods Draft Environmental Impact Report. This new development will have an extraordinary impact on the Plan Area's already deficient neighborhood infrastructure.

New development will generate needs for a significant amount of public open space and recreational facilities; transit and transportation, including streetscape and public realm improvements; community facilities and services, including library materials and child care; and other amenities, as described in the Eastern Neighborhoods Public Benefits Program, on file with the Clerk of the Board in File No. 081155 .

The Eastern Neighborhoods Area Plans addresses existing deficiencies and new impacts, through a comprehensive package of public benefits described in the Eastern Neighborhoods Public Benefits Program. This Program will enable the City and County of San Francisco to provide necessary public infrastructure to new residents while increasing neighborhood livability and investment in the district.

(c) Requirements for New Development To Contribute Towards Plan Objectives. A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying an Eastern Neighborhoods Impact Fee.

However, due to the high cost of land within the City, it has been determined that the imposition of requirements and fees based on the full impact of new development would be overly burdensome to new development, and hinder the City's policy goal of providing a significant amount of new housing. Therefore, fee rates have been set at a level that will not hinder this policy goal overall. The Plans structure requirements and fees by tiers to ensure feasibility. The following fee tiers are created in the Eastern Neighborhoods Plan Areas, and included as a notation on each parcel in the Planning Department/s Parcel Information System:

1. *Tier 1. Sites which do not receive zoning changes that increase heights, as compared to allowable height prior to the rezoning (May 2008), all 100% affordable housing projects, and all housing projects within the Urban Mixed Use (UMU) district.*
2. *Tier 2. All other sites which receive zoning changes that increase heights by one to two stories.*
3. *Tier 3. All other sites which receive zoning changes that increase heights by three or more stories, and* ~~designated affordable housing zones (e.g. the Mission NCT and~~ in the *Mixed Use Residential Districts*~~).~~

(d) Programmed Improvements. General public improvements and amenities needed to meet the needs of both existing residents, as well as those needs generated by new development, have been identified through the community planning processes of the Area Plans, based on the standards-based analysis contained in the Eastern Neighborhoods Needs Assessment, San Francisco Planning Department, Case No. 2004.0160UU on file with the Clerk of the Board in File No. 081155, and on community input during the Plan adoption process. The Planning Department developed generalized cost estimates, based on similar project types implemented by the City in the relevant time period, to provide reasonable approximates for the eventual cost of providing necessary Public Benefits in the Plan Areas (information on these cost estimates is located in the Eastern Neighborhoods Public Benefits Program Document). However specific public improvements are still under development and will be further clarified through interdepartmental efforts with input from the Interagency Plan Implementation Committee, the Citizens Advisory Committee, and other stakeholders. Specific project identification, design work, engineering, and environmental review will

still be required and may alter the nature of the improvements, as well as the sum total of the cost for these improvements.

(e) Eastern Neighborhoods Impact Fee. Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Eastern Neighborhoods Eastern Neighborhoods Impact Fee would be dedicated to infrastructure improvements in the Plan Area, directing benefits of the fund clearly to those who pay into the fund, by providing necessary infrastructure improvements and housing needed to serve new development. The net increases in individual property values in these areas due to the enhanced neighborhood amenities financed with the proceeds of the fee are expected to exceed the payments of fees by project sponsors.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees, and described fully in the Eastern Neighborhoods Nexus Studies, San Francisco Planning Department, Case No. 2004.0160U4 on file with the Clerk of the Board in File No. 081155. The Eastern Neighborhoods Public Benefits Program Document contains a full discussion of impact fee rationale.

The proposed fee would cover less than the full nexus as calculated by the Eastern Neighborhoods Nexus Studies. The proposed fees only cover impacts caused by new development and are not intended to remedy existing deficiencies. Those costs will be paid for by public, community, and other private sources as described in the Eastern Neighborhoods Public Benefits Program. Residential and non-residential impact fees are only one of many revenue sources necessary to create the "complete neighborhoods" that will provide appropriate amenities for residents of the Eastern Neighborhoods.

SEC. 327.2. DEFINITIONS.

The following definitions shall govern this ordinance:

(a) Definitions from section 318.2 shall apply unless otherwise noted in this Section.

(b) "Designated affordable housing zones", for the purposes of this section, shall mean the Mission NCT defined in Section 736 and the Mixed Use Residential District defined in Section 841.

(c) "Community facilities" shall mean all uses as defined under Section 209.4(a) and 209.3(d) of this Code.

(d) "Eastern Neighborhoods Impact Fee" shall refer to the fee collected by the City to mitigate impacts of new development as described in Findings, above.

(e) "Eastern Neighborhoods Public Benefit Fund" shall refer to the fund into which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee.

(f) "In-kind Agreement" shall mean an agreement acceptable in form and substance to the City Attorney and the Planning Director between a project sponsor and the Planning Department subject to the approval of the Planning Commission in its sole discretion to provide a specific set of public benefits, at a specific phase of construction, in lieu of monetary contribution to the Eastern Neighborhoods Public Benefit Fund.

(g) "Net addition of gross square feet of non-residential space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, any non-residential use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed development project space used primarily and continuously for the same non-residential use within the same economic activity category; and not accessory to any use other than that same non-residential use for five years prior to Planning Commission approval of the development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(h) "Net addition of gross square feet of residential space" shall mean gross floor area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving, residential use, less the gross floor area in any structure demolished or rehabilitated as part of the proposed residential development project space used primarily and continuously for residential use and not accessory to any use other than residential use for five years prior to Planning Commission approval of the development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(i) "Non-residential use" shall mean any structure or portion thereof intended for occupancy by retail, office, commercial or other nonresidential uses defined in Section 217, 218, 219 and 221, and also in 209.3 and 209.8 of the Planning Code; including uses referenced in the Eastern Neighborhoods Nexus Study. For the purposes of this section it shall not include industrial uses, including those contained in Sections 220, 222, 223, 224, 225, and 226 of the Planning Code, or uses that qualify as an accessory use, as defined and regulated in Sections 204 through 204.5. Non-residential uses shall include the economic activity categories of Cultural/ Institution/ Education; Management, Information & Professional Service; Medical & Health Service; Retail/ Entertainment; and Visitor Services.

(j) "Non-residential development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any occupied floor area of non-residential use; provided, however, that for projects that solely comprise an addition to an existing structure which would add occupied floor area in an amount less than 20 percent of the occupied floor area of the existing structure, the provisions of this Section shall only apply to the new occupied square footage.

(k) "Non-residential Space Subject to the Eastern Neighborhoods Impact Fee" means each net addition of net square feet within the Project Area which contributes to a 20 percent increase in non-residential capacity of an existing structure.

(l) "Project Area" shall mean the Eastern Neighborhoods Plan Area in Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco General Plan.

(m) "Residential" shall mean any type of use containing dwellings as defined in Section 209.1, 790.88, and 890.88 of the Planning Code as relevant for the subject zoning district or containing group housing as defined in Section 209.2(a)– (c) of the Planning Code.

(n) "Residential Space Subject to the Eastern Neighborhoods Impact Fee" means each net addition of net square feet within the Project Area which results in a net new residential unit.

(o) "Waiver Agreement" means an agreement acceptable in form and substance to the Planning Department and the City Attorney, under which the City agrees to waive all or a portion of the Eastern Neighborhoods Impact Fee, provided the sponsor has demonstrated a hardship in achieving those objectives as well as all the requirements of the Plan. Such a waiver may also be granted as a part of a signed covenant to make a good faith effort to secure the formation of a Community Facilities (Mello-Roos) District.

SEC. 327.3. APPLICATION.

(a) Project Area. The Eastern Neighborhoods Public Benefits Fund is hereby established. It shall be implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area and includes properties identified as part of the Eastern Neighborhoods Plan Areas in Map 1 (Land Use Plan) of the San Francisco General Plan. Fees shall be charged on net additions of gross square

feet which result in a net new residential unit, ~~or~~ *contribute to a 20 percent increase of non-residential space in an existing structure,* or create non-residential space in a new structure. *Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/ Institution/ Education; Management, Information & Professional Service; Medical & Health Service; Retail/ Entertainment; and Visitor Services; with no substitutions across uses. Fees shall not be required for uses contained in Sections 220, 222, 223, 224, 225, and 226 of the Planning Code. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project.*

(b) Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit for a residential development project, or residential component of a mixed use project within the Project Area, the sponsor of any project containing residential space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 327.3.

(c) Prior to the issuance by DBI of the first site or building permit for a non-residential development project, or non-residential component of a mixed use project within the Project Area, the sponsor of any project containing non-residential space subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 327.3.

TABLE 327.3

FEE SCHEDULE FOR EASTERN NEIGHBORHOODS PLAN AREAS

Tier	*Residential*	*Non-residential* *
1	*$8/gsf*	*$~~166~~/gsf*

2	*$12/gsf*	*$~~20~~10/gsf*
3	*$16/gsf*	*$~~24~~14/gsf*

~~*Please note that nonresidential uses are subject to the Transit Impact Development Fee, Administrative Code Chapter 38, and therefore eligible for a waiver or reduction. See Section 327.3(g)(2)(B) (i) below)~~

(d) Upon request of the sponsor and upon payment of the Eastern Neighborhoods Impact Fee in full to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described herein, the Treasurer shall issue a certification that the obligations of this section of the Planning Code have been met. The sponsor shall present such certification to the Planning Department and DBI prior to the issuance by DBI of the first site or building permit for the development project. DBI shall not issue the site or building permit without the Treasurer's certification that the fees required by this Section have been paid or otherwise satisfied. Any failure of the Treasurer, DBI, or the Planning Department to give notice of requirements under this Section shall not relieve a sponsor from compliance with this Section. Where DBI inadvertently issues a site or building permit without payment of the fee, Planning and DBI shall not issue any further permits or a certificate of occupancy for the project without certification from the Treasurer. The procedure set forth in this Subsection is not intended to preclude enforcement of the provisions of this Section under any other section of this Code, or other authority under the laws of the City or State of California.

(e) Fee Adjustments. In conjunction with the five-year Monitoring Program required by the Administrative Code Section (note: section number to be determined) , the City may review the amount of the Eastern Neighborhoods Impact Fee, should such an increase in fees be warranted according to an increase in construction costs according to changes published in the Construction Cost Index published by the

Engineering News Record, or according to another similar cost index should there be one more appropriate. The City may also adjust fees based on changes in estimated costs of the underlying improvements to be funded through the Eastern Neighborhoods Impact Fee as listed in the Eastern Neighborhoods Program. Revision of the fee should be done in coordination with revision to other like fees whenever possible. The Planning Department shall provide notice of any fee adjustment including the formula used to calculate the adjustment on its website and to any interested party who has requested such notice at least 30 days prior to the adjustment taking effect.

(f) Option for In-Kind Provision of Public Benefits. The Planning Commission may reduce the Eastern Neighborhoods Impact Fee described in (b) above for specific development proposals in cases where the Planning Director recommends such an In-kind provision, and the project sponsor has entered into an In-Kind Agreement with the City. In-kind improvements may only be recommended where said improvements have been prioritized in the plan, where they meet an identified community need as analyzed in the Eastern Neighborhoods Needs Assessment, and where they substitute for improvements to be provided by fee revenue such as public open spaces and recreational facilities, transportation and transit service, streetscapes or the public realm, and community facility space . No proposal for In-kind improvements shall be accepted if it is not recommended by the Planning Director according to the criteria above. Project sponsors that pursue an in-kind waiver are responsible for all additional administrative costs.

(1) The value of the improvements provided through the In-kind agreement shall be equivalent to the portion of the Eastern Neighborhoods Impact Fee that is waived. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind Public Benefits from two

independent sources or, if relevant, real estate appraisers. If the City has completed a detailed site-specific cost estimate for a planned improvement this may serve as one of the cost estimates provided it is indexed to current cost of construction. Based on these estimates, the Planning Director shall determine their appropriate value and the Planning Commission may reduce the Eastern Neighborhoods Impact Fee assessed to that project proportionally. Open space or streetscape improvements proposed to satisfy the usable open space requirements of Section 135 are not eligible for credit toward the contribution as In-Kind improvements. No credit toward the contribution may be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City.

(2) The agreement shall also mandate a covenant of the project sponsor to reimburse all city agencies for their administrative and staff costs in negotiating, drafting, and monitoring compliance with the In-Kind agreement. The City also shall require the project sponsor to provide a letter of credit or other instrument, acceptable in form and substance to the Planning Department and the City Attorney, to secure the City's right to receive improvements as described above.

(g) Waiver or Reduction.

(1) Waiver or Reduction Based on Hardship or Absence of Reasonable Relationship

(A) A project applicant of any project subject to the requirements in this Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of development and the amount of the fee charged or for the reasons set forth in subsection (2) below, a project applicant may request a waiver from the Board of Supervisors.

(B) Any appeal of waiver requests under this clause shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the sponsor is required to pay and has paid to the Treasurer the fee as required in Section 327.3(b). The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. If a reduction, adjustment, or waiver is granted, any change of use or scope of the project shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Treasurer and Planning Department.

(2) Waiver or Reduction Based on Duplication of Fees. This Section details waivers and reductions available by right for project sponsors that fulfill the requirements below.

(A) A project applicant subject to the requirements of this Section who has received an approved building permit, conditional use permit or similar discretionary approval and who submits a new or revised building permit, conditional use permit or similar discretionary approval for the same property shall be granted a reduction, adjustment or waiver of the requirements of Section 327 of the Planning Code with respect to the square footage of construction previously approved.

(B) The City shall not to assess duplicative fees on new development. In general project sponsors are only eligible for fee waivers under this clause if a contribution to another fee program would result in a duplication of charges for a particular type of community infrastructure. Therefore applicants may only receive a

waiver for the portion of the Eastern Neighborhoods Public Benefits Fund that addresses that infrastructure type. Requirements under Section 135 do not qualify for waiver or reductions. Should future fees pose a duplicative charge, the same methodology shall apply and the Planning Department shall update the schedule of waivers or reductions accordingly.

~~(i) Applicants that are subject to the Transit Impact Development Fee (TIDF), Administrative Code Chapter 38, can reduce their contribution to the Eastern Neighborhoods Public Benefits Fund by one dollar for every dollar that they contribute to the TIDF. Reductions shall be made according to economic activity categories as defined in the Administrative Code Chapter 38, and based on the gross square footage (gsf) of new development for each economic activity category.~~

(i) Applicants with a development project located within an applicable San Francisco Redevelopment Project Area may reduce their required contribution to the Eastern Neighborhoods Public Benefits Fund by half of any total sum that they would otherwise be required to pay under this Section, if the applicant:

(A) Has filed its first application, including an environmental evaluation application or any other Planning Department or Building Department application before the effective date of this Ordinance and

(B) Provides the Zoning Administrator with written evidence, supported in writing by the San Francisco Redevelopment Agency, that demonstrates the annual tax increment which could be generated by the proposed project would support a minimum future bonding capacity equal to $10,000,000 or greater.

SEC. 327.4. LIEN PROCEEDINGS.

(a) A sponsor's failure to comply with the requirements of Sections 327.3, shall constitute cause for the City to record a lien against the development project in the sum of the fees required under this ordinance. The fee required by Section 327.3(b) of this ordinance is due and payable to the Treasurer prior to issuance of the first building or site permit for the development project unless a Waiver Agreement has been executed. If, for any reason, the fee remains unpaid following issuance of the permit and no Waiver Agreement has been executed, any amount due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the permit until the date of final payment.

(b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee, including interest, a lien against all parcels used for the development project and shall send all notices required by that Article to the owner of the property as well as the sponsor. The Treasurer shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall contain the sponsor's name, a description of the sponsor's development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fees authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall

be held in trust by the Treasurer and deposited in the Eastern Neighborhoods Public Benefits Fund established in Section 327.6.

(c) Any notice required to be given to a sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the development project, and to the applicant for the site or building permit at the address on the permit application.

SEC. 327.5. EASTERN NEIGHBORHOODS IMPACT FEE REFUND WHEN BUILDING PERMIT IS MODIFIED OR EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.

In the event a building permit is modified to expand or reduce project size, the obligation to comply with this ordinance shall be modified accordingly. In the event a building expires prior to completion of the work on and commencement of occupancy of a residential or non-residential development project so that it will be necessary to obtain a new permit to carry out any development, the obligation to comply with this ordinance shall be cancelled, and any Eastern Neighborhoods Impact Fee previously paid to the Treasurer shall be refunded. If and when the sponsor applies for a new permit, the procedures set forth in this ordinance regarding payment of the Eastern Neighborhoods Impact Fee shall be followed.

SEC. 327.6. FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected by the Treasurer pursuant to Section 327.3(b) shall be deposited in a special fund

maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Planning Commission, and administered by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve public open space and recreational facilities; transit, streetscape and public realm improvements; and community facilities including child care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible". Funds generated for 'library resources' should be used for materials in branches that directly service Eastern Neighborhoods residents. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee pursuant to Section 327.3(d) above, to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Eastern Neighborhoods Public Benefits Program Document, and to defend the Community Stabilization fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating the Eastern Neighborhoods Citizens Advisory Committee meetings, and maintenance of the fund. All interest earned on this account shall be credited to the Eastern Neighborhoods Public Benefits Fund.

(c) Funds shall be deposited into specific accounts according to the improvement type for which they were collected. Funds from a specific account may be used *towards a different improvement type, provided said account or fund is reimbursed over a five-year period of fee collection. Funds shall be allocated to accounts by improvement type as described below:*

(1) Funds collected from all zoning districts in the Project Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by improvement type according to ~~in~~ *Table 327.6*~~,~~.

(2) Funds collected in ~~except for~~ *designated affordable housing zones* (Mission NCT and MUR *(as defined in 327.2(b))*, shall be allocated to accounts by improvement type as ~~which are~~ *described in Table 327.6A*. The revenue devoted to affordable housing preservation and development shall be deposited into a specific amount to be held by the Mayor's Office of Housing.

A. All funds collected from projects in the Mission NCT that are earmarked for affordable housing preservation and development shall be expended on housing programs and projects within the Mission Area Plan boundaries.

B. All funds collected from projects in the MUR that are earmarked for affordable housing preservation and development shall be expended on housing programs and projects shall be expended within the boundaries of 5th to 10th Streets/ Howard to Harrison Streets.

C. Collectively, the first $10 million in housing fees collected between the two Designated Affordable Housing Zones shall be utilized for the acquisition and rehabilitation of existing housing.

(3) All funds~~These fund~~ *are supported by the Eastern Neighborhoods Nexus Studies, San Francisco Planning Department, Case No.* 2004.0160UU *and monitored according to the Eastern Neighborhoods Area Plans Monitoring Program required by the Administrative Code Section (note: section number to be determined) and detailed by separate resolution.*

TABLE 327.6

*BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE**

Improvement Type	*Residential*	*Non-residential*
Open space and recreational facilities	*50%*	*7%*
Transit, streetscape and public realm improvements	*42%*	*90%*
Community facilities (child care and library materials)	*8%*	*3%*

**Does not apply to Designated Affordable Housing Zones, which are addressed in Table 327.6A.*

TABLE 327.6A

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

Improvement Type	*Residential*	*Non-residential*

Affordable ~~H~~housing *preservation and development*	~~50~~75%	*n/a*
Open space and recreational facilities	~~25~~13%	*7%*
Transit, streetscape and public realm improvements	~~21~~10%	*90%*
Community facilities (child care and library materials)	~~4%~~2%	*3%*

(d) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of this ordinance that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3) beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) amount of fees collected and interest earned; (5) identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

(e) Approximately every fifth fiscal year following the first deposit into the account, as coordinated with other planning efforts monitoring activity, the following

account reporting shall be made by the Controller's office in coordination with the Planning Department: (1) purpose to which the fee is to be put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it is charged; (3) identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in this ordinance and subsequent reporting; and (4) designate the approximate dates on which the sources and amounts of funding is expected to be deposited into the appropriate account or fund. The reporting requirements detailed in this section refer to the current requirements under State law, Government Code 66000, and are detailed here to insure that this fund fulfills all legal obligations as detailed by the State of California. Any applicable amendments to State law, Government Code 66000, automatically apply to the reporting requirements of this ordinance and the ordinance should be amended accordingly.

(f) A public hearing shall be held by the Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition and development of property acquired for park use.

(g) The Planning Commission shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, Department of Public Works, and the Municipal Transportation Authority, to develop agreements related to the administration of the improvements to existing public facilities and development of new public facilities within public rights-of-way or on any acquired public property, using

such monies as have been allocated for that purpose at a hearing of the Board of Supervisors.

(h) The Planning Commission, based on findings from the Interagency Planning & Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(i) ~~Upon receipt of~~ Within 60 days of receiving the Eastern Neighborhoods Capital Expenditure Evaluation Report as specified in Administrative Code Section 10E.7, the ~~Board of Supervisors~~ Office of the Controller shall assess whether funds collected from the Eastern Neighborhoods Impact Fee are being effectively utilized for capital projects serving the Eastern Neighborhoods, and whether such projects are successfully advancing towards implementation, as set forth in the abovementioned Section. Based on this assessment, the following shall occur:

(A) ~~Should the Board of Supervisors determine that these fees are being~~ If the Controller determines that the funds have been effectively utilized as set forth in Section 10E.7 of the Administrative Code, the ~~Board~~Controller~~, by motion and within 120 days of receiving the Capital Expenditure Evaluation, shall make~~ shall issue an affirmative finding to the Board of Supervisors and the Planning Commission certifying that the intention of this aforementioned Section is being met. No further ~~Board of Supervisor~~ Controller action is necessary for purposes of this Subsection.

(B) ~~Should the Board of Supervisors determine that the fees are not being effectively utilized, or fail to make the motion referred to in Subsection (A) above, within 120 days of receiving the Capital Expenditure Evaluation, then the following projects shall require a conditional use authorization,~~ If the Controller

fails to issue the certification described in Subsection (i)(A) above or if the Controller determines that the fees are not being effectively utilized as set forth in Administrative Code Section 10E.7 and notifies the Board of Supervisors and Planning Commission of this determination, then the following shall occur:

(i) Any project specified below within the Eastern Neighborhoods Area Plan that has not already received final and effective approvals from the Planning Department, Zoning Administrator, and/or the Planning Commission, shall require a conditional use authorization, in addition to any other approvals necessary under the Planning Code:

(aa) Residential projects containing more than 10 new units that have not received issuance of their first site or building permit; or

(bb) Non-residential projects containing a net new addition or new construction of 10,000 square feet or more that have not received issuance of their first site or building permit.

(C) Elimination of interim conditional use requirement. (i) At any time after the Controller has determined that Eastern Neighborhood impact fees are not being effectively utilized as set forth in Section 327.6(i)(B) above, or fails to certify that they are being effectively utilized as set forth in Section 327.6(i)(A), the Planning Department may provide the Controller with a newly updated or revised Eastern Neighborhoods Capital Expenditure Evaluation Report.

(ii) Within 60 days of receiving an updated or revised Report, the Office of the Controller shall determine whether funds collected from the Eastern Neighborhoods Public Benefit Fee are being effectively utilized for capital

projects serving the Eastern Neighborhoods consistent with the intent of the Section 10E.7 of the Administrative Code.

(iii) If, on the basis of a new, updated or revised Eastern Neighborhoods Capital Expenditure Evaluation Report, the Controller determines that the development impact fees collected to date are being effectively utilized as set forth in Section 327.6(i)(A) above, any projects within the Eastern Neighborhoods Plan Area that required a conditional use authorization on an interim basis as set forth in Section 327.6(i)(B) shall no longer require such conditional use authorization unless the underlying use requires conditional use authorization independent of the requirements set forth in Section 327.6(i)(B).

~~SEC. 327.7. EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE~~

~~(a) Within 6 months of adoption of the Eastern Neighborhoods Area Plan and related planning code changes ,the Board of Supervisors shall establish a Citizens Advisory Committee (CAC) for the purposes of providing input on the prioritization of Public Benefits, updating the Public Benefits program, and providing input to plan area monitoring efforts as appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the Board of Supervisors. The CAC may perform the following functions as needed:~~

~~(1) Collaborate with the Planning Department and the Interagency Plan Implementation~~

~~Committee on prioritizing the community improvement projects and identifying implementation details as part of annual expenditure program that is adopted by the Board of Supervisors;~~

~~(2) Provide an advisory a role in a report-back process from the Planning Department on enforcement of individual projects' compliance with the Area Plans standards and on specific conditions of project approvals so that those agreements will be more effectively implemented;~~

~~(3) Collaborate with the Planning Department and relevant city agencies in the monitoring of the Plans' implementation program at approximately every fifth year, in coordination with the Monitoring Program required by the Administrative Code Section 10.E; and provide input to Plan area monitoring efforts for required time-series reporting.~~

~~(b) Representation: The Board of Supervisors shall appoint 2/3 of the committee members and the Mayor shall appoint 1/3 of the committee members of the CAC, making appointments that represent the diversity of the plan area.. It shall include, at a minimum, two representatives from each of these four geographic areas of the Plan Area (the neighborhoods of Eastern SoMa, Central Waterfront, Mission and Showplace Square Potrero Hill); and other members shall represent citywide interests, including residential and business perspectives. The Citizens Advisory Committee shall be comprised of 9-12 community members from varying geographic, socio-economic, ethnic, racial, gender, and sexual orientations living or working within the plan area.. The CAC should adequately represent key stakeholders including resident renters, resident homeowners, low-income residents, local merchants, established neighborhood groups within the plan area, and other groups identified through refinement of the CAC process. Each member shall be appointed by the Board and will serve for two-year terms, but those terms shall be staggered such that, of the initial membership, some members will be randomly selected to serve four year terms~~

~~and some will serve two year terms. The Board of Supervisors may renew a member's term.~~

~~(c) Staffing for Eastern Neighborhoods Citizens Advisory Committee: The Planning Department or Interagency Plan Implementation Committee shall designate necessary staffing from relevant agencies to the CAC, as needed to complete the CAC's responsibilities functions of the CAC described in this code. To the extent permitted by law, staffing and administrative costs for the CAC shall be funded through the Eastern Neighborhoods Public Benefits Fund. Staff shall participate in the Interagency Planning and Implementation Committee as set forth in Administrative Code Section 36.~~

SEC. 328 – INTEGRATED PDR FEE DISCOUNT PROGRAM

(a) **Purpose**. The purpose of the Integrated PDR Fee Discount Program is to encourage the hiring of disadvantaged workers by existing or future business tenants and/or occupants in newly permitted Integrated PDR space. Owners of buildings with Integrated PDR space are given the option of deferring up to fifty percent of development impact fees that would otherwise be owed, to encourage their Integrated PDR tenants and/or occupants to register their respective business with the Office of Economic and Workforce Development's (OEWD) Integrated PDR Program. At the end of a five-year period commencing upon issuance of the first site or building permit, owners of Integrated PDR buildings will be responsible for payment of the full deferred amount unless they can demonstrate to the Planning Department, based on registration records submitted to OEWD, that a certain percentage of the employees occupying Integrated PDR space qualify as "disadvantaged workers." The greater the percentage of disadvantaged workers, the higher the fee waiver.

(b) **Definitions.**

(1) Applicant. For purposes of this section, the owner of a building that contains permitted Integrated PDR space.

(2) Integrated PDR. This is defined in Section 890.49.

(3) Disadvantaged worker. Any employee who qualifies for the California State

(4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.

(5) Discount-eligible worker. a disadvantaged worker who lives within the City and County of San Francisco

(6) Discount-program fees. The fees that are subject to this discount program are the Eastern Neighborhoods Fees (per Sec. 327), the Transit Impact Development Fee (TIDF) (per Chapter 38 of the Administrative Code), and the Jobs-Housing Linkage Fee (per Section 313).

(7) Integrated PDR Registration Record. A dated receipt acknowledging that the subject Integrated PDR business has newly registered or updated their existing registration with the Office of Economic and Workforce Development (OEWD).

(8) Outstanding Discount-Program fees. The 50% of Discount-program fees that are not paid at the issuance of the first site or building permit.

(c) **Controls.**

(1) Any project involving the establishment of net new Integrated PDR space may choose to avail itself of the fee discounts described below in this Subsection.

(2) Initial fee reduction and payment:

(A) At the issuance of the first site or building permit, the Applicant will pay 50% of discount-program fees.

(B) An Integrated PDR Notice of Special Restrictions (NSR) will be placed on the property stating the following:

(i) The amount of Outstanding Discount-Program fees.

(ii) That the Outstanding Discount-Program fees, adjusted for the cost of living as defined by the Controller's Office, will be paid within 30 days of notification of the applicant by the Planning Department of the amount of payment due. A reduction or waiver of these outstanding fees is available only if the conditions of subsection (c)(3) of this Section are met.

(3) Outstanding Discount-Program fee determination and payment:

(A) After five years from the issuance of the first site or building permit for any Integrated PDR space, the Applicant must pay the Outstanding Discount-Program fees.

(B) An Applicant may seek to waive or reduce any Outstanding Discount-Program fees by providing sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to the Planning Department that they have satisfied the workforce goals of the Integrated PDR program as of the date of the filing of an application for such a waiver.

(C) Outstanding Discount-Program fees may be waived or forgiven under the following circumstances:

(i) If 10% to 14.9% of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 50% of the outstanding fees will be waived.

(ii) If 15% to 19.9% of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 60% of the outstanding fees will be waived.

(iii) If 20% to 24.9% of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 70% of the outstanding fees will be waived.

(iv) If 25% to 29.9% of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 80% of the outstanding fees will be waived.

(v) If 30% to 34.9% of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 90% of the outstanding fees will be waived.

(vi) If 35% or more of the total workforce currently employed in space that is permitted as Integrated PDR is discount-eligible workers, then 100% of the outstanding fees will be waived.

(D) Applicants who cannot provide sufficient evidence in the form of Integrated PDR Registration records to demonstrate to the Planning Department that tenants and/or occupants of any Integrated PDR space have satisfied the annual reporting requirements of the Office of Economic and Workforce Development (OEWD), or its successor, will not be eligible for any waivers or reductions of Outstanding Discount-Program Fees, and will owe the full amount of any Outstanding Discount-Program Fees five years after the issuance of the first site or building permit. These annual reporting requirements are stated contained in the City's Administrative Code Sec. 10E.7.

(E) Applicants must apply to the Planning Department for Outstanding Discount-Program Fee reduction or waiver. This application must be submitted within three months before or after the five-year anniversary of the issuance of the first site or building permit. The Planning Department shall transmit the application to the Office of Economic and Workforce Development (OEWD), or its successor, for verification of relevant employment statistics, and the Director of OEWD shall subsequently submit its findings to the Planning Department.

(F) Payment of outstanding fees is due within 30 days of notification of the applicant by the Planning Department of the amount of payment due.

(G) Failure to pay shall be deemed a violation of the Planning Code and result in an enforcement action by the Department, which may include, referral to the Bureau of Delinquent Revenue and a lien on the subject property. Any enforcement action also may result in additional charges or penalties to cover the City's costs in the enforcement action, including, but not limited to City Attorney's fees.

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

(a) Purpose. The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines, and the purposes of this Code.

(b) Applicability. This Section applies to all new construction and proposed alterations of existing buildings in the Eastern Neighborhoods Mixed Use Buildings that meet at least one of the following criteria:

(1) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building resulting in a total building height greater than 75 feet; or

(2) The project involves a net addition or new construction of more than 25,000 gross square feet; or

(3) The project has 200 or more linear feet of contiguous street frontage on any public right of way.

(c) Planning Commission Design Review: As set forth in Subsection (e), below, the Planning Commission shall review and evaluate all physical aspects of a proposed project at a public hearing. At such hearing, the Director of Planning shall present any recommended project modifications or conditions to the Planning Commission, including those which may be in response to any unique or unusual locational, environmental, topographical or other relevant factors. The Commission may subsequently require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the General Plan or the purposes of this Code. This review shall address physical design issues including but not limited to the following:

(1) Overall building massing and scale;

(2) Architectural treatments, facade design and building materials;

(3) The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

(4) The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

(5) The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

(6) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(7) Circulation, including streets, alleys and mid-block pedestrian pathways;

(8) Bulk limits;

(9) Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

(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:

(1) Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

(2) Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

(3) Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

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

(5) Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;

(6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6, pursuant to the criteria of Section 305(c);

(7) Exception for rear yards, pursuant to the requirements of Section 134(f);

(8) The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project site, so long as

(A) an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project,

(B) office uses are consolidated within a lesser number of buildings than would otherwise be the case, and

(C) the resulting location and mix of uses increases the project's consistency with nearby land uses;

(9) Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit

Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.

(e) Hearing and Decision.

(1) Hearing. The Planning Commission shall hold a public hearing for all projects that are subject to this Section.

(2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the same requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.

(3) Director's Recommendations on Modifications and Exceptions. At the hearing, the Planning Director shall review for the Commission key issues related to the project based on the review of the project pursuant to Subsection (c) and recommend to the Commission modifications, if any, to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (d).

(4) Decision and Imposition of Conditions. The Commission, after public hearing and, after making appropriate findings, may approve, disapprove or approve subject to conditions, the project and any associated requests for exception. As part of its review and decision, the Planning Commission may impose additional conditions, requirements, modifications, and limitations on a proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this Code.

(5) Appeal. The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth

wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) Discretionary Review. No requests for discretionary review shall be accepted by the Planning Department or heard by the Planning Commission for projects subject to this Section.

(7) Change of Conditions. Once a project is approved, authorization of a change in any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304), ~~and~~ Eastern Neighborhoods Commission Review (Section 329).

TABLE INSET:

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	$700.00
No construction cost, extension of hours	$1,075.00
Estimated Construction Cost	Initial Fee
$1.00 to $9,999.00	$1,075.00
$10,000.00 to $999,999.00	$1,075.00 plus .497% of cost over $10,000.00
$1,000,000.00 to $4,999,999.00	$5,995.00 plus .593% of cost

	over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$29,715.00 plus .497% of cost over $5,000,000.00
$10,000,000.00 to $19,999,999.00	$54,565.00 plus .259% of cost over $10,000,000.00
$20,000,000.00 or more	$80,465.00

(b) Variance (Section 305)

TABLE INSET:

Estimated Construction Cost	Initial Fee
$0.00---$9,999.00	$680.00
$10,000.00--$19,999.00	$1,515.00
$20,000.00 and greater	$3,025.00

Variance fees are subject to additional time and material charges, as set forth in Section 350c.

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

TABLE INSET:

Estimated Construction Cost	Initial Fee
$0.00 to $9,999.00	$217.00
$10,000.00 to $999,999.00	$217.00 plus .0994% of cost over

	$10,000.00
$1,000,000.00 to $4,999,999.00	$1,201.00 plus .119% of cost over $1,000,000.00
$5,000,000.00 to $9,999,999.00	$5,961.00 plus .099% of cost over $5,000,000.00
$10,000,000.00 to $19,999,999.00	$10,911.00 plus .052% of cost over $10,000,000.00
$20,000,000.00 or more	$16,111.00

(1) Applications with Verified Violations of this Code: The Planning Department shall charge $170.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of approval of a previously authorized project, not requiring a substantial reevaluation of the prior authorization: $800.00

(4) The applicant shall be charged for any time and materials beyond the initial fee in Section 352(a), as set forth in Section 350(c).

(5) An applicant proposing significant revisions to a project for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee.

(6) For agencies or departments of the City and County of San Francisco, the initial fee for applications shall be based upon the construction cost as set forth above.

(d) Discretionary Review Request: $300.00; provided, however, that the fee shall be waived if the discretionary review request is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the request, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is affected by the proposed project. Such fee shall be refunded to the individual or entity that requested discretionary review in the event the Planning Commission denies the Planning Department's approval or authorization upon which the discretionary review was requested. Mandatory discretionary reviews: $2,805.00.

(e) Institutional Master Plan (Section 304.5).

(1) Full Institutional Master Plan or Substantial Revision: $10,000.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(2) Abbreviated Institutional Master Plan: $1,830.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(f) Land Use Amendments and Related Plans and Diagrams of the San Francisco General Plan: Fee based on the Department's estimated actual costs for time and materials required to review and implement the requested

amendment, according to a budget prepared by the Director of Planning, in consultation with the sponsor of the request.

(g) General Plan Referrals: $2,700.00 plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(h) Redevelopment Plan Review: The Director of Planning shall prepare a budget to cover actual time and materials expected to be incurred, in consultation with the Redevelopment Agency. A sum equal to 1/2 the expected cost will be submitted to the Department, prior to the commencement of the review. The remainder of the costs will be due at the time the initial payment is depleted.

(i) Reclassify Property or Impose Interim Zoning Controls: $6,115.00.

(1) The applicant shall be charged for any time and materials as set forth in Section 350(c).

(2) Applications with Verified Violations of this Code: The Planning Department shall charge time and materials as set forth in Section 350(c).

(j) Setback Line, Establish, Modify or Abolish: $2,325.00.

(k) Temporary Use Fees $340.00 as an initial fee, plus time and materials if the cost exceeds the initial fee, as set forth in Section 350(c).

(l) Amendments to Text of the Planning Code: $11,495.00 as an initial fee, plus time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

(m) Zoning Administrator Conversion Determinations Related to Service Station Conversions: $2,270.00 as an initial fee, plus time and materials if the cost exceeds the initial fee. (Section 228.4):

(n) Conditional Use Appeals to the Board of Supervisors:

(1) $400.00 for the appellant of a conditional use authorization decision to the Board of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a neighborhood organization that: (1) has been in existence for 24 months prior to the appeal filing date, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

(2) Such fees shall be used to defray the cost of an appeal to the Planning Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect such fee and forward the fee amount to the Planning Department.

SEC. 603. EXEMPTED SIGNS.

Nothing in this Article 6 shall apply to any of the following signs:

(a) Official public notices, and notices posted by public officers in performance of their duties;

(b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety;

(c) Temporary display posters, without independent structural support, in connection with political campaigns and with civic noncommercial health, safety and welfare campaigns, provided that in R districts such posters shall be removed within 60 days following the conclusion of the campaign;

(d) Flags, emblems, insignia and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable or other civic character;

(e) House numbers, whether illuminated or not, "no trespassing," "no parking," and other warning signs;

(f) Commemorative plaques placed by recognized historical agencies;

(g) Signs within a stadium, open-air theater or arena which are designed primarily to be viewed by patrons within such stadium, open-air theater or arena;

(h) Religious symbols attached to buildings if not projecting beyond any street property line or building setback line;

(i) Flags indicating weather conditions, and single flags which are emblems of business firms, enterprises and other organizations;

(j) Two general advertising signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Municipal Transportation Agency or predecessor agency for the Municipal Railway in RTO, *RTO-M,* RM-2, RM-3, RM-4, RC, NC, C, M, *PDR, Eastern Neighborhoods Mixed Use Districts,* and South of Market *Mixed Use* Districts, and in those P Districts where such signs would not adversely affect the character, harmony or visual integrity of the district as determined by the City Planning Commission; eight general advertising signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; up to three double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided panels not

exceeding 24 square feet in area on each low-level boarding platform at the following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided general advertising signs each not exceeding 24 square feet in area on or adjacent to transit shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the Third Street Light Rail Line. Each advertising sign on a low-level or high level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space.

Notwithstanding the above, no sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign Districts as established in Section 608.3 of this Code;

The provisions of this subsection shall be subject to the authority of the San Francisco Port Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

(k) Information plaques or signs which identify to the public open space resources, architectural features, creators of artwork, or otherwise provide information required by this Code or by other City agencies, or an identifying sign

which directs the general public and/or patrons of a particular establishment to open space or parking resources, provided that such sign shall not project more than three inches from the wall and that its dimensions shall be no greater than one by two feet;

(l) Nonilluminated art murals within the South of Market *Mixed Use* ~~*Base*~~ District *and Eastern Neighborhoods Mixed Use Districts, with the exception of the UMU District*, if they project no more than 18 inches from the pre-existing surface of a structure;

(m) Two general advertising signs each not exceeding 52 square feet in area on a public service kiosk furnished by contract with the Department of Public Works which contract also provides for the installation and maintenance of automatic public toilets. Each such public service kiosk shall be divided into three sections, one of which shall provide a public service, such as a newsstand, newsrack, map, public telephone, vending machine, display of public service information, or interactive video terminal;

(n) Advertising placed on fixed pedestal newsrack units in accordance with Section 184.12 of the Public Works Code.

SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in C, ~~*and*~~ M, *and PDR* Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) General Advertising Signs. No general advertising sign shall be permitted in any C-1 District or within 200 feet of the park known as Union Square and visible from said park, except that a replacement sign of the same size or smaller, of the same type as defined in this Code or as interpreted by the Zoning Administrator, and at the same approximate location as an existing sign

would be allowed within 200 feet of said park provided that the sign is otherwise permitted by the Planning Code, would cast no additional shadow upon Union Square, has no intensification of lighting as determined by the Zoning Administrator, and is not internally lighted or backlighted. Use of neon is not precluded by this provision. Temporary general advertising signs determined by the Zoning Administrator to be at pedestrian level and less than 50 square feet in size are not precluded by this provision.

(b) Roof Signs. Roof signs shall be permitted in all C, ~~and~~ M, *and PDR* Districts other than C-1 only if Subsections (1) through (3) below are satisfied; except that a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this Code may be permitted without regard to Subsections (1) through (3) below:

(1) The sign does not extend more than 25 feet above the roofline of the building on or over which the sign is placed; and

(2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top of the sign; and

(3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all points from which the sign is legible from a public street or alley.

(c) Wind Signs. No wind sign shall be permitted in any C or M District.

(d) Moving Parts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating), except as follows:

(1) Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.

(2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, ~~and~~ M-2, *and PDR* Districts, except for signs located within 200 feet of the park known as Union Square and visible from said park and signs located so as to be primarily viewed by persons traveling on any portion of a freeway, moving or otherwise physically animated parts may be used if such parts do not exceed a velocity of one complete cycle in a four-second period where such parts constitute less than 30 percent of the area of the sign or if, where such parts constitute a greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second period and are stationary at least half of each eight-second period; except that signs designated historic pursuant to Sections 303 and 608.14 of this Code may have such moving features otherwise prohibited for signs located so as to be primarily viewed by persons traveling on any portion of a freeway.

(3) Notwithstanding the type of signs permissible under Subparagraph (d), a video sign is prohibited.

(4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign that rotates is prohibited.

(e) Illumination. Any sign may be nonilluminated or indirectly or directly illuminated. Signs in *PDR,* C-3, C-M, M-1 and M-2 Districts shall not be limited in any manner as to type of illumination, but no sign in a C-1 or C-2 District shall have or consist of any flashing, blinking, fluctuating or otherwise animated light except in each of the following special sign districts, all as specifically designated

as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, described in Section 608 of this Code:

(1) In the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf;

(2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street to Geary Street, also known as the Automotive Special Use District;

(3) In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets and Broadway, also known as Washington-Broadway Special Use District Number 1.

(4) Notwithstanding the type of signs permissible under subparagraph (e), a video sign is prohibited in the districts described in subparagraphs (1)--(3).

(f) Projection. No sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline and in no case shall a sign project more than 10 feet beyond the street property line or building setback line in C-1 Districts, or 12 feet beyond the street property line or building setback line in any other C, ~~or~~ M, *and PDR* District.

(g) Height and Extension Above Roofline.

(1) Signs Attached to Buildings. Except as provided in Section 260 for historic signs in historic districts, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached; except that up to 1/2 the area of a business sign attached to the street wall of a building may extend above the roofline, up to the maximum height permitted for freestanding signs in the same district or 10 feet above the roofline, whichever is the lesser. In

addition, no sign attached to a building shall under any circumstances exceed the following maximum heights:

In C-1: 40 feet;

In C-3: 100 feet;

In all other C and M Districts: 60 feet.

The 100-foot height limitation stated herein shall not apply to the modification or replacement of any currently existing wall signs so long as such modified or replacement sign is generally in the same location and not larger in surface area and projection than existing signs being modified or replaced. Such signs may contain letters, numbers, a logo, service mark and/or trademark and may be nonilluminated or indirectly illuminated.

(2) Freestanding Signs. The maximum height for freestanding signs shall be as follows:

In C-1: 24 feet;

In C-2: 36 feet;

In all other C, ~~and~~ M, *and PDR* Districts: 40 feet.

(h) Special Standards for Automobile Service Stations. For automobile service stations, only the following signs are permitted, subject to the standards in this Subsection (h) and to all other standards in this Section 607.

(1) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project

more than five feet beyond any street property line or building setback line. The areas of other permanent and temporary signs as covered in Paragraph 607(h)(2) below shall not be included in the calculation of the areas specified in this paragraph.

(2) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(3) General advertising signs meeting the provisions of this Section 607.

SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.

Signs located in Neighborhood Commercial Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial Districts, provided that with respect to properties also located in the Upper Market Special Sign District, the provisions of Section 608.10 of this Code shall prevail.

(a) Purposes and Findings. In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical

amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial Districts.

(3) Neighborhood Commercial Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section

607.1(i) of this Code. In additional signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) Nameplates. One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Neighborhood Commercial Districts, except

in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign, as defined in Section 602.1(a) of this Code.

(1) NC-2, *NCT-2,* and NC-S Districts. No more than one general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) NC-3, *NCT-3,* ~~*District*~~ and Broadway Districts. No more than one general advertising sign not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.

(A) NC-3 *and NCT-3* Districts. Signs may be either nonilluminated or indirectly illuminated.

(f) Business Signs. Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) NC-1 Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as

defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) NC-2, *NCT-2,* NC-S, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street, SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street--Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches,

whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) Signs on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) Mission Street NCT, NC-3, and *NCT-3* Neighborhood Commercial Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the

signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) Sign Copy on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(4) Special Standards for Automotive Gas and Service Stations. For automotive gas and service stations in Neighborhood Commercial Districts, only the following signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(g) Temporary Signs. One temporary nonilluminated or indirectly illuminated sale or lease sign or nonilluminated sign of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f) for business signs in the respective NC District in which the sign is to be located. All temporary signs shall be promptly removed upon completion of the activity to which they pertain.

(h) Special Sign Districts. Additional controls apply to certain Neighborhood Commercial Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) Restrictions on Illumination. Signs in Neighborhood Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated

as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) Broadway Neighborhood Commercial District. Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) NC-3. NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(j) Other Sign Requirements. Within Neighborhood Commercial Districts, the following additional requirements shall apply:

(1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.

(2) Maintenance. Every sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall apply.

(4) Special Standards for Automotive Gas and Service Stations. The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 607.2. MIXED USE DISTRICTS.

Signs located in Mixed Use Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) Purposes and Findings. In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs

and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) Signs or Sign Features Not Permitted in Mixed Use Districts. General advertising signs are not permitted in the *Eastern Neighborhoods and* South of Market *Mixed Use* districts, except in the South of Market General Advertising Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

(c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in

height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) Nameplate. One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in Mixed Use Districts.

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising signs are not allowed in the *Eastern Neighborhoods and* South of Market Mixed Use Districts, except in the South of Market General Advertising Special Sign District or where a permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

(1) Chinatown Residential Neighborhood Commercial District. No more than one general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) Chinatown Visitor Retail and Chinatown Community Business Districts. No more than one general advertising sign not exceeding 300 square feet in area or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower. If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the height of the adjacent wall, whichever is lower.

(A) Signs may be either nonilluminated or indirectly or directly illuminated.

(3) South of Market General Advertising Special Sign District. Within the area designated as a South of Market General Advertising Special Sign District, as described in Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following provisions shall apply to general advertising signs: (1) No more than two general advertising signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not exceed the standards established by Section 607(b) of this Code for roof signs lying within M Districts.

(f) Business Signs. Business signs, as defined in Section 602.3 shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) Chinatown Residential Neighborhood Commercial District.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed one square foot per foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined

in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) Chinatown Visitor Retail District.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) Signs on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign

copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated, except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) Chinatown Community Business District, *Eastern Neighborhoods and* South of Market *Mixed Use* Mixed Use Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall,

excluding openings. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) Sign Copy on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the

height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(g) Special Sign Districts. Additional controls apply within certain Mixed Use Districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10 of this Code.

(h) Special Districts for Sign Illumination. Signs in Mixed Use Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this Code.

(1) Broadway District. Along the main commercial frontage of Broadway between Wayne and Osgood.

(i) Other Sign Requirements. Within Mixed Use Districts, the following additional requirements shall apply:

(1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code

and under such conditions as may be imposed by such authorities or posted pursuant to the Police Code.

(2) Maintenance. Every business sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall apply.

(4) Special Standards for Automotive Gas and Service Stations. The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 608.1. NEAR R DISTRICTS.

No general advertising sign, and no other sign exceeding 100 square feet in area, shall be located in an NC, C, M, *PDR, Eastern Neighborhoods Mixed Use District* or South of Market *Mixed Use* District within 100 feet of any R District in such a manner as to be primarily viewed from residentially zoned property or from any street or alley within an R District; any sign of which the face is located parallel to a street property line and lies for its entire width opposite an NC, C, M, *PDR, MUR,* or South of Market SLR District shall be deemed prima facie not to be primarily so viewed. No sign of any size within 100 feet of any R District shall project beyond the street property line or building setback line of any street or alley leading off the main commercial frontage into the R District.

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

(a) The following districts are established for the purpose of implementing the Commerce and Industry element and other elements of the

~~Master~~ *General* Plan, according to the objective and policies stated therein. Description and Purpose Statements outline the main functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in Sections 710.1 through 784 of this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

Neighborhood Commercial General Area Districts	Section Number
NC-1 -- Neighborhood Commercial Cluster District	§ 710
NC-2 -- Small-Scale Neighborhood Commercial District	§ 711
NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
NC-S -- Neighborhood Commercial Shopping Center District	§ 713
NCT-2 Small Scale Neighborhood Commercial Transit District	*§ 734*
NCT-3Moderate-Scale Neighborhood Commercial Transit District	§ 731

Neighborhood Commercial Section	
Individual Area Districts Number	
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717

Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Hayes-Gough Neighborhood Commercial Transit District	§ 720
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
Valencia Street Neighborhood Commercial *Transit* District	§ 726
24th Street-Mission Neighborhood Commercial *Transit* District	§ 727
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729
Inner Sunset Neighborhood Commercial District	§ 730
Upper Market Street Neighborhood Commercial Transit District	§ 732
SoMa Neighborhood Commercial Transit District	*§ 735*
Mission Street Neighborhood Commercial Transit District	*§ 736*

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

Neighborhood Commercial Transit Districts	Section Number
Hayes-Gough Neighborhood Commercial Transit District	§ 720

Valencia Street Neighborhood Commercial Transit District	*§ 726*
24th Street – Mission Neighborhood Commercial Transit District	*§ 727*
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
Upper Market Street Neighborhood Commercial Transit District	§ 732
NCT-2 Small Scale Neighborhood Commercial Transit District	*§ 734*
SoMa Neighborhood Commercial Transit District	*§ 735*
Mission Street Neighborhood Commercial Transit District	*§ 736*

NCT districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street

parking and loading on critical stretches of commercial and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

A use is the specific purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific district is set forth or summarized and cross-referenced in Sections 710.1 through 730.95 of this Code for each district class.

(a) Use Categories. The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

TABLE INSET:

	Section	
	Zoning Control Number	
	Categories of Use	
No.	for Uses Definition	
.24	Outdoor Activity Area	§ 790.70
.25	Drive-Up Facility	§ 790.30
.26	Walk-Up Facility	§ 790.140
.27	Hours of Operation	§ 790.48
.38	Residential Conversion	§ 790.84
.39	Residential Demolition	§ 790.86

.40	Other Retail Sales and Services	§ 790.102
.41	Bar	§ 790.22
.42	Full-Service Restaurant	§ 790.92
.43	Large Fast-Food Restaurant	§ 790.90
.44	Small Self-Service Restaurant	§ 790.91
.45	Liquor Store	§ 790.55
.46	Movie Theater	§ 790.64
.47	Adult Entertainment	§ 790.36
.48	Other Entertainment	§ 790.38
.49	Financial Service	§ 790.110
.50	Limited Financial Service	§ 790.112
.51	Medical Service	§ 790.114
.52	Personal Service	§ 790.116
.53	Business or Professional Service	§ 790.108
.54	Massage Establishment	§ 790.60
.55	Tourist Hotel	§ 790.46
.56	Automobile Parking	§ 790.8
.57	Automotive Gas Station	§ 790.14
.58	Automotive Service Station	§ 790.17
.59	Automotive Repair	§ 790.15
.60	Automotive Wash	§ 790.18

.61	Automobile Sale or Rental	§ 790.12
.62	Animal Hospital	§ 790.6
.63	Ambulance Service	§ 790.2
.64	Mortuary	§ 790.62
.65	Trade Shop	§ 790.124
.66	Storage	§ 790.117
.67	Video Store	§ 790.135
.68	Fringe Financial Service	§ 790.111
.70	Administrative Service	§ 790.106
.80	Hospital or Medical Center	§ 790.44
.81	Other Institutions, Large	§ 790.50
.82	Other Institutions, Small	§ 790.51
.83	Public Use	§ 790.80
.90	Residential Use	§ 790.88
.95	Community Residential Parking	§ 790.10

(b) Use Limitations. The uses permitted in Neighborhood Commercial Districts are either principal, conditional, accessory, or temporary uses as stated in this Section, and include those uses set forth or summarized and cross-referenced in the zoning control categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each district class.

(1) Permitted Uses. All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses

which, when located outside of a building, qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street parking and loading and other uses listed below which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

TABLE INSET:

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

If there are two or more uses in a structure and none is classified below under Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered separately as independent principal, conditional or temporary uses.

(A) Principal Uses. Principal uses are permitted as of right in a Neighborhood Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for each district class.

(B) Conditional Uses. Conditional uses are permitted in a Neighborhood Commercial District when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in Sections 710.10 through 729.95. Conditional uses are subject to the provisions set forth in Sections 178, 179, 303, and 316 through 316.8 of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 790.64, shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as defined in Section 790.102(a), shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) Accessory Uses. Except as prohibited in Section 728 and subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot. Any use which does not qualify as an accessory use shall be classified as a principal or conditional use, unless it qualifies as a temporary use under Sections 205 through 205.2 of this Code.

No use will be considered accessory to a permitted principal or conditional use which involves or requires any of the following:

(i) The use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

(ii) Any bar, restaurant, other entertainment, or any retail establishment which serves liquor for consumption on-site;

(iii) Any take-out food use, as defined in Section 790.122, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a general grocery or specialty grocery store;

(iv) Any take-out food use, as defined in Section 790.122, except for a take-out food use operating as a minor and incidental use within a full-service restaurant;

(v) The wholesaling, manufacturing or processing of foods, goods, or commodities on the premises of an establishment which does not also use or provide for primarily retail sale of such foods, goods or commodities at the same location where such wholesaling, manufacturing or processing takes place.

Except in the SoMa NCT, where these uses are permitted accessory uses.

SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL *TRANSIT* DISTRICT.

The Valencia Street Commercial *Transit* District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and *Cesar Chavez (*Army*)* Street, and includes a portion of 16th Street extending west towards Dolores Street. The commercial area provides a limited

selection of convenience goods for the residents of sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses ~~*and large light manufacturing operations*~~. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new nonretail commercial uses. *Parking is not required, and any new parking is required to be set back or below ground. Active, pedestrian-oriented ground floor uses are required.*

Housing development in new buildings is encouraged above the ground story. *Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls.* Existing residential units are protected by prohibitions on upper-story conversions and

limitations on demolitions, *mergers, and subdivisions. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required.*

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, *263.18,* 270, 271	40-X, 50-X. See Zoning Map. *Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X*
726.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
726.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
726.13 *a*	Street Frontage, *Above-Grade Parking Setback and Active Uses*	*§ 145.1*	~~*Required § 145.1*~~ *Minimum 25 feet on ground floor, 15 feet on floors above § 145.1*

726.13b	*Street Frontage, Required Ground Floor Commercial*	*§ 145.4*	*Requirements apply. See § 145.4*
726.13c	*Street Frontage, Parking and Loading access restrictions*	*§ 155(r)*	*Requirements apply. See § 155(r)*
726.14	Awning	§ 790.20	P§ 136.1(a)
726.15	Canopy	§ 790.26	P § 136.1(b)
726.16	Marquee	§ 790.58	P § 136.1(c)
726.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
726.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
726.21	Use Size *[Non-Residential]*	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
726.22	Off-Street Parking, Commercial/Institutional	§§ 150, *151.1,* 153--157, 159--160, *166,* 204.5	~~*Generally, none required if occupied floor area is less than 5,000 sq. ft.*~~ *None required. Limits set forth in Section 151.1* §§ ~~151, 161(g)~~
726.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
726.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
726.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f) 2
726.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	Valencia Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
726.3~~7~~8	Residential Conversion	§§ 790.84, *207.7*	~~P~~ C		
726.3~~8~~9	Residential Demolition	§§ 790.86, *207.7*	~~P~~ C	C	C

726.39	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
Retail Sales and Services					
726.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		
726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		
726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial	§ 790.112	P		

	Service				
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or Professional Service	§ 790.108	P	C	
726.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, *158.1*, 160, *166*,	C	C	C
726.57	Automotive Gas Station	§ 790.14			
726.58	Automotive Service Station	§ 790.17			
726.59	Automotive Repair	§ 790.15	C		
726.60	Automotive Wash	§ 790.18			
726.61	Automobile Sale or Rental	§ 790.12			

726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	
726.66	Storage	§ 790.117			
726.67	Video Store	§ 790.135	C	C	
726.68	Fringe Financial	§ 790.111	#	#	#
Institutions and Non-Retail Sales and Services					
726.70	Administrative Service	§ 790.106			
726.80	Hospital or Medical Center	§ 790.44			
726.81	Other Institutions, Large	§ 790.50	P	C	C
726.82	Other Institutions, Small	§ 790.51	P	P	P
726.83	Public Use	§ 790.80	C	C	C

726.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
726.90	Residential Use	*§§ 145.4,* 790.88	P, *except NP for frontages listed in 145.4*	P	P
726.91	Residential Density, Dwelling Units	§§ 207, 207.1, *207.4, 207.6,* 790.88(a)	~~*Generally, 1 unit per 400 sq. ft. lot area §207.4*~~ *No density limit.*		
726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	~~*Generally, 1 bedroom per 140 sq. ft. lot area §208*~~ *No density limit.*		
726.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
726.94	Off-Street Parking, Residential	§§ *145.1,* 150, *151.1,* 153--157, 159--160, *166, 167* 204.5	~~*Generally, 1 space for each dwelling unit*~~ *None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1*		
726.95	Community Residential Parking	*§§ 145.1, 151.1(f), 155(r), 166,* 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	**Zoning Controls**
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial *Transit* District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 727.1. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL *TRANSIT* DISTRICT.

The 24th Street -- Mission Neighborhood Commercial *Transit* District is situated in the Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-use district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to a wider trade area. The street has a great number of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the district's bars *and*, restaurants~~, *and movie theater*~~ are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses.

The 24th Street -- Mission *Neighborhood Commercial Transit* District controls are designed to provide potential for new development consistent with the existing scale and character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear yard corridors above the ground story and at residential levels are protected. Most commercial uses are encouraged at the ground story, while service uses are permitted with some limitations at the second story. Special controls are necessary to preserve the unique mix of convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, new bars and fast-food restaurants are prohibited, and limitations apply to the development and operation of ground-story full-service restaurants, take-out food and entertainment uses. Continuous retail frontage is maintained and encouraged by prohibiting most automobile and drive-up uses, banning curb cuts, and requiring *active, pedestrian-oriented ground floor uses. Parking is not required, and any new parking required to be set back or below ground*.

Housing development in new buildings is encouraged above the ground story. *Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls.* Existing housing units are protected by prohibitions on upper-story conversions and limitations on demolitions~~.~~ *, mergers, and subdivisions. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required.*

SEC. 727. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL *TRANSIT* DISTRICT

ZONING CONTROL TABLE

			24th Street -- Mission
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X, 105-E See Zoning Map. *Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X.*
727.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
727.13*a*	Street Frontage, *Above-Grade Parking Setback and Active Uses*	*§ 145.1*	~~*Required § 145.1*~~ *Minimum 25 feet on ground floor, 15 feet on floors above § 145.1*
727.13b	*Street Frontage, Required Ground Floor Commercial*	*§ 145.4*	*Requirements apply. See § 145.4*
727.13c	*Street Frontage, Parking and Loading access restrictions*	*§ 155(r)*	*Requirements apply. See § 155(r)*
727.14	Awning	§ 790.20	P § 136.1(a)

727.15	Canopy	§ 790.26	P § 136.1(b)
727.16	Marquee	§ 790.58	P § 136.1(c)
727.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
727.21	Use Size *[Non-Residential]*	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
727.22	Off-Street Parking, Commercial/Institutional	§§ 150, *151.1,* 153--157, 159--160, *166,* 204.5	~~*Generally, none required if occupied floor area is less than 5,000 sq. ft.*~~ *None required. Limits set forth in Section 151.1* §§ ~~151, 161(g)~~
727.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
727.25	Drive-Up Facility	§ 790.30	
727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2

			(b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
727.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
727.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
727.3~~78~~	Residential Conversion	§§ 790.84, *207.7*	~~P~~ *C*		
727.3~~89~~	Residential Demolition	§§ 790.86, *207.7*	~~P~~ *C*	C	C
726.39	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
Retail Sales and Services					
727.40	Other Retail Sales and Services *[Not Listed Below]*	§ 790.102	P		

727.41	Bar	§ 790.22			
727.42	Full-Service Restaurant	§ 790.92	C		
727.43	Large Fast Food Restaurant	§ 790.90			
727.44	Small Self-Service Restaurant	§ 790.91	C		
727.45	Liquor Store	§ 790.55			
727.46	Movie Theater	§ 790.64	P		
727.47	Adult Entertainment	§ 790.36			
727.48	Other Entertainment	§ 790.38	C		
727.49	Financial Service	§ 790.110	P		
727.50	Limited Financial Service	§ 790.112	P		
727.51	Medical Service	§ 790.114	P	C	
727.52	Personal Service	§ 790.116	P	C	
727.53	Business or	§ 790.108	P	C	

	Professional Service				
727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
727.55	Tourist Hotel	§ 790.46	C	C	
727.56	Automobile Parking	§§ 790.8, *158.1,* 160, *166,*	C	C	C
727.57	Automotive Gas Station	§ 790.14			
727.58	Automotive Service Station	§ 790.17			
727.59	Automotive Repair	§ 790.15	C		
727.60	Automotive Wash	§ 790.18			
727.61	Automobile Sale or Rental	§ 790.12			
727.62	Animal Hospital	§ 790.6	C		
727.63	Ambulance Service	§ 790.2			
727.64	Mortuary	§ 790.62			

727.65	Trade Shop	§ 790.124	P		
727.66	Storage	§ 790.117			
727.67	Video Store	§ 790.135	C		
727.68	Fringe Financial Service	§ 790.111	#	#	#
Institutions and Non-Retail Sales and Services					
727.70	Administrative Service	§ 790.106			
727.80	Hospital or Medical Center	§ 790.44			
727.81	Other Institutions, Large	§ 790.50	P	C	C
727.82	Other Institutions, Small	§ 790.51	P	P	P
727.83	Public Use	§ 790.80	C	C	C
727.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
727.90	Residential Use	*§§ 145.4,* 790.88	P, *except NP for frontages listed in §145.4*	P	P

727.91	Residential Density, Dwelling Units	§§ 207, 207.1, *207.4, 207.6,* 790.88(a)	~~*Generally, 1 unit per 600 sq. ft. lot area §207.4*~~ *No density limit.*		
727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	~~*Generally, 1 bedroom per 210 sq. ft. lot area §208*~~ *No density limit.*		
727.93	Usable Open Space *[Per Residential Unit]*	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
727.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	~~*Generally, 1 space for each dwelling unit*~~ *None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.* §§ 151, 161(a) (g), *166, 167, 145.1*		
727.95	Community Residential Parking	§§ *145.1, 151.1(f), 155(r), 166,* 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 727.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)Boundaries: The FFSRUD and its

		1/4 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial *Transit* District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 734.1. NCT-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT-2 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These Districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The District's form is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit function. Residential parking is not required and generally limited. Commercial establishments are

discouraged from building excessive accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

NCT-2 Districts are intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions.

SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2 ZONING CONTROL TABLE

—			*NCT-2*
No.	*Zoning Category*	*§ References*	*Controls*
BUILDING STANDARDS			

734.10 -	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X
734.11 -	Lot Size [Per Development] -	§§ 790.56, 121.1 -	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
734.12 -	Rear Yard	§§ 130, 134, 136 -	Required at the second story and above and at all residential levels § 134(a) (e)
734.13 -	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply
734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
734.14 -	Awning	§ 790.20	P § 136.1(a)
734.15 -	Canopy	§ 790.26	P § 136.1(b)
734.16 -	Marquee	§ 790.58	P § 136.1(c)

734.17 -	Street Trees	—	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
734.20 -	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) and (b)
734.21 -	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
734.22 -	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
734.23 -	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
734.24 -	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
734.25 -	Drive-Up Facility	§ 790.30	—
734.26 -	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
734.27 -	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
734.30 -	General Advertising Sign	§§ 262, 602--604, 608, 609	NP § 607.1(e)(1)
734.31	Business Sign	§§ 262, 602--604,	P § 607.1(f)(2)

-		608, 609	
734.32 -	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c),(d),(g)

No.	Zoning Category -	§ References -	NCT-2 Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37 -	Residential Conversion	§§ 790.84, 207.7	C	C	—
734.38 -	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
734.40 -	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	—
734.41 -	Bar	§ 790.22	P	—	—
734.42 -	Full-Service Restaurant	§ 790.92	P	—	—
734.43 -	Large Fast Food Restaurant	§ 790.90	C	—	—
734.44 -	Small Self-Service	§ 790.91	P	—	—

	Restaurant				
734.45 -	*Liquor Store*	*§ 790.55*	*P*	—	—
734.46 -	*Movie Theater*	*§ 790.64*	*P*	—	—
734.47 -	*Adult Entertainment*	*§ 790.36*	—	—	—
734.48 -	*Other Entertainment*	*§ 790.38*	*P*	—	—
734.49 -	*Financial Service*	*§ 790.110*	*P*	*C*	—
734.50 -	*Limited Financial Service*	*§ 790.112*	*P*	—	—
734.51 -	*Medical Service*	*§ 790.114*	*P*	*P*	—
734.52 -	*Personal Service* -	*§ 790.116*	*P*	*P*	—
734.53 -	*Business or Professional Service*	*§ 790.108*	*P*	*P*	—
734.54 -	*Massage Establishment*	*§ 790.60, § 1900 Health Code*	*C*	—	—
734.55 -	*Tourist Hotel*	*§ 790.46*	*C*	*C*	*C*
734.56 -	*Automobile Parking*	*§§ 790.8, 156, 160*	*C*	*C*	*C*

734.57 -	Automotive Gas Station	§ 790.14	C	—	—
734.58 -	Automotive Service Station	§ 790.17	C	—	—
734.59 -	Automotive Repair	§ 790.15	C	—	—
734.60 -	Automotive Wash	§ 790.18	—	—	—
734.61 -	Automobile Sale or Rental	§ 790.12	—	—	—
734.62 -	Animal Hospital -	§ 790.6	C	—	—
734.63 -	Ambulance Service	§ 790.2	—	—	—
734.64 -	Mortuary	§ 790.62	—	—	—
734.65 -	Trade Shop	§ 790.124	P	C	—
734.66 -	Storage	§ 790.117	—	—	—
734.67 -	Video Store	§ 790.135	C	C	—
Institutions and Non-Retail Sales and Services					
734.70 -	Administrative Service	§ 790.106	—	—	—
734.80	Hospital or	§ 790.44	—	—	—

-	*Medical Center*				
734.81 -	*Other Institutions, Large*	*§ 790.50*	*P*	*C*	*C*
734.82 -	*Other Institutions, Small*	*§ 790.51*	*P*	*P*	*P*
734.83 -	*Public Use*	*§ 790.80*	*C*	*C*	*C*
734.84 -	*Medical Cannabis Dispensary*	*§ 790.141*	*P #*	—	—
RESIDENTIAL STANDARDS AND USES					
734.90 -	*Residential Use*	*§ 790.88*	*P, except C for frontages listed in 145.4*	*P*	*P*
734.91 -	*Residential Density, Dwelling Units*	*§§ 207, 207.1, 790.88(a)*	*No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207.4, 207.6*		
734.92 -	*Residential Density, Group Housing*	*§§ 207.1, 790.88(b)*	*No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space,*		

			exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. *§ 208*		
734.93 -	*Usable Open Space [Per Residential Unit]* —	*§§ 135, 136* -	*Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)*		
734.94 -	*Off-Street Parking, Residential*	*§§ 150, 153--157, 159--160, 204.5*	*None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.. §§ 151.1, 166, 167, 145.1*		
734.95 -	*Community Residential Parking*	*§ 790.10*	*C*	*C*	*C*

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

TABLE INSET:

Article 7 Code Section	*Other Code Section*	*Zoning Controls*
§§ 734.84, 790.141	*Health Code § 3308*	*Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.*

SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the 6th Street and Folsom Street corridors in the South of Market. The commercial area provides a limited selection of convenience goods for the residents of the South of Market. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving commercial development is required at the ground story, curb cuts are prohibited and ground floor transparency and fenestration adds to the activation of the ground story. While offices and general retail sales uses may locate on the second story or above of new buildings, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-ground parking is required to be setback or below ground. Active, pedestrian-oriented ground floor uses are required.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot or by density controls, but by bedroom counts. Given the area's central location and accessibility to the City's transit network, parking for residential and commercial uses is not required.

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

—			SOMA
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
735.10 -	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	See Zoning Map.
735.11 -	Lot Size [Per Development]	§§ 790.56, 121.1 -	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
735.12 -	Rear Yard	§§ 130, 134, 136 -	Required at the second story and above and at all residential levels § 134(a),(e)
735.13 -	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4 -
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply
735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
735.14 -	Awning	§ 790.20	P § 136.1(a)
735.15 -	Canopy	§ 790.26	P § 136.1(b)

735.16 -	Marquee	§ 790.58	P § 136.1(c)
735.17 -	Street Trees	—	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
735.20 -	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a), (b)
735.21 -	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
735.22 -	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1.
735.23 -	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
735.24 -	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
735.25 -	Drive-Up Facility	§ 790.30	—
735.26 -	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
735.27 -	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
735.30 -	General Advertising Sign	§§ 262, 602--604, 608, 609	NP § 607.1(e)(1)

735.31 -	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)(2)
735.32 -	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c), (d), (g)

No.	Zoning Category	§ References	SoMa Controls by Story		
		§ 790.118	1st	2nd -	3rd+
735.37 -	Residential Conversion -	§§ 790.84, 207.7	C	C	—
735.38 -	Residential Demolition -	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
735.40 -	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	—
735.41 -	Bar	§ 790.22	C	—	—
735.42 -	Full-Service Restaurant -	§ 790.92	P	—	—
735.43 -	Large Fast Food Restaurant	§ 790.90	C	—	—
735.44 -	Small Self-Service Restaurant	§ 790.91	P	—	—

735.45 -	Liquor Store	§ 790.55	C	—	—
735.46 -	Movie Theater	§ 790.64	P	—	—
735.47 -	Adult Entertainment	§ 790.36	—	—	—
735.48 -	Other Entertainment	§ 790.38	NP	—	—
735.49 -	Financial Service	§ 790.110	P	C	—
735.50 -	Limited Financial Service	§ 790.112	P	—	—
735.51 -	Medical Service	§ 790.114	P	P	—
735.52 -	Personal Service	§ 790.116	P	P	—
735.53 -	Business or Professional Service	§ 790.108	P	P	—
735.54 -	Massage Establishment -	§ 790.60, § 1900 Health Code	C	—	—
735.55 -	Tourist Hotel	§ 790.46	C	C	C
735.56 -	Automobile Parking	§§ 790.8, 156, 160	C	C	C
735.57 -	Automotive Gas Station -	§ 790.14	C	—	—

735.58 -	Automotive Service Station	§ 790.17	C	—	—
735.59 -	Automotive Repair	§ 790.15	C	—	—
735.60 -	Automotive Wash	§ 790.18	—	—	—
735.61 -	Automobile Sale or Rental	§ 790.12	—	—	—
735.62 -	Animal Hospital	§ 790.6	C	—	—
735.63 -	Ambulance Service	§ 790.2	—	—	—
735.64 -	Mortuary	§ 790.62	—	—	—
735.65 -	Trade Shop	§ 790.124	P	C	—
735.66 -	Storage	§ 790.117	—	—	—
735.67 -	Video Store	§ 790.135	P	P	—
Institutions and Non-Retail Sales and Services					
735.70 -	Administrative Service	§ 790.106	—	—	—
735.80 -	Hospital or Medical Center	§ 790.44	—	—	—
735.81	Assembly and Social	§ 790.50(a)	P	P	P

	Service				
735.82 -	*Other Institutions, Large, except Assembly and Social Service*	*§ 790.50(b) – (e)*	*C*	*C*	*C*
735.83 -	*Other Institutions, Small*	*§ 790.51*	*P*	*P*	*P*
735.84 -	*Public Use*	*§ 790.80*	*P*	*P*	*P*
735.85 -	*Medical Cannabis Dispensary*	*§ 790.141*	*P #*	—	—
RESIDENTIAL STANDARDS AND USES					
735.90 -	*Residential Use*	*§ 790.88*	*P, except C for frontages listed in 145.4*	*P*	*P*
735.90A	*Single-Room Occupancy (SRO) Unit*	*§ 890.88*	*P*	*P*	*P*
735.91 -	*Residential Density, Dwelling Units*	*§§ 207, 207.1, 790.88(a)*	*No density limit.*		
735.92 -	*Residential Density, Group Housing*	*§§ 207.1, 790.88(b)*	*No density limit*		
735.93 -	*Usable Open Space [Per Residential Unit]* -	*§§ 135, 136*	*Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)*		
735.94 -	*Off-Street Parking, Residential*	*§§ 150, 153--157, 159--160, 204.5*	*None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1*		

735.95 -	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§§ 735.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10 p.m.

SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Mission Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and Cesar Chavez Street. The commercial area of this District provides a selection of goods serving the day-to-day needs of the residents of the Mission District. Additionally, this District serves a wider trade area with its specialized retail outlets. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours.

The District is extremely well-served by transit, including regional-serving BART stations at 16th Street and 24th Street, major buses running along Mission Street, and both cross-town and local-serving buses intersecting Mission along the length of this district. Given the area's central location and accessibility to the City's transit network, accessory

parking for residential uses is not required. Any new parking is required to be set back or be below ground.

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions.

SEC. 736 MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

—			*Mission Street*
No.	*Zoning Category*	*§ References*	*Controls*
BUILDING STANDARDS			
736.10 -	*Height and Bulk Limit*	*§§ 102.12, 105, 106, 250-252, 260, 261.1,263.18, 270, 271*	*Varies See Zoning Map Height Sculpting on*

			Alleys; § 261.1 *Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18*
736.11 -	*Lot Size [Per Development]* -	*§§790.56, 121.1*	*P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1*
736.12 -	*Rear Yard*	*§§130, 134, 136*	*Required at residential levels only §134(a)(e)*
736.13 -	*Street Frontage*	-	*Required § 145.1*
736.13a	*Street Frontage, Above-Grade Parking Setback and Active Uses*		*Minimum 25 feet on ground floor, 15 feet on floors above* *§ 145.1(c), (e)*
736.13b	*Street Frontage, Required Ground Floor Commercial*		*Required along Mission St. § 145.1(d)*
736.13c	*Street Frontage, Parking and Loading access restrictions*		*NP along Mission St.* *§ 155(r)*
736.14 -	*Awning*	*§ 790.20*	*P* *§ 136.1(a)*
736.15 -	*Canopy*	*§ 790.26*	*P* *§ 136.1(b)*

736.16 -	Marquee	§ 790.58	P § 136.1(c)
736.17 -	Street Trees	-	Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
736.20 -	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
736.21 -	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
736.22 -	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1 §§ 151.1, 166, 145.1
736.23 -	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
736.24 -	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
736.25 -	Drive-Up Facility	§ 790.30	NP
736.26 -	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)

736.27 -	Hours of Operation	§ 790.48	No Limit
736.30 -	General Advertising Sign	§§ 262, 602-604, 608, 609	P § 607.1(e)2
736.31 -	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f)3
736.32 -	Other Signs	§§ 262, 602-604, 608, 609	P § 607.1(c),(d),(g)

No.	Zoning Category -	§ References -	Mission Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
736.37	Residential Conversion	§§ 790.84, 207.7	C	C	C
736.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
736.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	P
736.41	Bar	§ 790.22	P	P	-
736.42	Full-Service Restaurant	§ 790.92	P	P	-

736.43	Large Fast Food Restaurant	§ 790.90	-	-	-
736.44	Small Self-Service Restaurant	§ 790.91	C	-	-
736.45	Liquor Store	§ 790.55	-	-	-
736.46	Movie Theater	§ 790.64	P	P	-
736.47	Adult Entertainment	§ 790.36	C	C	-
736.48	Other Entertainment	§ 790.38	P	P	-
736.49	Financial Service	§ 790.110	P	P	-
736.50	Limited Financial Service	§ 790.112	P	P	-
736.51	Medical Service -	§ 790.114	P	P	P
736.52	Personal Service -	§ 790.116	P	P	P
736.53	Business or Professional Service	§ 790.108	P	P	P
736.54	Massage Establishment	§ 790.60, § 2700 Police Code	C	C	-
736.55	Tourist Hotel	§ 790.46	C	C	C

736.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	NP	NP	NP
736.57	Automotive Gas Station	§ 790.14	C	-	-
736.58	Automotive Service Station	§ 790.17	C	-	-
736.59	Automotive Repair	§ 790.15	C	C	-
736.60	Automotive Wash	§ 790.18	C	-	-
736.61	Automobile Sale or Rental	§ 790.12	C	-	-
736.62	Animal Hospital -	§ 790.6	C	C	-
736.63	Ambulance Service	§ 790.2	C	-	-
736.64	Mortuary	§ 790.62	C	C	C
736.65	Trade Shop	§ 790.124	P	C	C
736.66	Storage	§ 790.117	NP	NP	NP
736.67	Video Store	§ 790.135	C	C	C
736.68	Fringe Financial	§ 790.111	#	#	#
Institutions and Non-Retail Sales and Services					
736.70	Administrative Service	§ 790.106	C	C	C
736.80	Hospital or	§ 790.44	C	C	C

	Medical Center				
736.81	*Other Institutions, Large*	*§ 790.50*	*P*	*P*	*P*
736.82	*Other Institutions, Small*	*§ 790.51*	*P*	*P*	*P*
736.83	*Public Use*	*§ 790.80*	*C*	*C*	*C*
736.84	*Medical Cannabis Dispensary*	*§ 790.141*	*P #*	-	-
RESIDENTIAL STANDARDS AND USES					
736.90	*Residential Use*	*§ 790.88*	*P, except C for frontages listed in 145.4*	*P*	*P*
~~736.90A~~	~~Single Room Occupancy (SRO) Unit~~	~~§ 890.88~~	~~P~~	~~P~~	~~P~~
736.91	*Residential Density, Dwelling Units*	*§§ 207, 207.1, 790.88(a)*	*No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6*		

736.92	*Residential Density, Group Housing*	*§§ 207.1, 790.88(b)*	*No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.* *§ 208*		
736.93	*Usable Open Space [Per Residential Unit]*	*§§ 135, 136*	*Generally, either 80 sq. ft. if private, or 100 sq. ft. if common* *§ 135(d)*		
736.94	*Off-Street Parking, Residential*	*§§ 150, 151.1, 153-157, 159-160, 204.5*	*None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.* *§§ 151.1, 166, 167, 145.1*		
736.95	*Community Residential Parking*	*§ 790.10, 145.1, 166*	*C*	*C*	*C*

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

Article 7 Code Section	*Other Code Section*	*Zoning Controls*
§ 72~~6~~36.68	*§ 249.35*	*FRINGE FINANCIAL SERVICE RESTRICTED*

		USE DISTRICT (FFSRUD). Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 736.84 *§ 790.141*	*Health Code § 3308*	*Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.*

SEC. 801.1. PURPOSE OF ARTICLE 8.

This Article is intended to provide a comprehensive and flexible zoning system for Mixed Use Districts which is consistent with the objectives and policies set forth in the San Francisco ~~*Master*~~ *General* Plan. More specifically, the purposes of this Article are:

(a) To provide in one article a complete listing of or cross-reference to all of the zoning categories, definitions, control provisions, and review procedures which are applicable to properties or uses in Mixed Use Districts ~~*in the vicinity of Downtown*~~;

(b) To establish a zoning system which will accommodate all classes of Mixed Use Districts including individual districts which are tailored to the unique characteristics of specific areas;

(c) To provide zoning control categories which embrace the full range of land use issues in *mixed-use* neighborhoods ~~*in the vicinity of Downtown*~~, in order that controls can be applied individually to each district to address particular land use concerns in that district.

SEC. 802.1. MIXED USE DISTRICTS.

The following districts are established for the purpose of implementing the Residence Element, the Commerce and Industry Element, the Downtown Plan, the Chinatown Plan, the Rincon Hill Plan, ~~*and*~~ the South of Market Plan, *the East SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, and the Central Waterfront Plan,* all of which are parts of the ~~*Master*~~ *General* Plan. Description and Purpose Statements outline the main functions of each Mixed Use District in this Article, supplementing the statements of purpose contained in Section 101 of this Code.

Description and purpose statements applicable to each district are set forth in Sections 810 through *843* ~~*820*~~ of this Code. The boundaries of the various Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of that Section. The following Districts are hereby established as Mixed Use Districts.

Districts	Section Number
Chinatown -- Community Business District	§ 810
Chinatown -- Visitor Retail District	§ 811
Chinatown -- Residential Neighborhood Commercial	§ 812

District	
RED -- Residential Enclave District	§ 813
SPD – South Park District	§ 814
RSD -- Residential/Service District	§ 815
SLR -- Service/Light Industrial/ Residential District	§ 816
SLI – Service/Light Industrial District	§ 817
SSO -- Service/Secondary Office District	§ 818
RH-DTR -- Rincon Hill Downtown Residential District	§ 827
SB-DTR – South Beach Downtown Residential District	*§ 829*
MUG -- Mixed Use-General District	*§ 840*
MUR -- Mixed Use-Residential District	*§ 841*
MUO -- Mixed Use-Office District	*§ 842*
UMU -- Urban Mixed Use District	*§ 843*

SEC. 802.3. CHINATOWN MIXED USE DISTRICTS.

Throughout the Planning Code, the term "Chinatown Mixed Use Districts" refers to the following districts: Chinatown Community Business (CCB), Chinatown Visitor Retail (CVR), and Chinatown Residential/Neighborhood Commercial (CNRC).

SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

Throughout the Planning Code, the term "Eastern Neighborhoods Mixed Use Districts" refers to the following districts: Mixed Use – General (MUG), Mixed Use –

Office (MUO), Mixed Use – Residential (MUR), South Park District (SPD), and Urban Mixed Use (UMU).

SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.

Throughout the Planning Code, the term "South of Market Mixed Use Districts" refers to the following districts: Residential Enclave District (RED), Residential/Service District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR), and Service/Secondary Office (SSO).

SEC. 802.6. DOWNTOWN RESIDENTIAL DISTRICTS

Throughout the Planning Code, the term "Downtown Residential Districts" or "DTR Districts" refers to the following districts: Rincon Hill Downtown Residential District (RH-DTR) and South Beach Downtown Residential District (SB-DTR).

SEC. 803. MIXED USE DISTRICT REQUIREMENTS.

The Mixed Use District zoning control categories are listed in Sections 803.2, 803.3 and 825.1 of this Code. Related building standards and permitted uses are generally stated, summarized or cross-referenced in those Sections or Sections 810.1 through 819 and 827 *through 843* of this Code, for each of the district classes listed in Section 802.1, or referenced in Section 899 of this Code.

SEC. 803.3. USES PERMITTED IN *EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND* SOUTH OF MARKET USE *MIXED USE* DISTRICTS.

(a) **Use Categories**. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific *Eastern Neighborhood Mixed Use District and* South of Market *Mixed Use* District is generally set forth, summarized or cross-referenced

in Sections 813.3 through 818 *and 840 through 843* of this Code for each district class.

(b) **Use Limitations**. Uses in *Eastern Neighborhood Mixed Use Districts and* South of Market *Mixed Use* Districts are either permitted, conditional, accessory, temporary or are not permitted.

(1) **Permitted Uses**. If there are two or more uses in a structure, any use not classified below under Section 803.3(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) **Principal Uses**. Principal uses are permitted as of right in a*n* *Eastern Neighborhood Mixed Use District and* South of Market *Mixed Use* ~~d~~*D*istrict, when so indicated in Sections 813 through 818 *and 840 through 843* of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 *through 803.9* and other applicable provisions of this Code.

(B) **Conditional Uses**. Conditional uses are permitted in a*n* *Eastern Neighborhoods Mixed Use District and* South of Market *Mixed Use* ~~d~~*D*istrict, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Sections 813 through 818 *and 840 through 843* of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 *through 803.9* of this Code.

(i) An establishment which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by Section 229.

(ii) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(iii) Notwithstanding any other provision of this Article, a change in use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as further defined in Section 790.102(a), shall require conditional use authorization. This Subsection shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) **Accessory Uses**. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a*n Eastern Neighborhoods Mixed Use District and* South of Market *Mixed Use* ~~d~~District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use; *and* (2) the multiple locations existed on April 6, 1990 (the effective date of this amendment)~~; and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment~~. *Accessory uses to non-office uses (as defined*

in Section 890.70) may occupy space which is non-contiguous or on a different story as the principal use so long as the accessory use is located in the same building as the principal use and complies with all other restrictions applicable to such accessory uses. Any use which does not qualify as an accessory use shall be classified as a principal use.

No use will be considered accessory to a principal use which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 157 of this Code;

(ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR, SLI, ~~or~~ SSO, *DTR, MUG, MUR, MUO, or UMU* District;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty food store.

(iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

(D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in *Eastern Neighborhoods Mixed Use Districts and* South of Market

Mixed Use Districts to the extent authorized by Sections 205 through 205.3 of this Code.

SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET *AND EASTERN NEIGHBORHOODS MIXED USE* DISTRICTS.

(a) Uses which are not specifically listed in this Article or Article 6 are not permitted *in South of Market Mixed Use Districts* unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code. Uses not permitted in any South of Market District include, but are not limited to, the following: Adult entertainment, bookstore or theater; amusement game arcade or similar enterprise; shooting gallery; general advertising signs, except in the South of Market General Advertising Special Sign District; animal kennel, riding academy or livery stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as permitted as a conditional use as provided in Planning Code Section 818, Service/Secondary Office District), motel, hostel, inn, or bed and breakfast establishment; heavy industry subject to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft; massage establishment subject to Section 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

(b) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a South of Market District *or Eastern Neighborhood Mixed Use District* which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes,

smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(c) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

SEC. 803.5. ***GOOD NEIGHBOR POLICIES*** ~~***ADDITIONAL PROVISIONS***~~ **GOVERNING USES IN MIXED USE DISTRICTS.**

(a) **Bars and Restaurants in the** ***Eastern Neighborhoods Mixed Use Districts and*** **South of Market** ***Mixed Use*** **Districts.** Within the *Eastern Neighborhoods Mixed Use Districts and* South of Market *Mixed Use* Districts, bars and restaurants, permitted pursuant to ~~*zoning categories .32, .33 and .35 of*~~ Sections 813 through 818, *and 840 through 843* of this Code, shall not be allowed except on conditions which, in the judgment of the City agency, board or commission which last exercises jurisdiction to apply this Code to a proposed such use, are reasonably calculated to insure that: (1) the quiet, safety and cleanliness of the premises and its adjacent area are maintained; (2) adequate off-street parking is provided, for which purpose the agency, board or commission may require parking in excess of that required under the provisions of Section 150(c) of this Code and may include participation in a South of Market Parking Management Program if and when such a program exists (3) proper and adequate storage and disposal of debris and garbage is provided; (4) noise and odors are contained within the premises so as not to be a nuisance to neighbors; and (5) sufficient toilet facilities are made accessible to patrons, including persons waiting to enter the establishment.

~~*(b) Demolition or Conversion of Group Housing or Dwelling Units in South of Market Districts. Demolition, or conversion to any other use, of a group housing unit or dwelling unit or any portion thereof, in any South of Market District shall be allowed only subject to Section 233(a) and only if approved as a conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other provision of this Code. This provision shall extend to any premises whose current use is, or last use prior to a proposed conversion or demolition was, in fact as a group housing unit or dwelling unit as well as any premises whose legal use as shown in the records of the Bureau of Building Inspection is that of a group housing or dwelling unit.*~~

~~*(c) Preservation of Landmark Buildings, Significant or Contributory Buildings Within the Extended Preservation District and/or Contributory Buildings Within Designated Historic Districts within the South of Market Base District. Within the South of Market Base District, any use which is permitted as a principal or conditional use within the SSO District, excluding nighttime entertainment use, may be permitted as a conditional use in (a) a landmark building located outside a designated historic district, (b) a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code and located within the Extended Preservation District. For all such buildings the following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and (3) the landmark, significant or contributory building will be made to conform with the San Francisco*~~

~~*Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.*~~

~~*A contributory building which is in a designated historic district outside the SSO District may be converted to any use which is a principal use within the SSO District provided that: (1) such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior to the issuance of any necessary permits the Zoning Administrator (a) determines that allowing the use will enhance the feasibility of preserving the contributory building; and (b) the contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.*~~

~~*(d) Automated Bank Teller Machines Within South of Market Districts. All automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources and shall be set back three feet from the front property line.*~~

~~*(e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other open air sales of new or used merchandise except vehicles, within South of Market Districts, where permitted, shall be subject to the following requirements: (1) the sale of goods and the presence of booths or other accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided on site and adequately maintained; and (3) the site and vicinity shall be maintained free of trash and debris.*~~

~~*(f) Low-Income Affordable Housing Within the Service/Light Industrial District. Dwelling units may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316 and 817.14 of this Code provided that such dwellings units shall be*~~

~~*rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.*~~

~~*(1) "Affordable to a household" shall mean a purchase price that a lower income household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10 percent down payment, and available financing, or a rent that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of the combined annual net income.*~~

~~*(2) The size of the dwelling unit shall determine the size of the household in order to calculate purchase price or rent affordable to a household, as follows:*~~

~~*(A) For a one-bedroom unit, a household of two persons;*~~

~~*(B) For a two-bedroom unit, a household of three persons;*~~

~~*(C) For a three-bedroom unit, a household of four persons;*~~

~~*(D) For a four-bedroom unit, a household of five persons.*~~

~~*(3) No conditional use permit will be approved pursuant to this Subsection 803.5(f) unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.*~~

~~*(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit an annual enforcement report to the City, along with a fee whose amount shall be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The annual report shall provide information regarding rents, mortgage payments, sales price*~~

~~*and other housing costs, annual household income, size of household in each dwelling unit, and any other information the City may require to fulfill the intent of this Subsection.*~~

(*bg*) **Good Neighbor Policies for Nighttime Entertainment Activities in *Eastern Neighborhoods Mixed Use Districts,* South of Market *Mixed Use Districts* and Downtown Residential Districts**. Within *Eastern Neighborhoods Mixed Use Districts,* South of Market *Mixed Use Districts,* and Downtown Residential Districts where nighttime entertainment activities, as defined by Section 102.17 of this Code, are permitted as a principal or conditional use shall not be allowed except on conditions which, in the judgment of the Zoning Administrator or City Planning Commission, as applicable, are reasonably calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not be limited to, the following:

(1) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and

(2) Employees of the establishment shall be posted at all the entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those existing in the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area; and

(3) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the

following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and

(4) Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment; and

(5) The establishment shall provide outside lighting in a manner than would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and

(6) The establishment shall provide adequate parking for patrons free of charge or at a rate or manner that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed to advertise the availability and location of such parking resources for establishment patrons; and

(7) The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises; and

(8) Any indoor and/or outdoor activity allowed as a principal or conditional use and located within 100 feet of a residential or live/work unit shall, during the period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the acceptable noise levels established for residential uses by the San Francisco Noise Ordinance; and

(9) The establishment shall implement other conditions and/or management practices, including the prohibition of dancing to recorded music (disco dancing), as determined by the Zoning Administrator, in consultation with Police Department and other appropriate public agencies, to be necessary to

insure that management and/or patrons of the establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

(*ch*) **Good Neighbor Policies for Programs Serving Indigent Transient and Homeless Populations Within the *Eastern Neighborhoods Mixed Use Districts and* South of Market *Mixed Use* Districts**. Within the *Eastern Neighborhoods Mixed Use Districts and* South of Market *Mixed Use* Districts where social service and shelter/housing programs serving indigent transient and/or homeless populations are allowed as a Conditional Use pursuant to Sections 813.15 through *816.15* *843.15* (Group Housing) and Sections 813.21 through *818.21* *843.21* (Social Services), some or all of the following conditions shall, when appropriate for specific cases, be placed upon any applicable City permits for the proposed establishment:

(1) Service providers shall maintain sufficient monetary resources to enable them to satisfy the following "good neighbor" conditions and shall demonstrate to the Department prior to approval of the conditional use application that such funds shall be available for use upon first occupancy of the proposed project and shall be available for the life of the project; and

(2) Representatives of the Southern, *Mission, and Bayview* Stations of the San Francisco Police Department shall be apprised of the proposed project in a timely fashion so that the Department may respond to any concerns they may have regarding the proposed project, including the effect the project may have on Department resources; and

(3) Service providers shall provide adequate waiting areas within the premises for clients and prospective clients such that sidewalks are not used as queuing or waiting areas; and

(4) Service providers shall provide sufficient numbers of male and female toilets/restrooms for clients and prospective clients to have access to use on a 24-hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings; and

(5) Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment; and

(6) Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where s/he may seek similar services; and

(7) Service providers shall maintain the side-walks in the vicinity in a clean and sanitary condition and, when necessary, shall steam clean the sidewalks within the vicinity of the project. Employees or volunteers of the project shall walk a 100-foot radius from the premises each morning or evening and shall pick up and properly dispose of any discarded beverage and/or food containers, clothing, and any other trash which may have been left by clients; and

(8) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging clients leaving the premises and

neighborhood to do so in a quiet, peaceful and orderly fashion and to please not loiter or litter; and

(9) Service providers shall provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises; and

(10) The establishment shall implement other conditions and/or measures as determined by the Zoning Administrator, in consultation with other City agencies and neighborhood groups, to be necessary to insure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

~~*(i) Housing Requirement in the Residential/Service District.*~~

~~*(1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28, 815.30, 815.31 through 815.47, and 815.59 through 815.65 of this Code shall be permitted in new construction in the Residential/Service District only if the ratio between the amount of occupied floor area for residential use to the amount of occupied floor area of the above-referenced nonresidential use is three to one or greater.*~~

~~*(2) Means of Satisfying the Housing Requirement. (A) Live/work units may satisfy the residential requirement pursuant to this Subsection and, when applicable, shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to $30 per square foot of residential space required by this Subsection and not provided on-site payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing; or (C) The residential space requirement may be satisfied by providing the required residential space elsewhere within the South*~~

~~of Market Base District where housing is permitted or conditional and is approved as a conditional use.~~

~~(j) Legal and Government Office Uses in the Vicinity of the Hall of Justice. Within an approximately 300 foot radius of the 800 Bryant Street entrance to the Hall of Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the offices of attorneys, bail and services, government agencies, union halls, and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed on the property limiting office activities to uses permitted by this Subsection.~~

~~(k) Work Space of Design Professionals. The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions: (1) The occupied floor area devoted to this use per building is limited to the third story or above; (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment; (3) The space within the building subject to this provision has not been in residential use within a legal dwelling unit at any time within a five-year period prior to application for conversion under this Subsection; and (4) The owner(s) of the building comply with the following enforcement and monitoring procedures: (i) The owner(s) of any building with work space devoted to design professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~

~~*report shall provide information regarding occupants of such space, the amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for design professionals authorized by this Subsection.*~~

SEC. 803.6. FORMULA RETAIL USES IN THE *MUG DISTRICT, UMU DISTRICT, AND THE* WESTERN SOMA PLANNING AREA SPECIAL USE DISTRICT.

(a) **Findings**.

(1) San Francisco is a City of diverse and distinct neighborhoods identified in large part by the character of their commercial areas.

(2) San Francisco needs to protect its vibrant small business sector and create a supportive environment for new small business innovations. One of the eight Priority Policies of the City's General Plan resolves that "existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced."

(3) Retail uses are the land uses most critical to the success of the City's commercial districts.

(4) Formula retail businesses are increasing in number in San Francisco, as they are in cities and towns across the country.

(5) Money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than the money earned by formula retail businesses which often have corporate offices and vendors located outside of San Francisco.

(6) Formula retail businesses can have a competitive advantage over independent operators because they are typically better capitalized and can absorb larger startup costs, pay more for lease space, and commit to longer lease contracts. This can put pressure on existing businesses and potentially price out new startup independent businesses.

(7) San Francisco is one of a very few major urban centers in the State in which housing, shops, work places, schools, parks and civic facilities intimately co-exist to create strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and the City's mix of architecture contributes to a strong sense of neighborhood community within the larger City community.

(8) Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula retail businesses can detract from the distinctive character of certain neighborhood commercial districts.

(9) The increase of formula retail businesses in the City's neighborhood commercial areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with distinct neighborhood retailing personalities comprised of

a mix of businesses. Specifically, the unregulated and unmonitored establishment of additional formula retail uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards national retailers in lieu of local or regional retailers, thereby decreasing the diversity of merchandise available to residents and visitors and the diversity of purveyors of merchandise.

(b) **Formula Retail Uses; Permitted as a Conditional Use**. Formula retail uses are permitted in the *MUG, UMU, and the* Western SoMa Planning Area Special Use District only as a conditional use.

(c) **Formula Retail Use Defined**. Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Decor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.

(6) Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(8) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(9) "Retail sales activity or retail sales establishment" shall include the following uses, as defined in Article 8 of this Code: "bar," "drive-up facility," "eating and drinking use," "restaurant, large fast-food," "restaurant, small fast-food," "restaurant, full-service," "sales and services, other retail," "sales and services, nonretail," "movie theater," "amusement game arcade," and "take-out food."

(d) **Determination of Formula Retail Use**. If the City determines that a building permit application or building permit subject to this section of the Code is for a "formula retail use," the building permit applicant or holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail use."

(e) **Permit Application Processing.** After the effective date of this Ordinance, any building permit application determined by the City to be for a "formula retail use" that does not identify the use as a "formula retail use" is incomplete and cannot be processed until the omission is corrected.

SEC. 803.8 HOUSING IN MIXED USE DISTRICTS.

*(a) **Demolition or Conversion of Group Housing or Dwelling Units in South of Market Mixed Use Districts**. Demolition, or conversion to any other use, of a group housing unit or dwelling unit or any portion thereof, in any South of Market Mixed Use District shall be allowed only subject to Section 233(a) and only if approved as a conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other provision of this Code. This provision shall extend to any premises whose current use is, or last use prior to a proposed conversion or demolition was, in fact as a group housing unit or dwelling unit as well as any premises whose legal use as shown in the records of the Bureau of Building Inspection is that of a group housing or dwelling unit.*

*(b) **Low-Income Affordable Housing Within the Service/Light Industrial District**. Dwelling units* and SRO units *may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316,* 817.14, *and 817.16 of this Code provided that such dwellings units shall be rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.*

(1) "Affordable to a household" shall mean a purchase price that a lower income household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10-percent down payment, and

available financing, or a rent that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of the combined annual net income.

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

(A) For a one-bedroom unit, a household of two persons;

(B) For a two-bedroom unit, a household of three persons;

(C) For a three-bedroom unit, a household of four persons;

(D) For a four-bedroom unit, a household of five persons.

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

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

(c) ***Housing Requirement in the Residential/Service Distric****t.*

(1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28, 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in new construction in the Residential/Service District only if the ratio between

the amount of occupied floor area for residential use to the amount of occupied floor area of the above-referenced nonresidential use is three to one or greater.

(2) Means of Satisfying the Housing Requirement. (A) Live/work units may satisfy the residential requirement pursuant to this Subsection and, when applicable, shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to $30 per square foot of residential space required by this Subsection and not provided on-site payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing; or (C) The residential space requirement may be satisfied by providing the required residential space elsewhere within the South of Market Mixed Use District where housing is permitted or conditional and is approved as a conditional use.

(d) Housing Requirement in the Mixed Use – Residential (MUR) District.

In the MUR District, three square feet of gross floor area for residential use is required for every one gross square foot of permitted nonresidential use, subject to Section 841 of this Code.

SEC. 803.9 COMMERCIAL USES IN MIXED USE DISTRICTS.

(a) Preservation of Landmark Buildings, Significant or Contributory Buildings Within the Extended Preservation District and/or Contributory Buildings Within Designated Historic Districts within the South of Market Mixed Use Districts.

Within the South of Market Mixed Use District, any use which is permitted as a principal or conditional use within the SSO District, excluding nighttime entertainment use, may be permitted as a conditional use in (a) a landmark building located outside a designated historic district, (b) a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is

located outside the SSO District yet within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code and located within the Extended Preservation District. For all such buildings the following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

A contributory building which is in a designated historic district outside the SSO District may be converted to any use which is a principal use within the SSO District provided that: (1) such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior to the issuance of any necessary permits the Zoning Administrator (a) determines that allowing the use will enhance the feasibility of preserving the contributory building; and (b) the contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.

(b) ***Preservation of Historic Buildings within the MUG, MUO, and MUR Districts.*** *The following controls are intended to support the economic viability of buildings of historic importance within the MUG, MUO, and MUR Districts.*

(1) This subsection applies only to buildings that are a designated landmark building or a contributory building within a designated historic district per Article 10 of the Planning Code, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(2) All uses are permitted as of right, provided that:

(A) The project does not contain office uses of 25,000 square foot or more per lot, or nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, and with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.

(4) The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

(c) ***Preservation of Historic Buildings within and UMU Districts.*** *The following rules are intended to support the economic viability of buildings of historic importance within the UMU District.*

(1) This subsection applies only to buildings that are a designated landmark building, or a building listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(2) All uses are permitted as of right, provided that:

(A) The project does not contain office uses of 25,000 square foot or more per lot, or nighttime entertainment.

(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the feasibility of preserving the building.

(C) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 315.1 through 315.9.

(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a conditional use. In addition to the conditional use criteria set forth in Section 303, with the advice of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use will enhance the feasibility of preserving the building.

(4) The Landmarks Preservation Advisory Board shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

(d) ***Automated Bank Teller Machines Within South of Market Districts****. All automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources and shall be set back three feet from the front property line.*

(e) ***Open Air Sales.*** *Flea markets, farmers markets, crafts fairs and all other open air sales of new or used merchandise except vehicles, within South of Market* Mixed Use and Eastern Neighborhoods Mixed Use *Districts, where permitted, shall be subject to the following requirements: (1) the sale of goods and the presence of booths or other accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided*

on-site and adequately maintained; and (3) the site and vicinity shall be maintained free of trash and debris.

(f) Legal and Government Office Uses in the Vicinity of the Hall of Justice. *Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the offices of attorneys, bail and services, government agencies, union halls, and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed on the property limiting office activities to uses permitted by this Subsection.*

(g) Work Space of Design Professionals. *The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions: (1) The occupied floor area devoted to this use per building is limited to the third story or above; (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment; (3) The space within the building subject to this provision has not been in residential use within a legal dwelling unit at any time within a five-year period prior to application for conversion under this Subsection; and (4) The owner(s) of the building comply with the following enforcement and monitoring procedures: (i) The owner(s) of any building with work space devoted to design professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The report shall provide information regarding occupants of such space, the*

amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for design professionals authorized by this Subsection.

(h) Vertical Controls for Office Uses.

*(1) **Purpose**. In order to preserve ground floor space for production, distribution, and repair uses and to allow the preservation and enhancement of a diverse mix of land uses, including limited amounts of office space on upper stories, additional vertical zoning controls shall govern office uses as set forth in this Section.*

*(2) **Applicability**. This Section shall apply to all office uses in the MUG and UMU Districts, where permitted.*

*(3) **Definitions**. Office use shall be as defined in Section 890.70 of this Code.*

*(4) **Controls**.*

(A) Designated Office Story or Stories. Office uses are not permitted on the ground floor. Office uses may be permitted on stories above the ground floor if they are designated as office stories. On any designated office story, office uses are

permitted, subject to any applicable use size limitations. On any story not designated as an office story, office uses are not permitted.

(B) Timing of designation. In the case of new construction, any designated office story or stories shall be established prior to the issuance of a first building permit or along with any associated Planning Commission action, whichever occurs first. In the case of buildings that were constructed prior to the effective date of this Section, any such story or stories shall be designated prior to the issuance of any building permit for new or expanded office uses or along with any associated Planning Commission action, whichever occurs first.

(C) Recordation of designation. Notice of the designation of office stories shall be recorded as a restriction on the deed of the property along with plans clearly depicting the designated story or stories in relation to the balance of the building. A designated office story may only be re-allocated when the designated office story is first returned to a permitted non-office use and associated building modifications to the designated office story are verified by the Zoning Administrator.

(D) Maximum Number of Designated Stories. The maximum number of designated office stories shall correspond to the total number of stories in a given building, as set forth in the table below. The designation of a particular story shall apply to the total floor area of that story and no partial designation, split designation, or other such subdivision of designated floors shall be permitted. For the purposes of the following table, the total number of stories in a given building shall be counted from grade level at curb and shall exclude any basements or below-grade stories.

Table 803.9(h)

Total Number of Stories	***Maximum Number of Designated Office Stories***

1-story	*0 stories (office use NP)*
2-4 stories	*1-story*
5-7 stories	*2-stories*
8 or more stories	*3-stories*

(E) For projects with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in ~~309.2~~329*(d)(8).*

(i) ***Retail Controls in the MUG, MUO, and UMU Districts.*** *In the MUG, MUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.114 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of other uses permitted in that District are required for every one gross square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from this requirement.*

SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING CONTROLS.

Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810 through 818, and in Section*s 825,* 827 *through 843* or referenced in Section 899 of this Code.

(a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.

(b) The second column in the table, titled "Zoning Control Category," lists zoning control categories for the district in question.

(c) The third column, titled "§ References," contains numbers of other sections in the Planning Code and other City Codes, in which additional relevant provisions are contained.

(d) In the fourth column, the controls applicable to the various Mixed Use Districts are indicated either directly or by reference to other Code Sections which contain the controls.

The following symbols are used in this table:

P --	Permitted as a principal use.
C --	Permitted as a conditional use, subject to the provisions set forth in this Code.
--	A blank space on the tables in Sections 810 through 812 indicates that the use or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control Tables or in those sections referenced in Section 899 of this Code, such use or feature is prohibited, unless determined by the Zoning Administrator to be a permitted use.
NP --	Not Permitted. Section 803.4 lists certain uses not permitted in any South of Market District. NP in the Article 8 control column of Tables 813 through 818 and also indicates that the use or feature is not permitted in the applicable South of Market District
# --	See specific provisions listed by section and zoning category number at the end of the table.
1st --	1st story and below, where applicable.
2nd --	2nd story, where applicable.
3rd+ --	3rd story and above, where applicable.

SEC. 813. RED -- RESIDENTIAL ENCLAVE DISTRICT.

Residential Enclave Districts (RED) encompass the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the ~~*South of Market*~~ SLR *and MUR* ~~*d*~~*D*istrict*s*. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. Social services and institutional uses are permitted as conditional uses. Group housing, retail, entertainment, general commercial and services light industrial uses are not permitted. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. Live/work units limited to arts activities are permitted within the district as a principal use. Existing live/work units with other nonresidential uses may continue as nonconforming uses.

Table 813

RED -- RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

			Residential Enclave
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1 and 7
813.02	Bulk	§ 270	See Sectional Zoning Maps 1 and 7
USE STANDARDS			
813.03	Residential Density	§§ 124(b), 207.5,208	1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing
813.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
813.07	Usable Open Space for Other Uses	§ 135.3	Varies by use

813.09	Outdoor Activity Area	§ 890.71	P
813.10	Walk-up Facility, except Automated Bank Teller Machine	§ 890.140	P
813.11	Automated Bank Teller Machine	§ 803.*~~95~~(d)*	NP
813.12	Residential Conversion	§ 803. *8(a)~~5(b)~~*	C
813.13	Residential Demolition	§ 803. *8(a)~~5(b)~~*	C
USES			
Residential Use			
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
813.16	SRO Units	§ 890.88(c)	P
Institutions			
813.17	Hospital, Medical Centers	§ 890.44	NP
813.18	Residential Care	§ 890.50(e)	C

813.19	Educational Services	§ 890.50(c)	C
813.20	Religious Facility	§ 890.50(d)	C
813.21	Assembly and Social Service, except Open Recreation or Horticulture	§ 890.50(a)	C
813.22	Child Care	§ 890.50(b)	P
813.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
813.25	Automobile Parking Lot, Community Residential	§ 890.7	P
813.26	Automobile Parking Garage, Community Residential	§ 890.8	C
813.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
813.28	Automobile Parking Garage, Community Commercial	§ 890.10	C
813.29	Automobile Parking Lot, Public	§ 890.11	P

813.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Service			
813.31	All Retail Sales and Service except per § 813.32	§ 890.104	NP
813.32	Retail Sales and Service Use in a Landmark Building or a Contributory Building in an Historic District	§ 803. *9(e)*~~*5(e)*~~	C
Assembly, Recreation, Arts and Entertainment			
813.37	Nighttime Entertainment	§ 102.17, *803.5(b)*	NP
813.38	Meeting Hall, not within § 813.21	§ 221(c)	NP
813.39	Recreation Building, not within § 813.21	§ 221(e)	NP
813.40	Pool Hall, Card Club, not within § 813.21	§§ 221(f), 803.4	NP
813.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	NP
Home and Business Service			
813.42	Trade Shop	§ 890.124	NP

813.43	Catering Services	§ 890.25	NP
813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
813.46	Arts Activities, except within a Live/Work Unit	§ 102.2	NP
813.47	Business Services	§ 890.111	NP
Office			
813.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(c)~~*	C
813.53	All Other Office Uses	§ 890.70	NP
Live/Work Units			
813.54	Live/Work Unit where the Work Activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(c)~~*	C
813.56	All Other Live/Work Units	§§ 102.13, 233	NP

Automotive Services			
813.57	Vehicle Storage--Open Lot	§ 890.131	NP
813.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
813.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	NP
813.60	Motor Vehicle Repair	§ 890.15	NP
813.61	Motor Vehicle Tow Service	§ 890.19	NP
813.62	Non-Auto Vehicle Sales or Rental	§ 890.69	NP
813.63	Public Transportation Facility	§ 890.80	NP
Industrial			
813.64	Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, Manufacturing and Processing	§§ 225, 890.54	NP
Other Uses			

813.65	Animal Service	§ 224	NP
813.66	Open Air Sales	§§ 890.38, 803. *9(c)~~5(e)~~*	NP
813.67	Ambulance Service	§ 890.2	NP
813.68	Open Recreation and Horticulture	§ 209.5	P
813.69	Public Use, except Public Transportation Facility	§ 890.80	C
813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
813.72	Mortuary Establishment	§ 227(c)	NP
813.73	General Advertising Sign	§ 607.2(b) & (e)	NP

SPECIFIC PROVISIONS FOR RED DISTRICTS

Article	Other	Zoning Controls

Code Section	Code Section	
§ 813.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, State or local law, may apply for a medical cannabis dispensary permit in an RED District.

SEC. 814. SPD -- SOUTH PARK DISTRICT.

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, *family-sized housing units,* and in-fill development which contributes positively to the neighborhood scale and use mix.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

Table 814

SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE

			South Park District
No.	Zoning Category	§ References	Controls
814.01	Height	*§§ 260 - 263*	See Sectional Zoning Map 1
814.02	Bulk	*§§* 270 *- 272*	See Sectional Zoning Map 1
814.03	*Dwelling Unit* ~~*Residential*~~ Density Limit	§§ 124, 207.5, 208	~~*1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of lot area for group housing*~~ *No density limit*
814.04	*Dwelling Unit Mix*	*§ 207.6*	~~At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or~~

			~~(b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.~~ At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio
814.0~~65~~	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, ~~*if private, 106 sq. ft. if common,*~~ *54 sq. ft. per unit if publicly accessible*
~~*814.06*~~	~~*Usable Open Space for Live/Work Units in Newly Constructed Buildings or*~~	~~*§ 135.2*~~	~~*36 sq. ft. per unit*~~

	~~*Additions*~~		
814.07	Usable Open Space for Other Uses	§ 135.3	~~*Varies by use*~~ *Required; amount varies based on use; may also pay in-lieu fee*
814.08	*Setbacks*	*§§ 136, 136.2, 144, 145.1*	*Generally required*
814.09	Outdoor Activity Area	§ 890.71	P
~~*814.10*~~	~~*Walk-Up Facility, except Automated Bank Teller Machine*~~	~~*§ 890.140*~~	~~*P*~~
~~*814.11*~~	~~*Automated Bank Teller Machine*~~	~~*§ 803.9(b)5(d)*~~ -	~~*NP*~~
814.10	*Off-Street Parking, Residential*	*§ 151.1*	*None required. Limits set forth in Section 151.1*
814.11	*Off-Street Parking, Non-Residential*	*150, 151, 151.1, 153-157, 204.5*	*None required. Limits set forth in Section 151.1*
814.12	Residential Conversion	§ 803.*8(a)*~~*5(b)*~~	C
814.13	Residential Demolition	§ 803. *8(a)*~~*5(b)*~~	C
Residential Use			

814.14	Dwelling Units	§ 102.7	P
814.15	Group Housing	§ 890.88(b)	C
814.16	SRO Units	§ 890.88(c)	P
814.16(a)	*Student Housing*	*§ 315.1(38)*	*C*
Institutions			
814.17	Hospital, Medical Centers	§ 890.44	NP
814.18	Residential Care	§ 890.50(e)	C
814.19	Educational Services	§ 890.50(c)	NP
~~*Institutions*~~			
814.20	Religious Facility	§ 890.50(d)	C
814.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
814.22	Child Care	§ 890.50(b)	P
814.23	Medical Cannabis Dispensary	§ 890.133	P #
Vehicle Parking			
814.25	Automobile Parking Lot, Community Residential	§ 890.7	~~*P*~~ *NP*
814.26	Automobile Parking	§ 890.8	~~*C*~~ *NP*

	Garage, Community Residential		
814.27	Automobile Parking Lot, Community Commercial	§ 890.9	~~*P*~~ *NP*
814.28	Automobile Parking Garage, Community Commercial	§ 890.10	~~*C*~~ *NP*
814.29	Automobile Parking Lot, Public	§ 890.11	~~*P*~~ *NP*
814.30	Automobile Parking Garage, Public	§ 890.12	~~*C*~~ *NP*
Retail Sales and Services			
814.31	~~*All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services*~~ *All Retail, Except for Bars and Liquor Stores*~~-~~	§ 890.104	P *up to 5,000 sf per lot*
814.32	*Bars*	*§ 890.22*	*C up to 5,000 sf per lot*
814.33	*Liquor Stores*	*§ 790.55*	*C up to 5,000 sf per lot*

Assembly, Recreation, Arts and Entertainment			
814.37	Nighttime Entertainment	§ 102.17, *803.5(b)*	NP
814.38	Meeting Hall, *not falling within Category 814.21*	§ 221(c)	C
814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
814.40	Pool Hall, Card Club, not falling within Category *890.50(a)* ~~*814.21*~~	§§ 221(f), ~~*803.4*~~	NP
~~*814.41*~~	~~*Theater, falling within § 221(d), except Movie Theater*~~	~~*§§ 221(d), 890.64*~~	~~*NP*~~
Home and Business Service			
814.42	Trade Shop	§ 890.124	P
814.43	Catering Services	§ 890.25	P
814.45	Business Goods and Equipment Repair Service	§ 890.23	P
814.46	Arts Activities, other than Theaters	§ 102.2	P
814.47	Business Services	§ 890.111	P

Office			
~~*814.49*~~	~~*Work Space of Design Professionals*~~	~~*§ 890.28*~~	~~*P*~~
814.49	*Offices in historic buildings*	*§ 803.9(a)*	*P*
814.50	All Other Office Uses	§§ 890.70, *890.118*	~~*NP*~~ *P*
Live/Work Units			
814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)	~~*P*~~ *NP*
Automotive			
814.57	Vehicle Storage--Open Lot	§ 890.131	NP
814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	NP
814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20	NP
814.60	Motor Vehicle Repair	§ 890.15	NP
814.61	Motor Vehicle Tow Service	§ 890.19	NP
814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P

814.63	Public Transportation Facilities	§ 890.80	NP
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P
814.65	Light Manufacturing	§ 890.54(a)	P
814.66	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, and Manufacturing and Processing Uses	§§ 225, 226	NP
814.67	Storage	§ 890.54(c)	~~P~~ *NP*
814.67(a)	*Laboratory*	*§ 890.52*	*NP*
Other Uses			
814.68	Animal Services	§ 224	NP
814.69	Open Air Sales	§§ 803. *9(e)*~~5(f)~~, 890.38	P
814.70	Ambulance Service	§ 890.2	NP
814.71	Open Recreation and Horticulture	§ 209.5	P
814.72	Public Use, except Public Transportation Facility	§ 890.80	C

814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
814.75	Mortuary Establishment	§ 227(c)	NP
814.76	General Advertising Sign	§ 607.2(b) & (e) *and 611*	NP
814.78	*Walk-Up Facility, except Automated Bank Teller Machine*	*§ 890.140*	*P*
814.79	*Automated Bank Teller Machine*	*§ 803.9(d)*	*NP*
814.80	*Integrated PDR*	*§ 890.49*	*P in applicable buildings*

SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 814.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in

		continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of Federal, State or local law, may apply for a medical cannabis dispensary permit in *the* ~~a~~ South Park District.

SEC. 815. RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT.

The Residential/Service Mixed Use District (RSD) *runs along Harrison St. between 4th St. and 5th St.* ~~*serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the low-scale, predominantly service/industrial area west of Sixth Street*~~. The RSD serves as a ~~*major*~~ housing opportunity area within the South of Market *Mixed Use* District*s*. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.

Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.

General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted.

Table 815

RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.*8.c~~5(j)~~*
815.05	Usable Open Space for Dwelling Units and Group	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common

	Housing		
815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
815.09	Outdoor Activity Area	§ 890.71	P
815.10	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
815.11	Automated Bank Teller Machine	§ 803.*9(b)*~~*5(d)*~~	P
815.12	Residential Conversion	§ 803.*8(a)*~~*5(b)*~~	C
815.13	Residential Demolition	§ 803.*8(a)*~~*5(b)*~~	C
Residential Use			
815.14	Dwelling Units	§ 102.7	P
815.15	Group Housing	§ 890.88(b)	C

815.16	SRO Units	§ 890.88(c)	P
Institutions			
815.17	Hospital, Medical Centers	§ 890.44	NP
815.18	Residential Care	§ 890.50(e)	C
815.19	Educational Services	§ 890.50(c)	P
815.20	Religious Facility	§ 890.50(d)	C
815.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
815.22	Child Care	§ 890.50(b)	P
815.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
815.25	Automobile Parking Lot, Community Residential	§ 890.7	P
815.26	Automobile Parking	§ 890.8	C, pursuant to § 803. *8(c)*~~5(i)~~

	Garage, Community Residential		
815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803. *8(c)~~5(i)~~*
815.29	Automobile Parking Lot, Public	§ 890.11	P
815.30	Automobile Parking Garage, Public	§ 890.12	C, pursuant to § 803. *8(c)~~5(i)~~*
Retail Sales and Services			
815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P, pursuant to § 803.*8(c)~~5(i)~~*
Assembly, Recreation, Arts and Entertainment			
815.37	Nighttime Entertainment	§§ 102.17,	NP

		181(f), *803.5(b)*	
815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803. *8(c)*~~5(i)~~
815.39	Recreation Building, not falling within Category 815.21	§ 221(e)	C, pursuant to § 803. *8(c)*~~5(i)~~
815.40	Pool Hall, Card Club, not falling within Category 815.21	§§ 221(f), 803.4	P, pursuant to § 803. *8(c)*~~5(i)~~
815.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P, pursuant to § 803. *8(c)*~~5(i)~~
Home and Business Service			
815.42	Trade Shop	§ 890.124	P, pursuant to § 803. *8(c)*~~5(i)~~
815.43	Catering Services	§ 890.25	P, pursuant to § 803. *8(c)*~~5(i)~~
815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803. *8(c)*~~5(i)~~
815.46	Arts Activities, other than Theaters	§ 102.2	P, pursuant to § 803. *8(c)*~~5(i)~~

815.47	Business Services	§ 890.111	P, pursuant to § 803. *8(c)~~5(i)~~*
Office			
815.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(e)~~*	C
815.49	Work Space of Design Professionals	§§ 890.28, 803.*9.(g)~~5(k)~~*	P, subject to § 803. *9.(g)~~5(k)~~*
815.50	All Other Office Uses	§ 890.70	NP
Live/Work Units			
815.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
815.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
815.53	Live/Work Units where the work activity is otherwise permitted as a	§ 233	C

	Conditional Use		
815.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(e)~~*	C
815.55	All other Live/Work Units		NP
Motor Vehicle Services			
815.57	Vehicle Storage--Open Lot	§ 890.131	NP
815.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
815.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P, pursuant to § 803. *8(c)~~5(i)~~*
815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803. *8(c)~~5(i)~~*
815.61	Motor Vehicle Tow Service	§ 890.19	C, § 803. *8(c)~~5(i)~~*
815.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P, § 803. *8(c)~~5(i)~~*
815.63	Public Transportation	§ 890.80	C, pursuant to § 803. *8(c)~~5(i)~~*

	Facilities		
Industrial			
815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803. *8(c)~~5(i)~~*
815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803. *8(c)~~5(i)~~*
815.66	Storage	§ 890.54(c)	P
815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
Other Uses			
815.68	Animal Services	§ 224	NP
815.69	Open Air Sales	§§ 803.*~~9~~5 (e)*, 890.38	P
815.70	Ambulance Service	§ 890.2	NP
815.71	Open Recreation and Horticulture	§ 209.5	P
815.72	Public Use, except	§ 890.80	C

	Public Transportation Facility		
815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
815.75	Mortuary Establishment	§ 227(c)	NP
815.76	General Advertising Sign	§ 607.2(b) & (e)	NP

SPECIFIC PROVISIONS FOR RSD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 815.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual

		violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.

SEC. 816. SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.

The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.

Table 816

SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE

	Service/Light Industrial/

			Residential Mixed Use District
No.	Zoning Category	§ References	Controls
816.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet
816.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
816.03	Residential Density Limit	§§ 124, 207.5, 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
816.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
816.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit if private, 80 sq. ft. if common
816.06	Usable Open Space for	§ 135.2	36 sq. ft. per unit

	Live/Work Units in Newly Constructed Buildings or Additions		
816.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
816.09	Outdoor Activity Area	§ 890.71	P
816.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.*9~~5~~(d)*	P
816.12	Residential Conversion	§ 803.*8(a)~~5(b)~~*	C
816.13	Residential Demolition	§ 803. *8(a)~~5(b)~~*	C
Residential Use			
816.14	Dwelling Units	§ 102.7	P
816.15	Group Housing	§ 890.88(b)	C
816.16	SRO Units	§ 890.88(c)	P
Institutions			
816.17	Hospital, Medical Centers	§ 890.44	NP

816.18	Residential Care	§ 890.50(e)	C
816.19	Educational Services	§ 890.50(c)	P
816.20	Religious Facility	§ 890.50(d)	P
816.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
816.22	Child Care	§ 890.50(b)	P
816.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P

816.29	Automobile Parking Lot, Public	§ 890.11	P
816.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
816.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
816.36	Arts Activity, other than Theater	§ 102.2	P
816.37	Nighttime Entertainment	§§ 102.17, 181(f), *803.5(b)*	NP
816.38	Meeting Hall, not falling within Category 816.21	§ 221(c)	C
816.39	Recreation Building, not falling within Category 816.21	§ 221(e)	C
816.40	Pool Hall, Card Club, not falling	§§ 221(f),	P

	within Category 816.21	803.4	
816.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
816.42	Trade Shop	§ 890.124	P
816.43	Catering Service	§ 890.25	P
816.45	Business Goods and Equipment Repair Service	§ 890.23	P
816.47	Business Service	§ 890.111	P
Office			
816.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(c)~~*	C
816.49	Work Space of Design Professionals	§§ 890.28, 803.*9.(g)~~5(k)~~*	P, subject to § 803.*9.(g)~~5(k)~~*
816.50	All Other Office Uses	§ 890.70	NP
Live/Work Units			
816.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13,	P

		209.9(f) and (g), 233	
816.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
816.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
816.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(c)~~*	C
816.55	All Other Live/Work Units		NP
Motor Vehicle Services			
816.57	Vehicle Storage--Open Lot	§ 890.131	NP
816.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
816.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
816.60	Motor Vehicle Repair	§ 890.15	P
816.61	Automobile Tow Service	§ 890.19	C

816.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
816.63	Public Transportation Facilities	§ 890.80	P
Industrial			
816.64	Wholesale Sales	§ 890.54(b)	P
816.65	Light Manufacturing	§ 890.54(a)	P
816.66	Storage	§ 890.54(c)	P
816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
816.68	Animal Services	§ 224	NP
816.69	Open Air Sales	§§ 803.*95(e)*, 890.38	P
816.70	Ambulance Service	§ 890.2	NP

816.71	Open Recreation and Horticulture	§ 209.5	P
816.72	Public Use, except Public Transportation Facility	§ 890.80	C
816.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
816.75	Mortuary Establishment	§ 227(c)	NP
816.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP

SPECIFIC PROVISIONS FOR SLR DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 816.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous

		operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLR District.

SEC. 817. SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT.

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

Table 817

SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65

			feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§ 270	See Zoning Sectional Maps 1 and 7
817.03	Residential Density Limit	§ 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
817.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
817.09	Outdoor Activity Area	§ 890.71	P
817.10	Walk-Up Facility, including Automated	§§ 890.140, 803.~~95~~*(d)*	P

	Bank Teller Machine		
817.12	Residential Conversion	§ 803.*8(a)~~5(b)~~*	C
817.13	Residential Demolition	§ 803. *8(a)~~5(b)~~*	C
Residential Use			
817.14	Dwelling Units	§§ 102.7, 803.*8(b)~~5(f)~~*	C, if low-income pursuant to § 803. *8(b)~~5(f)~~*; otherwise NP
817.15	Group Housing	§ 890.88(b)	C
817.16	SRO Units	§§ 890.88(c), *803.8(b)*	C, *if low-income pursuant to § 803. 8(b); otherwise NP*
Institutions			
817.17	Hospital, Medical Centers	§ 890.44	NP
817.18	Residential Care	§ 890.50(e)	C
817.19	Educational Services	§ 890.50(c)	P
817.20	Religious Facility	§ 890.50(d)	P
817.21	Assembly and Social Service, except Open	§ 890.50(a)	C

	Recreation and Horticulture		
817.22	Child Care	§ 890.50(b)	P
817.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
817.25	Automobile Parking Lot, Community Residential	§ 890.7	P
817.26	Automobile Parking Garage, Community Residential	§ 890.8	P
817.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
817.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
817.29	Automobile Parking Lot, Public	§ 890.11	P
817.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			

817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
817.32	Financial Services	§ 890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is: (a) within a height district of 65 ft. or greater, (b) on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in § 817.14 through § 817.16, (2) a neighborhood-serving retail use as defined in § 817.31, or (3) an industrial use as defined in §§ 817.64,

			817.65; otherwise NP
Assembly, Recreation, Arts and Entertainment			
817.37	Nighttime Entertainment	§ 102.17, *803.5(b)*	NP
817.38	Meeting Hall	§ 221(c)	C
817.39	Recreation Building	§ 221(e)	C
817.40	Pool Hall, Card Club, not falling within Category 817.21	§§ 221(f), 803.4	P
817.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
817.42	Trade Shop	§ 890.124	P
817.43	Catering Service	§ 890.25	P
817.45	Business Goods and Equipment Repair Service	§ 890.23	P
817.46	Arts Activities, other	§ 102.2	P

	than Theaters		
817.47	Business Services	§ 890.111	P
Office			
817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. *9(a)~~5(c)~~*	C
817.49	Work Space of Design Professionals	§§ 890.28, 803.*9(g)~~5(k)~~*	P, subject to § 803.*9(g)~~5(k)~~*
817.50	Office Uses Related to the Hall of Justice	§§ 803.*9(f)~~5(j)~~*, 822	P in Special Use District, pursuant to § 803.*9(f)~~5(j)~~*
817.51	All Other Office Uses	§ 890.70	NP
Live/Work Units			
817.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
817.52	Live/Work Units where all the work activity is	§§ 102.13, 233	P

	otherwise permitted as a Principal Use		
817.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.*9(a)*~~*5(e)*~~	C
817.55	All Other Live/Work Units		NP
Automotive Services			
817.57	Vehicle Storage--Open Lot	§ 890.131	P
817.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
817.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
817.60	Motor Vehicle Repair	§ 890.15	P

817.61	Motor Vehicle Tow Service	§ 890.19	C
817.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
817.63	Public Transportation Facilities	§ 890.80	P
Industrial			
817.64	Wholesale Sales	§ 890.54(b)	P
817.65	Light Manufacturing	§ 890.54(a)	P
817.66	Storage	§ 890.54(c)	P
817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
817.68	Animal Services	§ 224	P
817.69	Open Air Sales	§§ 803. *95(e)*, 890.38	P

817.70	Ambulance Service	§ 890.2	P
817.71	Open Recreation and Horticulture	§ 209.5	P
817.72	Public Use, except Public Transportation Facility	§ 890.80	P
817.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
817.74	Greenhouse or Plant Nursery	§ 227(a)	P
817.75	Mortuary Establishment	§ 227(c)	NP
817.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
817.77	Internet Services Exchange	§ 209.6(c)	C

SPECIFIC PROVISIONS FOR SLI DISTRICTS

Article Code	Other Code	Zoning Controls

Section	Section	
§ 817.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLI District.

SEC. 818. SSO -- SERVICE/SECONDARY OFFICE DISTRICT.

The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional office space and large-floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing or dwelling units requires conditional use authorization.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.

Small hotels of 75 rooms or less are permitted in this District only as a conditional use. Any such conditional use authorization requires a conditional use finding that disallows project proposals that displace existing Production, Distribution and Repair (PDR) uses.

Table 818

SSO -- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
818.01	Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
818.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
818.03	Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing
818.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height

			districts
818.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
818.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
818.09	Outdoor Activity Area	§ 890.71	P
818.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.*95(d)*	P
818.11	Residential Conversion	§ 803.*8(a)~~5(b)~~*	C
818.12	Residential Demolition	§ 803. *8(a)~~5(b)~~*	C
Residential Use			
818.14	Dwelling Units	§ 102.7	C
818.15	Group Housing	§ 890.88(b)	C

818.16	SRO Units	§ 890.88(c)	P
Institutions			
818.17	Hospital, Medical Centers	§ 890.44	P
818.18	Residential Care	§ 890.50(c)	C
818.19	Educational Services	§ 890.50(c)	P
818.20	Religious Facility	§ 890.50(d)	P
818.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
818.22	Child Care	§ 890.50(b)	P
818.23	Medical Cannabis Dispensary	§ 890.133	P#
Vehicle Parking			
818.25	Automobile Parking Lot, Community Residential	§ 890.7	P

818.26	Automobile Parking Garage, Community Residential	§ 890.8	P
818.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
818.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
818.29	Automobile Parking Lot, Public	§ 890.11	P
818.30	Automobile Parking Garage, Public	§ 890.12	C
Retail Sales and Services			
818.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
Assembly, Recreation, Arts and Entertainment			
818.37	Nighttime Entertainment	§§ 102.17,	C

		803.5(*b*~~*a*~~)	
818.38	Meeting Hall, not falling within Category 818.21	§ 221(c)	P
818.39	Recreation Building, not falling within Category 818.21	§ 221(e)	P
818.40	Pool Hall, Card Club, not falling within Category 818.21	§§ 221(f), 803.4	P
818.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P
Home and Business Service			
818.42	Trade Shop	§ 890.124	P
818.43	Catering Service	§ 890.25	P
818.45	Business Goods and Equipment Repair Service	§ 890.23	P
818.46	Arts Activities, other than Theaters	§ 102.2	P
818.47	Business Services	§ 890.111	P

Office			
818.48	All Office Uses including Work Space of Design Professionals	§ 890.70	P
Live/Work Units			
818.54	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
818.55	Live/Work Units where all the work activity is otherwise permitted	§§ 102.13, 233	P
Automobile Services			
818.57	Vehicle Storage--Open Lot	§ 890.131	NP
818.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	P
818.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
818.60	Motor Vehicle Repair	§ 890.15	P
818.61	Motor Vehicle Tow Service	§ 890.19	C

818.62	Non-Auto Vehicle Sale or Rental	§ 890.69	P
818.63	Public Transportation Facilities	§ 890.80	P
Industrial			
818.64	Wholesale Sales	§ 890.54(b)	P
818.65	Light Manufacturing	§ 890.54(a)	P
818.66	Storage	§ 890.54(c)	P
818.67	All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment	§ 255	P
Other Uses			
818.68	Animal Services	§ 224	P
818.69	Open Air Sales	§§ 803.*95(e)*, 890.38	P
818.70	Ambulance Service	§ 890.2	P
818.71	Open Recreation and	§ 209.5	P

	Horticulture		
818.72	Public Use, except Public Transportation Facility	§ 890.80	P
818.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
818.74	Greenhouse or Plant Nursery	§ 227(a)	P
818.75	Mortuary Establishment	§ 227(c)	NP
818.76	General Advertising Sign	§ 607.2(b) & (e)	NP
818.77	Internet Services Exchange	§ 209.6(c)	C
818.78	Hotel, Tourist if 75 rooms or less	§ 890.46	C

SPECIFIC PROVISIONS FOR SSO DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 818.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in

		operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SSO District.

~~*SEC. 820. SOUTH OF MARKET BASE DISTRICT.*~~

~~*The South of Market Base District encompasses all of the individual South of Market Use Districts governed by Sections 813 through 818 of this Code. The South of Market Base District is shown on Sectional Map 3SU of the Zoning Map.*~~

SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT.

The South of Market Special Hall of Justice Legal Services District, as shown on Sectional Map 8SU of the Zoning Map, is governed by Sections 803.*9(f)*~~*5(f)*~~) and 817.50 of this Code.

SEC. 825. DTR -- DOWNTOWN RESIDENTIAL DISTRICTS.

(a) Description. Downtown Residential (DTR) Districts are transit-oriented, high-density mixed-use residential neighborhoods in and around downtown. These areas are generally transitioning from a variety of commercial and industrial to residential uses. The intent of this district is to enable a mix of new day and nighttime activities, with an emphasis on encouraging new housing within walking distance or a short transit-ride of downtown, supported by a mix of retail, and neighborhood services to meet the needs of residents and the larger downtown community.

High-density residential uses, including residential towers in select locations, are allowed and encouraged within the limits set by height and bulk controls. Given the district's proximity to downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-oriented uses are required on the first floor. Ground floor entries to individual dwelling units are encouraged on streets that will become primarily residential.

There is generally no pattern of mid-block open space or of rear yards. While lot coverage is limited for all levels with residential uses, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them. Specific height and bulk controls establish appropriate heights for both towers and mid-rise development, and ensure adequate spacing between towers and preserve light and air to streets and open spaces. Setbacks are required where necessary to buffer ground floor residential uses or to ensure sunlight access to streets and open spaces. To support the intensification of land uses in these districts, detailed traffic, streetscape and open space improvements will take place over time.

Downtown Residential Districts include all of the individual DTR districts governed by ~~*Section 827 of*~~ this Code~~.~~ *except t*~~T~~he Transbay Downtown Residential District (TB-DTR), as set forth in Section 828, is governed by the Transbay Redevelopment Plan and its Development Controls and Design Guidelines.

(b) ***Building and Development Standards.*** *In addition to or in-lieu of the requirements and standards elsewhere in this Code, the following building and development standards are applicable in the Downtown Residential Districts.*

*(1) **Street-Facing Use Requirements.** Pedestrian-oriented commercial, residential, institutional uses, and community services are required ground floor uses on all street facing frontages per the standards of Section 145.1 and 145.4, except for the minimum frontage required for fire doors, parking and loading access, and other utilities.*

*(2) **Lot Coverage.** The requirements of Section 134 shall not apply in DTR Districts. Except as more specifically limited in the Section governing an individual DTR district, lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way or mid-block pedestrian path meeting the minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to the provisions of Section 309.1, for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.*

*(3) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply. Reductions in this requirement may be granted though the procedures of Section 309.1.*

*(4) **Lighting**. Pedestrian-scaled lighting shall be provided as an integral element of all building façades and shall be designed and located to accentuate the uses facing the street. Pedestrian-scaled lighting shall be incorporated into all façades and landscaped setback areas in the form of wall sconces, entry illumination and low-level lighting set into edging features. Lighting should be designed to accentuate ground floor retail and residential entries. Incandescent or color-corrected lighting sources must be used.*

*(5) **Sidewalk Treatment.***

(A) To carry out policies contained in the San Francisco General Plan related to sidewalk treatments in an applicable plan area, the Planning Commission may require an applicant to widen or modify sidewalk alignments and to install lighting, decorative paving, seating, bicycle racks, landscaping, and other pedestrian amenities on public sidewalks.

(B) The conditions imposed by the Planning Commission and any sidewalk treatments installed by an applicant shall comply with any applicable ordinances, adopted streetscape plans, and with any applicable regulations of the Art Commission, the Department of Public Works and the Bureau of Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving, seating and sidewalk landscaping.

(C) The Commission conditions imposed pursuant to subsection (B) shall require the abutting property owner or owners to hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction, use, or maintenance of the sidewalk treatments that the owner will maintain, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act or negligence with respect to the design, construction, use, or maintenance of the sidewalk treatments that the owner maintains.

(D) Notwithstanding the provisions of this Section, an applicant shall apply for all required permits related to the legislated sidewalk width changes and sidewalk treatments and pay all required fees.

(E) The owner of the property is required to maintain all those improvements other than lighting.

*(6) **Street Trees.** Street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building. Street trees shall be provided according to the provisions of Section 143(b), (c) and (d).*

*(7) **Off-Street Parking and Loading.** Restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment. Unless specified otherwise in an individual DTR district, the following off-street parking and loading controls shall apply:*

*(A) **Required Below-Grade.** All off-street parking in DTR districts shall be built below street grade. The design of parking on sloping sites must be reviewed through the procedures of Section 309.1, according to the following standards:*

(i) For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the level of said sloping street; and

(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the average grade of the site; and

(iii) Any above-grade parking shall be set back from the street facing façades and wrapped with active uses, as defined by Section 145.1, for a depth of no less than 25 feet at the ground floor and 15 feet on floors above.

*(B) **Parking and Loading Access.***

(i) Width of openings. Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet

wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(ii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor façade of the building and the sidewalk.

(c) ***Use.*** *A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.*

(1) ***Permitted Uses.***

(A) Principal Uses. All uses are permitted as principal uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not Permitted in this Section 825 of this Code or any other Section governing an individual DTR District. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district, when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in the Section of this Code governing the individual DTR District. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

(i) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential district. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be classified as a principal use. No use will be considered accessory to a principal use, which involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1, 156 and 157 of this Code;

(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or movie theater use;

(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in Downtown Residential districts to the extent authorized by Sections 205 through 205.3 of this Code.

(E) Prohibited Uses.

(i) Uses which are specifically listed as Not Permitted (NP) in any Section governing an individual DTR District are not permitted. The use provisions of an individual DTR District shall apply in case of conflict with use limitations in Section 825. Signs not specifically permitted in Article 6 are not permitted.

(ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Downtown Residential district which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

(iii) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

(2) ***Residential Use Controls.***

Unless otherwise specified in a Section governing an individual DTR district, the following residential use controls shall apply:

(A) Required Residential to Non-Residential Use Ratio. For newly constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, at least six occupiable square feet of residential use shall be provided for each occupiable square foot of non-residential use, excluding accessory parking, on any lot legally existing. Hotels, inns, or hostels as defined under Section 209.2(d) and (e), time-share or fractional-ownership condominiums, and lawfully

existing live/work units shall be considered as non-residential uses for the purpose of this section, and do not satisfy the residential requirement. Exemption from the required use ratio for building additions of less than 20 percent may not be granted for any single lot if such an exemption would increase the total square footage of the building to an amount 20 percent greater than existed on the lot since the adoption of this Section.

(B) For newly constructed buildings or additions, which exceed 20 percent or more of an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to residential use.

(C) Residential Density. There shall be no density limit for residential uses in Downtown Residential districts. The provisions of Sections 207 through 208 related to residential density shall not apply.

(d) ***Reduction of Ground Level Wind Currents.***

(1) Requirement. New buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.

(3) Exception. The Zoning Administrator may allow the building or addition to add to the amount of time the comfort level is exceeded by the least practical amount if (i)

it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (ii) the Zoning Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the addition is insubstantial. The Zoning Administrator shall not grant an exception, and, no building or addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

(4) Procedures. Procedures and methods for implementing this Section shall be specified by the Environmental Review Officer of the Planning Department.

~~***SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.***~~

~~*(a) Use Categories. A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Downtown Residential District is generally set forth, summarized or cross-referenced in Section 827 of this Code for each district class.*~~

~~*(b) Use Limitations. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted.*~~

~~*(1) Permitted Uses. If there are two or more uses in a structure, any use not classified below under Section 825.1(b)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.*~~

~~*(4) Principal Uses. Principal uses are permitted as of right in a Downtown Residential District, when so indicated in Section 827 of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.*~~

~~*(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Section 827 of this Code. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through 803.9 of this Code.*~~

~~*(i) Notwithstanding any other provision of this Article, a change in use or demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use authorization. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.*~~

~~*(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an accessory use in a Downtown Residential District. In order to accommodate a principal use which is carried out by one business in multiple locations within the same general area, such accessory use need not be located in the same structure or lot as its principal use provided that (1) the accessory use is located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective date of this amendment; and (3) the existence of the multiple locations is acknowledged in writing by the Zoning Administrator within 60 days after the effective date of this amendment. Any use, which does not qualify as an accessory use, shall be classified as a principal use.*~~

~~*No use will be considered accessory to a principal use, which involves or requires any of the following:*~~

~~*(i) The use of more than one third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the*~~

~~case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1, 156 and 157 of this Code;~~

~~(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or movie theater use;~~

~~(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).~~

~~(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in Downtown Residential Districts to the extent authorized by Sections 205 through 205.3 of this Code.~~

~~(E) Prohibited Uses.~~

~~(i) Uses which are not specifically listed in Section 827 or Article 6 are not permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code.~~

~~(ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a Downtown Residential District which, by reason of its nature or manner of operation, creates conditions that are hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.~~

~~(iii) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.~~

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

The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes set forth below.

The RH-DTR District is adjacent to the southern edge of the downtown, generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and Essex Street. High-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Folsom Street is intended to develop as the neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are required on the ground floor. Individual townhouse dwelling units with ground floor entries directly to the street are required on streets that will become primarily residential, including First, Fremont, Beale, Main, and Spear Streets.

While lot coverage is limited for all levels with residential uses that do not face onto streets or alleys, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them, such as smaller lots on the Guy Place block. Specific height, bulk, and setback controls establish appropriate heights for both towers and mid-rise podium development and ensure adequate spacing between towers in order to establish a neighborhood scale and ensure light and air to streets and open spaces. Setbacks are required where necessary to provide transition space for ground floor residential uses and to ensure sunlight access to streets and open spaces. Off-street parking must be located below grade.

Given the need for services and open space resulting from new development, projects will provide or contribute funding for the creation of public open space and community facilities as described in the Rincon Hill Area Plan of the General Plan. The Rincon Hill Streetscape Plan, part of the Area Plan, proposes to enhance and redesign most streets in the district to create

substantial new open space amenities, improve pedestrian conditions, and improve the flow of local traffic and transit. Detailed standards for the provision of open spaces, mid-block pathways, and residential entries are provided to ensure that new buildings contribute to creating a public realm of the highest quality in Rincon Hill.

Table 827

RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.12, 105, 106, 250--252, 260, 270	Varies 45--550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
.11	Lot Size *[Per Development]*	§§ 890.56, 121	No limit
.12	Rear Yard/Site Coverage	§ 136	100 percent lot coverage permitted; up to 80 percent for parcels that front the north side of Guy Place and for all parcels at residential levels where not

			all units face onto streets or alleys. § ~~827(d)(2).~~ 825(b)(1) and 827(a)(4).
.13	Setbacks	Ground Floor Residential Design Guidelines	Building setback of 3 to 10 ft. for all buildings except towers on Spear, Main, Beale, Fremont, and First Streets. § 827~~(d)~~(a)(2) and (6). Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § 827~~(d)~~(a)(5). Sun access plane setback of 50 degrees for all buildings 85' and lower on the south side of east-west mid-block pathways. § ~~827(d)~~ 827(a)(5).
.14	Street-Facing Uses	§§ 145.1, 145.4, Ground Floor Residential Design Guidelines ~~145.5~~	*Active uses required on all street frontages. See §§ 145.1, 825(b).* *Ground-level residential or commercial* ~~R~~requirements based on location. See §§ 145.4 and 827(a)(2).~~and 827(c).~~
.15	Parking and Loading Access: Prohibition	§ 155(r)	Prohibited on Folsom Street from Essex Street to The Embarcadero. § 827(a)(8)~~(d)(7)~~ and 155(r)

.16	Parking and Loading Access: Siting and Dimensions	§§ 145.*14*, 151.1, 155(r)	No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide each, loading access limited to one 15' opening. § ~~*827(d)(7).*~~ *825(b)(7) and 827(a)(8).*
.17	Awning	§ 890.21	P, § 136.2(a)
.18	Canopy	§ 890.24	P, § 136.2(b)
.19	Marquee	§ 890.58	P, § 136.2(c)
Non-Residential Standards and Uses			
.20	Required Residential to Non-Residential Use Ratio	§ 102.10	Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § ~~*827(b)*~~ *825(c)(2).*
.21	Use Size [Non-Residential]	§§ 890.130, 145.*14*	P for non-residential uses up to 25,000 sq. ft., C above. No individual ground floor tenant may occupy more than 75' of frontage for a depth of 25' from Folsom Street. §§ ~~*827(d)(5),*~~ 145.*14*.
.22	Open Space	§§ 135, *135.3*	1 sq. ft. of publicly-accessible open

			space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. § ~~827(e)~~ *135.3*
.23	Off-Street Parking [Office uses]	§§ 150, 151, 151.1, 153--157, 204.5	None Required. Parking that is accessory to office space limited to 7% of GFA.
.24	Off-Street Parking [Non-Residential, other than office uses]	§§ 150, 151, 151.1, 153--157, 204.5	None Required. Parking limited as described in Section 151.1.
.25	Off-Street Freight Loading	§§ 150, 152.2, 153--155, 204.5	None Required. Loading maximums described in Section 152.2.
.26	All Non-Residential Uses Permitted, except as described below. *§825(c)(1)(A)*		
.27	Drive-Up Facility	§ 890.30	NP
.28	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise.
.29	Hospital or Medical Center	§ 124.1, 890.44	C
.30	Other	§ 890.50	C

	Institutions		
.31	Public Use	§ 890.80	C
.32	Movie Theater	§ 890.64	C
.33	Nighttime Entertainment	§§ 102.17, 803.5(bg)	C
.34	Adult Entertainment	§ 890.36	NP
.35	Massage Establishment	§ 890.60 Article 29 Health Code	C
.36	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	NP
.37	Automobile Parking Garage, Community Commercial	§ 890.10, 160	~~NP~~ *C, per the criteria of Section 157.1*
.38	Automotive Gas Station	§ 890.14	NP
.39	Automotive	§ 890.18,	NP

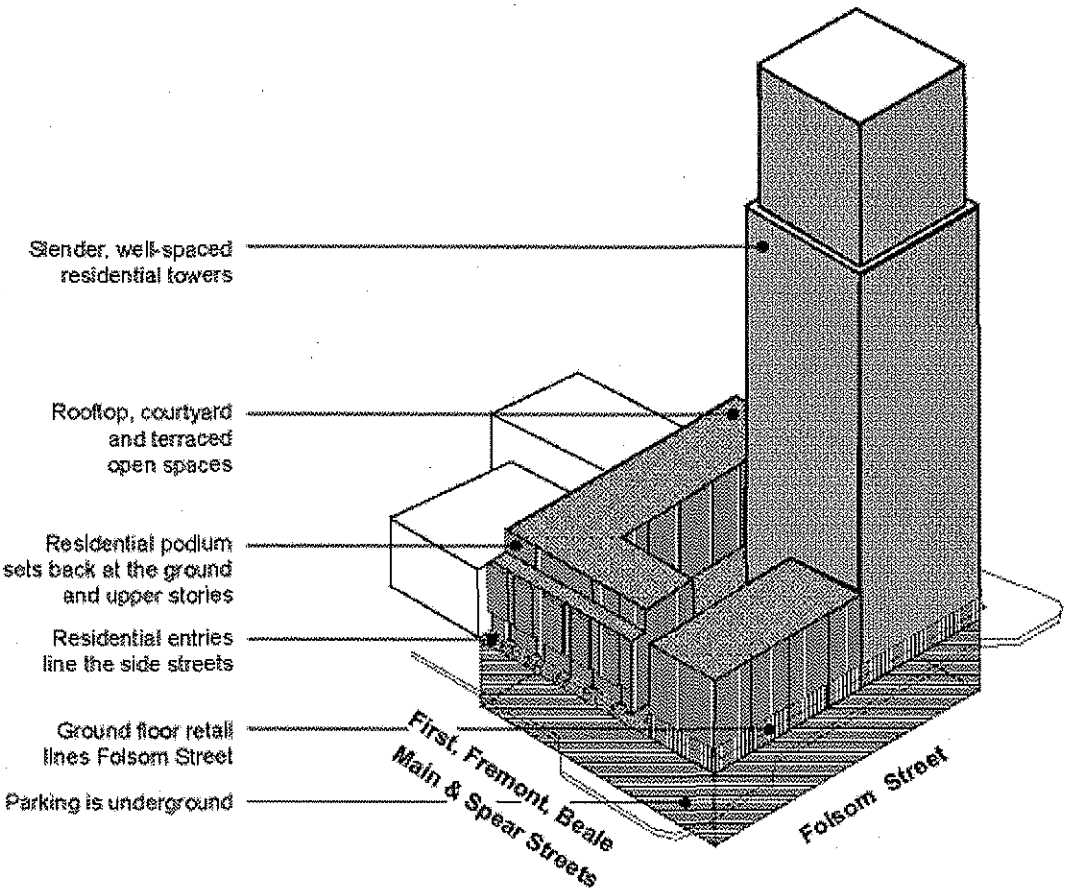
	Service Station	890.19	
.40	Automotive Repair	§ 890.15	NP
.41	Automotive Wash	§ 890.20	NP
.42	Automotive Sale or Rental	§ 890.13	C
.43	Mortuary	§ 890.62	C
.44	Hours of Operation	§ 890.48	C. 2 a.m.--6 a.m.
.45	Business Sign	§§ 602--604, 608.1, 608.2	P. § 607.2(f)
Residential Standards and Uses			
.46	Residential Use	§ 890.88	P
.47	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. §207.5 (~~b~~d) *Unit Mix Required § 207.6*
.48	Residential Density, Group Housing	§ 890.88(b)	No Limit. §§ 207.5 (~~b~~d)
.49	Usable Open	§ 135, 136	75 sq. ft. per unit; up to 50% may be

	Space [Per Residential Unit]		provided off-site if publicly accessible. § ~~827(c)~~ *135 and 827(a)(9)*.
.50	Accessory Off-Street Parking, Residential	§§ 151.1, 153--157, 159--160, 204.5	None Required. Up to one car per 2 dwelling units permitted; up to one car per dwelling unit per procedures and criteria of Sections 151.1 *825(b)(7)* and 827(~~d~~a)*(8)*.
.51	Residential Conversions	§ 790.84, Ch. 41 Admin. Code	C
.52	Residential Demolition		C

(a) ***Building Standards***.

(1) Development Concept. The development concept is for podium development up to 85 feet in height, with slender residential towers spaced to provide ample light and air to the district. New development will contribute to the creation of a substantial amount of public open space, as well as provide private common areas, courtyards, and balconies. Streets will be improved to provide widened sidewalks with substantial public open space. Ground floor uses will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and individual townhouse-style residential units on First, Fremont, Beale, Main, and Spear Streets, as well as on alleys and mid-block pathways. Parking will be

located below grade, and building utilities (loading bays, service doors, garage doors) will be located in sidewalk vaults or on secondary frontages.



~~*(b) Residential Use Controls.*~~

~~*(1) Residential Density. There shall be no density limit for residential uses, as defined by Section 890.88 of this Code, in the Rincon Hill Downtown Residential District. The provisions of Sections 207 through 208 related to residential density shall not apply.*~~

~~*(2) Required Residential to Non-Residential Use Ratio. For newly constructed buildings or additions which exceed 20 percent or more of an existing structure's gross floor area, at least six occupiable square feet of residential use shall be provided for each occupiable square foot of non-residential use, excluding accessory parking, on any lot*~~

~~*legally existing. Lawfully existing live/work units shall be considered as non residential uses for the purpose of this section, and do not satisfy the residential requirement. Exemption from the required use ratio for building additions of less than 20 percent may not be granted for any single lot if such an exemption would increase the total square footage of the building to an amount 20 percent greater than existed on the lot since the adoption of this Section.*~~

~~*(3) Required unit size mix. No less than 40 percent of all units on site must have at least two bedrooms or more. Projects are encouraged to have at least 10 percent of all units on site with three bedrooms or more.*~~

~~*(4) For newly constructed buildings or additions, which exceed 20 percent or more of an existing structure's gross floor area, all building area above 85 feet in height shall be devoted to residential use.*~~

~~*(5) Housing Requirement for Residential Developments. The requirements of Sections 315 through 315.9 shall apply in the RH DTR subject to the following exceptions:*~~

~~*(A) If constructed on site, a minimum of 12 percent of the total units constructed, and if constructed off site, a minimum of 17 percent of the total units constructed, shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code.*~~

~~*(B) Below market rate units as required by Sections 315 through 315.9 that are built off site must be built within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.*~~

~~*(C) No less than fifty percent (50%) of the fees that are paid due to development in the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for and designated exclusively to increase the supply of affordable housing in the SOMA area.*~~

~~*(D) Fifty percent (50%) of the below market rate units as required by Section 315 through 315.9 that are built on or off site must be provided as rental units for the life of the project, as defined in Planning Code Section 315.7(a).*~~

~~*(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan prior to any expenditure of the Funds.*~~

~~*(e)*~~ *(2)* Street-Facing Use Requirements. Pedestrian-oriented retail, residential, institutional uses, and community services are required ground floor uses on all street facing frontages, except for the minimum frontage required for fire doors, parking and loading access, and other utilities.

~~*(1)*~~ *(A)* Required Ground Floor Retail Spaces. For frontages facing Folsom Street, ground floor space suitable for retail use is required for no less than 75 percent of all frontages, as specified in Section 145.4.

~~*(2)*~~ *(B)* Required Individual Ground Floor Residential Units. For building frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet from an intersection with Folsom, Harrison, or Bryant Streets, and for building frontages facing Guy Place and Lansing Street, individual ground floor residential units with direct pedestrian access to the sidewalk are required at intervals of no greater than 25 feet, except where residential lobbies, parking and loading access, utilities, and open space are necessary and provided pursuant to the allowances of Section 827 and other sections of this Code. Individual ground floor residential units are also encouraged along Harrison Street, Bryant Street, and alleys and mid-block pedestrian paths where appropriate.

Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.

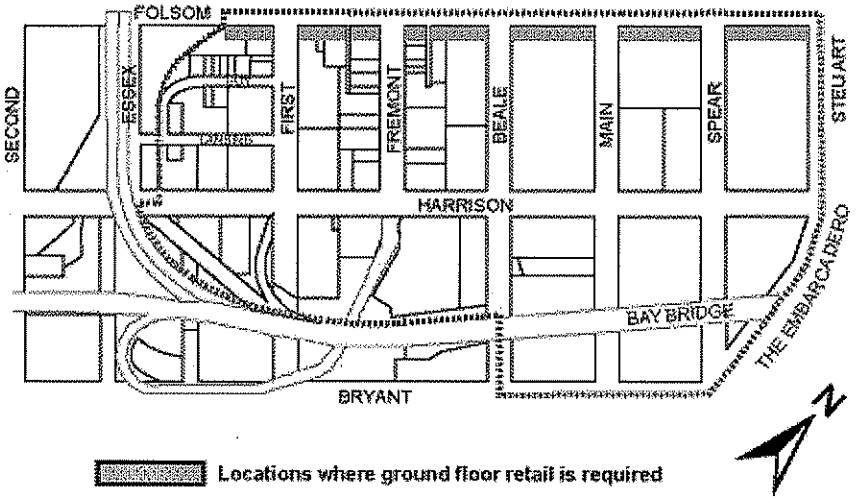
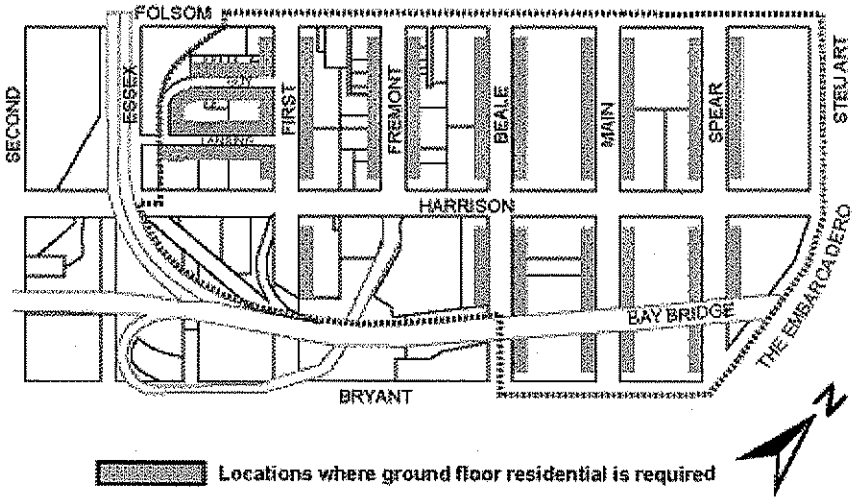


Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are Required.



~~*(d) Building Design Standards.*~~

~~*(1)*~~ *(3)* **Required Streetwall**. Building area below 85 feet in height is required to be built to 100 percent of all property lines facing public rights-of-way, except where setbacks are required by this Section and except where publicly

accessible open space is provided according to the provisions of this Section. Recesses, insets and breaks between buildings are permitted to provide vertical articulation to the facade, provided the overall integrity of the streetwall is maintained.

~~*(2)*~~ *(4)* Lot Coverage. ~~*The requirements of Section 134 shall not apply in the RH DTR District. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right of way or mid-block pedestrian path meeting the minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to the provisions of Section 309.1, for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.*~~ Lots fronting only on the north side of Guy Place are permitted up to 80 percent lot coverage.

~~*(3) Dwelling Unit Exposure. The requirements of Section 140 shall apply. Reductions in this requirement may be granted though the procedures of Section 309.1.*~~

~~*(4)*~~ *(5)* **Upper Story Setback**. To ensure adequate sunlight to streets, alleys, and pedestrian pathways, upper story setbacks are required as follows:

(A) All buildings are required to set back at least 10 feet above a height of 65 feet along Spear, Main, Beale, Fremont and First Streets. This requirement shall not apply to street frontage occupied by a building taller than 85 feet. This upper story setback requirement shall also not apply to the first 60 linear feet of frontage from corners at Folsom, Harrison, and Bryant Streets.

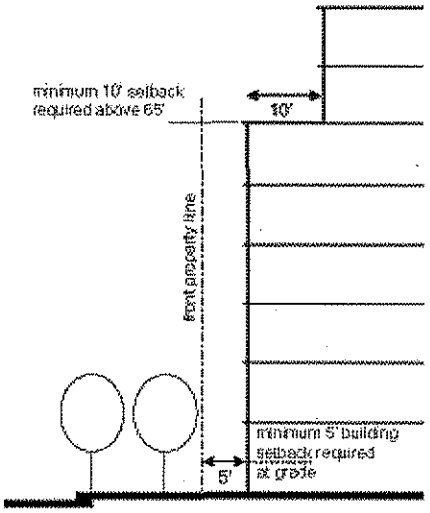
(B) Buildings greater than 60 linear feet from a major street along Guy Place, Lansing Street, and any proposed or existing private or public mid-

block pedestrian pathways, are required to be set back at least 10 feet above 45 feet in height from said right-of-way.

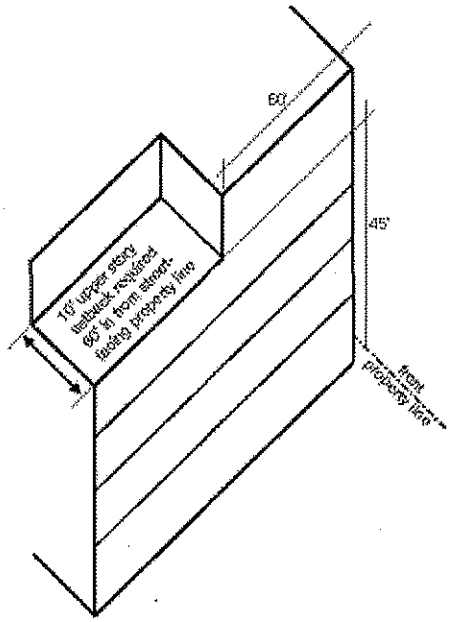
(C) In order to increase sun access to mid-block pathways and uses along such pathways, all building frontage on the southeast side of mid-block pathways not occupied by a building taller than 85 feet must set back upper stories by 10 feet above a building height of 45 feet. For projects on the south side of a mid-block pedestrian pathway taller than 65 feet, an additional upper story setback of 10 feet is required above a building height of 65 feet.

(i) Modifications. For any lot on the north side of a required mid-block pedestrian pathway, a modification from the required upper story setback of 10 feet above a height of 45 feet may be granted according to the provisions of Section 309.1, provided that, in total, the building is set back by a volume equal to what would be required by meeting the standard in (C) above, and the modification would substantially improve the accessibility, design and character of the mid-block pedestrian pathway.

Figure 827(D): Required Upper Story Stepbacks



First, Fremont, Main, Beale, and Spear Streets



Guy Place, Lansing Street, or mid-block pedestrian pathway

~~(5)~~ *(6)* **Ground Floor Residential Units**. Where ground floor residential units are required along Spear, Main, Beale, Fremont, and First Streets, the ~~following~~ design standards *of the Ground Floor Residential Design Guidelines* apply. Ground floor residential units along Guy Place and Lansing Street, within the footprint of towers taller than 105 feet, and those that are proposed in locations where they are not required, are encouraged to meet the standards in this subsection to the greatest degree possible.

~~*(A) Facade Articulation. Individual residential units are required to be vertically articulated at regular intervals of no greater than 25 feet. Changes in vertical massing, architectural projections and recesses may be used to achieve this articulation.*~~

~~*(B) Setback Dimensions. Building setbacks are required to create a transitional space between the public realm of the street and the private realm of the individual dwelling unit. The setback shall be implemented according to the following specifications, and as illustrated in Figures 827(E) and 827(F):*~~

~~*(i) The entire building facade must be set back from the street abutting property line a minimum of three feet, an average of five feet, and not in excess of ten feet.*~~

~~*(ii) All projections allowed by Section 136 permitted in front setbacks are permitted, except for garages and driveways. Architectural projections, such as bay windows, are encouraged and may extend down to the ground provided they do not encroach within the 18-inch landscaping strip required by subsection (iii). Railings, fences, and grilles up to a height of 3 feet 6 inches that are at least 75 percent open to perpendicular view are permitted on top of an landing or porch, regardless of the combined total height of the railing and porch from street grade.*~~

~~*(iii) A landscaped strip at grade with the sidewalk is required for the first 18 inches of the setback, for at least 50 percent of the width of each residential unit.*~~

~~*(iv) Setbacks proposed to be greater than five feet are encouraged to provide a porch or landscape area at grade with the residential entry.*~~

~~*(C) Residential Entries.*~~

~~*(i) Residential entries are required to be raised an average of three feet above street grade.*~~

~~*(ii) Each entry is required to have a vestibule at least one foot in depth from the building facade. The entry vestibule may be no less than five feet wide and no less than the height of the ground story.*~~

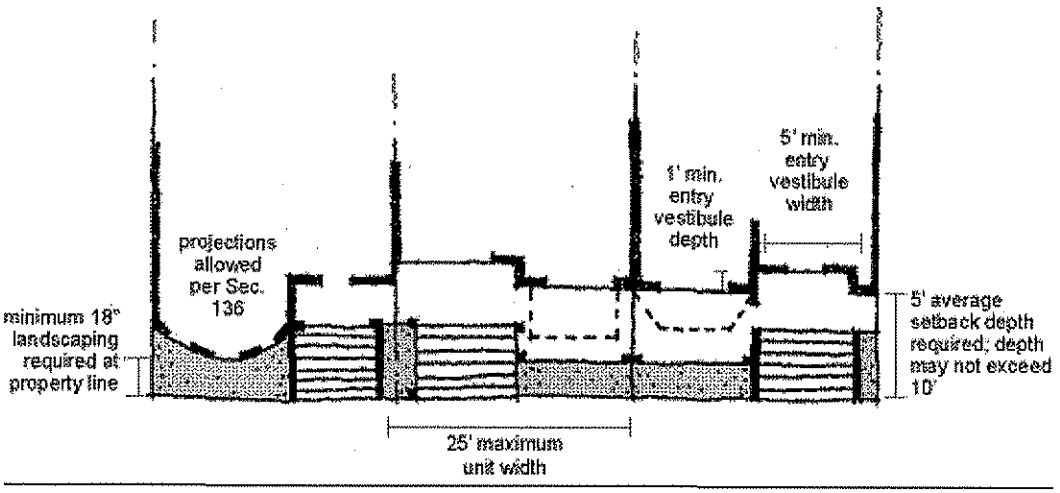
~~*(D) Landscaping in Setbacks. All building setback areas not occupied by steps, porches or other occupiable space must be landscaped. Setbacks should be designed to provide access to landscaped areas, encouraging gardening and other uses by residents.*~~

~~*(i) A water source must be provided for each residential setback.*~~

~~*(ii) To allow for landscaping and street trees at street grade, parking must be located far enough below the surface of the setback to provide a minimum soil depth of 3 feet 6*~~

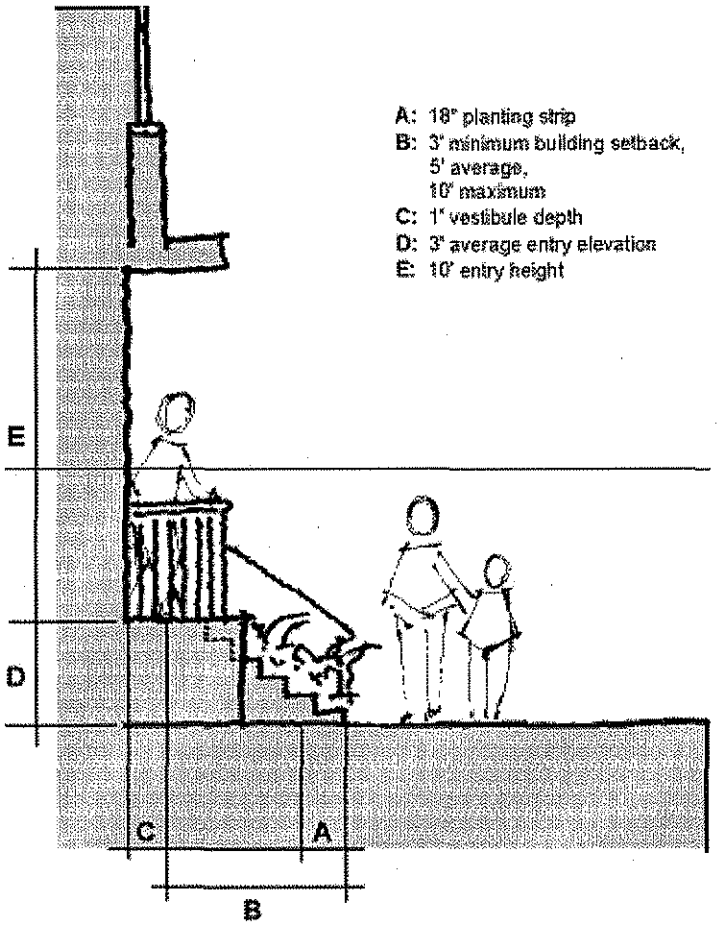
~~*inches. A continuous soil trough should be provided with adequate centrally operated irrigation.*~~

~~*Figure 827(E): Required Dimensions for Building Setbacks.*~~



(Graphic Deleted)

~~*Figure 827(F): Required Dimensions for Building Setbacks.*~~



(Graphic Deleted)

~~(6)~~ *(7)* **Ground Floor Commercial Design**. *Ground floor commercial spaces must meet the standards set in Section 145.1 and 145.4.*

~~*(A) Minimum Depth. Ground floor non-residential spaces along Folsom Street must have a minimum depth of 25 feet from the Folsom Street facade.*~~

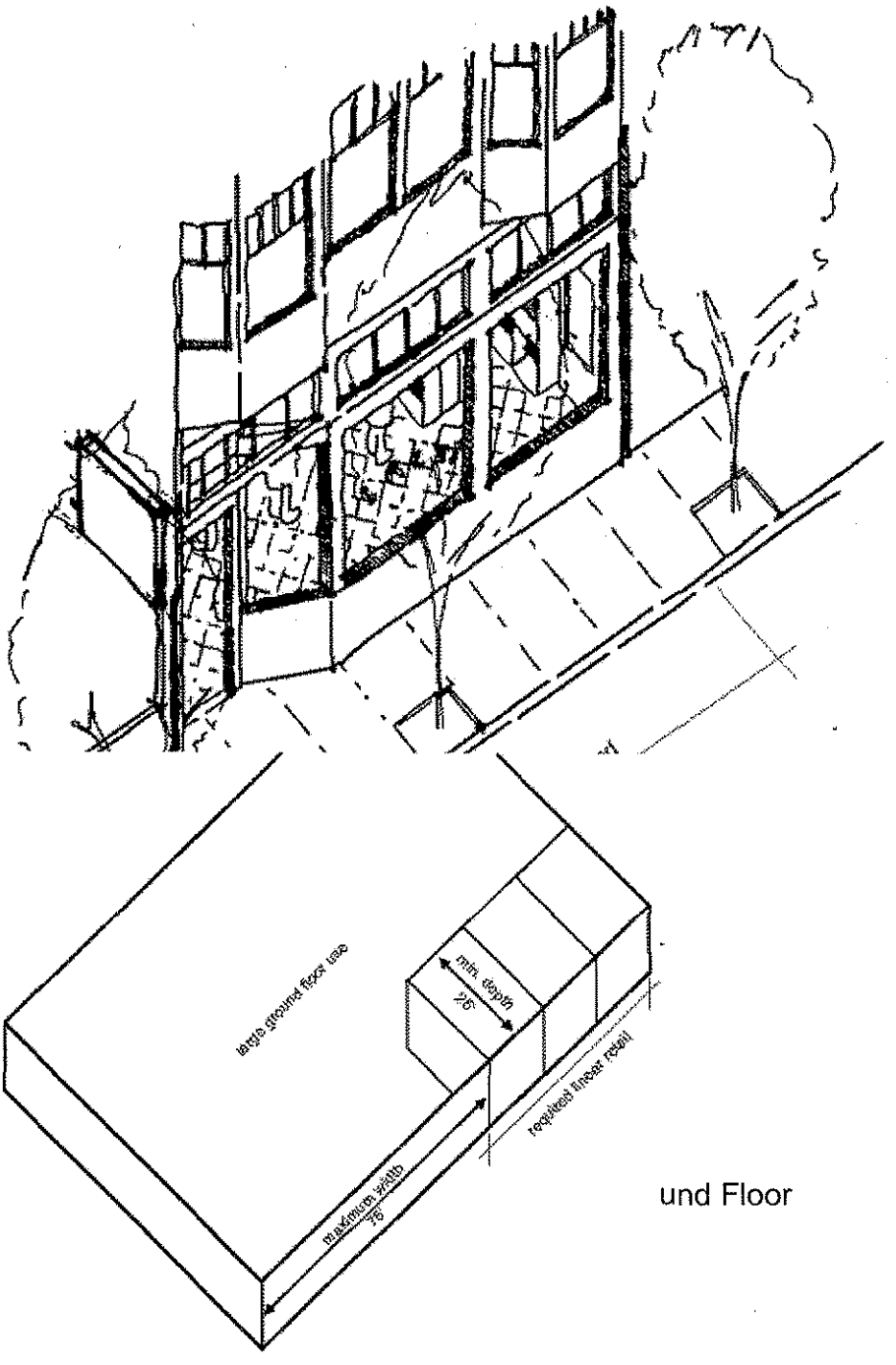
~~*(B) Minimum Ceiling Height. Ground floor non-residential spaces along Folsom Street must have a minimum 12 foot 6 inch clear ceiling height for the first 25 feet of depth fronting Folsom Street.*~~

~~*(C) Transparency and Fenestration. Non-residential frontages must be fenestrated with windows and doorways for no less than 60 percent of the facade area. No less than 75 percent of the fenestrated area must be transparent. The use of dark or mirrored glass is not permitted or required transparent area.*~~

~~*(D) Maximum Frontage. A single ground floor commercial tenant may not occupy more than 75 linear feet of frontage for the first 25 feet of depth from the street facing facade along any major street. Separate individual storefronts shall wrap large footprint ground floor uses for the first 25 feet of depth.*~~

~~*(7) Lighting. Pedestrian-scaled lighting shall be provided as an integral element of all building facades and shall be designed and located to accentuate the uses facing the street. Pedestrian-scaled lighting shall be incorporated into all facades and landscaped setback areas in the form of wall sconces, entry illumination and low-level lighting set into edging features. Lighting should be designed to accentuate ground floor retail and residential entries. Incandescent or color-corrected lighting sources must be used.*~~

~~*Figure 827(G): Required Ground Floor Commercial Transparency and Fenestration.*~~



und Floor

Commercial Frontages.

(8) **Off-Street Parking and Loading**. ~~*Restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.*~~

~~*(A) Required Below-Grade. All off-street parking in the RH DTR shall be built below street grade. The design of parking on sloping sites must be reviewed through the procedures of Section 309.1, according to the following standards:*~~

~~*(i) For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the level of said sloping street; and*~~

~~*(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter of all floors with off-street parking shall be below the average grade of the site; and*~~

~~*(iii) Any above-grade parking shall be set back from the street facing facades and wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet at the ground floor and 15 feet on floors above.*~~

~~*Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly accessible open space serving the district and to foster superior architectural design on constrained sites.*~~

~~*(B)*~~ *(A)* **Parking and Loading Access**.

(i) **Width of openings**. ~~*Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage*~~

~~*opening is 27 feet.*~~ The maximum permitted width of all combined parking and loading openings on Guy Place and Lansing Street for any single project is 20 feet.

(ii) **Folsom Street**. Access to off-street parking is not permitted on Folsom Street for lots with frontage on another street. For lots fronting solely on Folsom Street, access to parking on a Folsom Street frontage is permitted only through the processes established by Section 309.1 by demonstrating that every effort has been made to minimize negative impact on the pedestrian quality of the street. Loading may not be accessed from Folsom Street.

~~*(iii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.*~~

~~*(e)*~~ *(9)* **Open Space.**

(1) ~~*Amount Required.*~~

~~*(A) Residential. For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in Section 135 unless otherwise established in this Section. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in this Section. At least40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly accessible. Publicly accessible open space, including off site open space permitted by this Section, meeting the standards of*~~

~~*this Section may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards in Section 827(d)(4) may be counted toward the open space requirement asprivate non-common open space.*~~

~~*(B) Non-residential. One square foot of publicly accessible open space is required for every 50 gross square feet of non-residential uses over 10,000 square feet. All non-residential open space must meet the standards of Section 827 for publicly accessible open space.*~~

~~*(2) Off-site provision of required open space. The provision of off-site publicly-accessible open space may be counted toward the requirements of both residential and non-residential open space provided it is within the RH-DTR or within 500 feet of any boundary of the RH-DTR District, and meets the standards of this Section.*~~

~~*(A) At least 36 square feet per residential unit of required open space and 50 percent of required non-residential open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.*~~

~~*(B) Open Space Provider. The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is*~~

~~*made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.*~~

~~*(3) Publicly Accessible Open Space Standards.*~~ *In addition to the standards of Section 135,* ~~*Any*~~ open space intended to fulfill the requirements of off-site or publicly-accessible open space *may include* ~~*required by this Section must meet the following standards and be approved by the Planning Commission according to the procedures of Section 309.1 of this Code and.*~~

~~*(A) Open space must be of one or more of the following types:*~~

~~*(i) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas according to the Rincon Hill Area Plan;*~~

~~*(ii) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service;*~~

~~*(iii) An unenclosed pedestrian pathway that meets the minimum standards described in Section 827(g)(3);*~~

~~*(iv) A terrace or roof garden with landscaping;*~~

~~*(v) Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Streetscape Plan of the Rincon Hill Area Plan, such as sidewalk widening or building setbacks, other than those ground floor setbacks required by Section 827(d)(4) or intended by design for the use of individual ground floor residential units; and*~~

~~*(vi) S s*~~treetscape improvements with landscaping and pedestrian amenities on Guy Place and Lansing Street, beyond basic street tree planting or street lighting as otherwise required by this Code, in accordance with the Streetscape Plan of the Rincon Hill Area Plan.

~~*(B) Open space must meet the following standards:*~~

~~*(i) Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;*~~

~~*(ii) Be appropriately landscaped;*~~

~~*(iii) Be protected from uncomfortable winds;*~~

~~*(iv) Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;*~~

~~*(v) Be well signed and accessible to the public during daylight hours;*~~

~~*(vi) Be well lighted if the area is of the type requiring artificial illumination;*~~

~~*(vii) Be designed to enhance user safety and security;*~~

~~*(viii) Be of sufficient size to be attractive and practical for its intended use; and*~~

~~*(ix) Have access to drinking water and toilets if feasible.*~~

~~*(C) Maintenance. Open spaces shall be maintained at no public expense, except as might be provided for by any community facilities district that may be formed in the RH DTR. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1.*~~

~~*(D) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location*~~

~~*outside the building at street level, or at the site of any publicly accessible open space, identifying said open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.*~~

~~*(E) The Zoning Administrator shall have authority to require a property owner to hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of open space, and to require the owner or owners or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the open space.*~~

~~*(f) Reduction of Ground Level Wind Currents.*~~

~~*(1) Requirement. New buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed, more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.*~~

~~*(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.*~~

~~*(3) Exception. The Zoning Administrator may allow the building or addition to add to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be shown that a building or addition cannot be shaped and other wind-baffling measures*~~

~~*cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (ii) the Zoning Administrator concludes that, because of the limited amount by which the comfort level is exceeded, the addition is insubstantial. The Zoning Administrator shall not grant an exception, and, no building or addition shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.*~~

~~*(g)*~~ *(10)* **Streetscape Standards**.

~~*(1)*~~ *(A)* **Sidewalk Treatments**.

~~*(A)*~~ *(i)* For all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and approved by the Board of Supervisors.

~~*(B)*~~ *(ii)* Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall require an applicant to install sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General Plan and in accordance with subsections (C)--(F) below.

~~*(C)*~~ *(iii)* Sidewalk treatments shall comply with any applicable ordinances and with any applicable regulation of the Art Commission, the Department of Public Works and the Bureau of Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving, and sidewalk landscaping.

~~(D)~~ *(iv)* The Streetscape Plan and any Commission requirement pursuant to subsection ~~(B)~~ *(ii)* shall require the abutting property owner or owners to hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act.

~~(E)~~ *(v)* Notwithstanding the provisions of this Section, an applicant shall apply for all required permits for changes to the legislated sidewalk widths and street improvements and pay all required fees.

~~(F)~~ *(vi)* The owner of the property is required to maintain all those improvements other than lighting.

~~*(2) Street Trees. Street trees shall be installed by the owner or developer in the case of construction of a new building, relocation of a building, or addition of floor area equal to 20 percent or more of an existing building when such construction, relocation or addition occurs on any site in the RH DTR. Street trees shall be provided according to the provisions of Section 143(b), (c) and (d). In addition, street trees shall:*~~

~~*(A) be planted at least one foot back from the curb line;*~~

~~*(B) have a minimum 2 inch caliper, measured at breast height;*~~

~~*(C) branch a minimum of 8 feet above sidewalk grade;*~~

~~*(D) where in the public right-of way, be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;*~~

~~*(E) where planted in individual basins rather than a landscaped planting bed, be protected by a tree grate with a removable inner ring to provide for the tree's growth over time;*~~

~~*(F) provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;*~~

~~*(G) be irrigated, maintained and replaced if necessary by the property owner, in accordance with Sec. 174 of the Public Works Code; and*~~

~~*(H) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.*~~

~~*(3)*~~ *(B)* **Mid-Block Pedestrian Pathways**. For developments on Assessor's Blocks 3744--3748, the Commission may require, pursuant to Section 309.1, the applicant to provide a mid-block pedestrian pathway for the entire depth of their property where called for by the Rincon Hill Area Plan of the General Plan. This pathway shall be designed in accordance with the standards of this Section.

~~*(A)*~~ *(i)* **Design**. The design of the pathway shall meet the following minimum requirements:

~~*(i)*~~ *(AA)* Have a minimum width of 20 feet from building face to building face;

~~*(ii)*~~ *(BB)* Have a minimum clear walking width of 10 feet free of any obstructions.

~~*(iii)*~~ *(CC)* except for those permitted in front setbacks by Section 136 of this Code;

~~*(iv)*~~ *(DD)* Provide such ingress and egress as will make the area easily accessible to the general public;

~~*(v)*~~ *(EE)* Be protected from uncomfortable wind, as called for elsewhere in this Code;

~~*(vi)*~~ *(FF)* Be publicly accessible, as defined elsewhere in this Section;

~~*(vii)*~~ *(GG)* Be provided with special paving, furniture, landscaping, and other amenities that facilitate pedestrian use;

~~(viii)~~ *(HH)* Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

~~(ix)~~ *(II)* Be free of any changes in grade or steps not required by the natural topography of the underlying hill; and

~~(x)~~ *(JJ)* Be fronted by active ground floor uses, such as individual townhouse residential units, to the greatest extent possible.

~~(B)~~ *(ii)* Prior to issuance of a permit of occupancy, informational signage directing the general public to the pathway shall be placed in a publicly conspicuous outdoor location at street level stating its location, the right of the public to use the space and the hours of use, and the name and address of the owner or owner's agent responsible for maintenance.

~~(C)~~ *(iii)* The owner of the property on which the pathway is located shall maintain
it by keeping the area clean and free of litter and keeping in a functional and healthy state any street furniture, lighting and/or plant material that is provided.

~~(D)~~ *(iv)* Notwithstanding the provisions of this subsection, an applicant shall obtain all required permits for changes to the legislated sidewalk and street improvements and pay all required fees.

~~(E)~~ *(v)* The property owner or owners must hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act.

(b) Uses.

(1) Housing Requirement for Residential Developments. The requirements of Sections 315 through 315.9 shall apply in the RH-DTR subject to the following exceptions:

(A) If constructed on-site, a minimum of 12 percent of the total units constructed,
and if constructed off-site, a minimum of 17 percent of the total units constructed, shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code.

(B) Below-market-rate units as required by Sections 315 through 315.9 that are built off-site must be built within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(C) No less than fifty percent (50%) of the fees that are paid due to development in
the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for and designated exclusively to increase the supply of affordable housing in the SOMA area.

(D) Fifty percent (50%) of the below-market rate units as required by Section 315
through 315.9 that are built on- or off-site must be provided as rental units for the life of the project, as defined in Planning Code Section 315.7(a).

(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan prior to any expenditure of the Funds.

SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

The South Beach Downtown Residential Mixed Use District (SB-DTR), the boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes set forth below.

The SB-DTR District is adjacent to the southern edge of the downtown, generally bounded by the Bay Bridge, Bryant Street, the Embarcadero, and 2nd Street, and is primarily comprised of the former South Beach Redevelopment Area. High-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Individual townhouse dwelling units with ground floor entries directly to the street are generally required on streets.

While lot coverage is limited for all levels with residential uses that do not face onto streets or alleys, traditional rear yard open spaces are not required. Specific height, bulk, and setback controls establish appropriate heights for both towers and mid-rise podium development and ensure adequate spacing between towers in order to establish a neighborhood scale and ensure light and air to streets and open spaces. Setbacks are required where necessary to provide transition space for ground floor residential uses and to ensure sunlight access to streets and open spaces. Off-street parking must be located below grade.

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT ZONING CONTROL TABLE

—			*South Beach Downtown Residential District Zoning*
No. -	*Zoning Category*	*§ References*	*Controls*

Building and Siting Standards			
.10 -	*Height and Bulk*	*§§ 102.12, 105, 106, 250--252, 260, 270*	*Varies 40--200 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).*
.11 -	*Lot Size [Per Development]*	*§§ 890.56, 121* -	*No limit*
.12 -	*Rear Yard/Site Coverage*	*§ 136*	*100 percent lot coverage permitted; up to 80 percent for all lots at residential levels where not all units face onto streets or alleys. § 825(b)(2).*
.13 -	*Setbacks*	*Ground Floor Residential Design Guidelines*	*Building setback of 3 to 10 ft. for all buildings with residential uses at the ground level per the Ground Floor Residential Design Guidelines.*
.14 -	*Street-Facing Uses* -	*§§ 145.1, 145.4, 825(b)*	*Active uses required on all street frontages. See §§ 145.1, 825(b).*
.15 -	*Parking and Loading Access: Prohibition*	*§ 155(r)*	*Prohibited on the Embarcadero. §155(r)*
.16 -	*Parking and Loading Access: Siting and*	*§§ 145.1, 151.1, 155(r)*	*No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide*

	Dimensions		*each, loading access limited to one 15' opening. § 825(b).*
.17	*Awning*	*§ 890.21*	*P, § 136.2(a)*
.18	*Canopy*	*§ 890.24*	*P, § 136.2(b)*
.19	*Marquee*	*§ 890.58*	*P, § 136.2(c)*
Non-Residential Standards and Uses			
.20	*Required Residential to Non-Residential Use Ratio*	*§ 102.10*	*Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2).*
.21	*Use Size [Non-Residential]*	*§ 890.130*	*P for non-residential uses up to 25,000 sq. ft., C above.*
.22	*Open Space*	*§ 135.3*	*1 sq. ft. of publicly-accessible open space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. § 135.3*
.23	*Off-Street Parking [Office uses]*	*§§ 150, 151, 151.1, 153--157, 204.5*	*None Required. Parking that is accessory to office space limited to 7% of GFA.*
.24	*Off-Street Parking [Non-Residential,*	*§§ 150, 151, 151.1, 153--*	*None Required. Parking limited as described in Section 151.1.*

	other than office uses]	*157, 204.5*	
.25	*Off-Street Freight Loading*	*§§ 150, 152.2, 153--155, 204.5*	*None Required. Loading maximums described in Section 152.2.*
.26	*All Non-Residential Uses Permitted, except as described below. §825(c)(1)(A)*		
.27	*Drive-Up Facility*	*§ 890.30*	*NP*
.28	*Walk-Up Facility*	*§ 890.140*	*P if recessed 3 ft. C otherwise.*
.29	*Hospital or Medical Center*	*§§ 124.1, 890.44*	*C*
.30	*Other Institutions*	*§ 890.50*	*C*
.31	*Public Use*	*§ 890.80*	*C*
.32	*Movie Theater*	*§ 890.64*	*C*
.33	*Nighttime Entertainment*	*§§ 102.17, 803.5(b)*	*C*
.34	*Adult Entertainment*	*§ 890.36*	*NP*

.35 -	Massage Establishment	§ 890.60 Article 29 Health Code	C
.36 -	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	NP
.37 -	Automobile Parking Garage, Community Commercial	§§ 890.10, 160 -	C, per the criteria of Section 157.1
.38 -	Automotive Gas Station	§ 890.14	NP
.39 -	Automotive Service Station	§§ 890.18, 890.19	NP
.40 -	Automotive Repair	§ 890.15	NP
.41 -	Automotive Wash	§ 890.20	NP
.42 -	Automotive Sale or Rental	§ 890.13	C
.43 -	Mortuary	§ 890.62	C
.44	Hours of Operation	§ 890.48	C. 2 a.m.--6 a.m.

-	-		
.45 -	Business Sign	§§ 602--604, 608.1, 608.2	P. § 607.2(f)
Residential Standards and Uses			
.46 -	Residential Use	§ 890.88	P
.47 -	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. § 207.5 (d) Unit Mix Required § 207.6
.48 -	Residential Density, Group Housing	§ 890.88(b)	No Limit. § 207.5 (d)
.49 -	Usable Open Space [Per Residential Unit]	§§ 135, 136	75 sq. ft. per unit; up to 50% may be provided off-site if publicly accessible. § 135.
.50 -	Accessory Off-Street Parking, Residential	§§ 151.1, 153--157, 159--160, 204.5	None Required. Up to one car per 4 dwelling units permitted; up to .75 cars per unit or 1 car per unit based on unit size, per procedures and criteria of Section 151.1.
.51 -	Residential Conversions	§ 790.84, Ch. 41 Admin. Code	C
.52 -	Residential Demolition	—	C

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use – General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840

MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE

		Mixed Use – General District	
No.	*Zoning Category*	*§ References*	*Controls*
Building and Siting Standards			
840.01	*Height Limit*	*See Zoning Map, §§ 260-261.1,*	*As shown on Sectional Maps 1 and 7 of the Zoning Map*

		263.20	*Height sculpting required on narrow streets, §261.1* *Non-habitable vertical projections permitted, §263.20*
840.02	*Bulk Limit*	*See Zoning Map, §§ 270, 270.1, 270.2*	*As shown on Sectional Maps 1 and 7 of the Zoning Map* *Horizontal mass reduction required, §270.1* *Mid-block alleys required, §270.2*
840.03	*Non-residential density limit*	*§§ 102.9, 123, 124, 127*	*Generally contingent upon permitted height, per Section 124*
840.04	*Setbacks*	*§§ 136, 136.2, 144, 145.1*	*Generally required*
840.05	*Awnings and Canopies*	*§§ 136, 136.1, 136.2*	*P*
840.06	*Parking and Loading Access: Prohibition*	*§ 155(r)*	*None*

840.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
840.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
840.09	Residential to non-residential ratio	§ 803.8(e)	None
840.10	Off-Street Parking, Non-Residential	§§150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
840.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
840.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
840.13	Outdoor Activity Area	§ 890.71	P
840.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
840.20	Dwelling Units	§ 102.7	P
840.21	Group Housing	§ 890.88(b)	P
840.22	SRO Units	§ 890.88(c)	P
840.23	Student Housing	§ 315.1(38)	C

840.24	*Dwelling Unit Density Limit*	*§§ 124, 207.5, 208*	*No density limit*
			~~At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be~~
840.25	*Dwelling Unit Mix*	*§ 207.6*	~~rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling~~

			~~units.~~ At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
840.26	*Affordability Requirements*	*§ 315*	*15% onsite /20% off-site*
840.27	*Residential Demolition or Conversion*	*§ 317*	*Restrictions apply; see criteria of Section 317*
Institutions			
840.30	*Hospital, Medical Centers*	*§ 890.44*	*NP*
840.31	*Residential Care*	*§ 890.50(e)*	*C*
840.32	*Educational Services*	*§ 890.50(c)*	*C for post-secondary institutions; P for all other*
840.33	*Religious Facility*	*§ 890.50(d)*	*C*
840.34	*Assembly and Social Service*	*§ 890.50(a)*	*P*
840.35	*Child Care*	*§ 890.50(b)*	*P*
840.36	*Medical Cannabis Dispensary*	*§ 890.133*	*NP*

Vehicle Parking			
840.40	*Automobile Parking Lot*	*§§ 890.7 890.9, 890.11*	*NP*
840.41	*Automobile Parking Garage*	*§§ 890.8, 890.10, 890.12, 157.1*	*C; subject to criteria of Sec. 157.1.*
Retail Sales and Services			
840.45	*All Retail Sales and Services which are not listed below*	*§§ 890.104, 803.9(i), 121.6*	*P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.*
840.46	*Formula Retail*	*§ 803.6*	*C. If approved, subject to size controls in Section 840.45.*
840.47	*Bar*	*§ 890.22*	*C. If approved, subject to size controls in Section 840.45.*
840.48	*Liquor Store*	*§ 790.55*	*C. If approved, subject to size controls in Section 840.45.*
840.49	*Ambulance Service*	*§§ 890.2, 840.45*	*C. If approved, subject to size controls in Section 840.45.*

840.50	Self-Storage	§ 890.54(d)	NP
840.51	Tourist Hotel	890.46	C
840.52	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	P, when primarily open to the general public on a retail basis; subject to the use size limits in Section 840.45.
Assembly, Recreation, Arts and Entertainment			
840.55	Arts Activity	§ 102.2	P
840.56	Nighttime Entertainment	§§ 102.17, 181(f) 803.5(b)	NP
840.57	Adult Entertainment	§ 890.36	NP
840.58	Amusement Arcade	§ 890.4	NP
840.59	Massage Establishment	§ 890.60	NP
840.60	Movie Theater	§ 890.64	P, up to three screens
840.61	Pool Hall not falling within Category 890.50(a)	§221 (f)	C
840.62	Recreation Building, not falling within Category 840.21	§ 221(e)	P
Office			
840.65	Office Uses in Landmark Buildings in Historic	§§ 890.70, 803.9(a)	P

	Districts		
840.66	*All Other Office Uses*	*§§ 803.9(h), 890.70, 890.118*	*Subject to vertical control of Sec. 803.9(h)*
840.67	*Live/Work Units*	*§ 233*	*NP*
Motor Vehicle Services			
840.70	*Vehicle Storage--Open Lot*	*§ 890.131*	*NP*
840.71	*Vehicle Storage--Enclosed Lot or Structure*	*§ 890.132, 157.1.*	*C; subject to criteria of Sec. 157.1.*
840.72	*Motor Vehicle Service Station, Automotive Wash*	*§§ 890.18, 890.20*	*P*
840.73	*Motor Vehicle Repair*	*§ 890.15*	*P*
840.74	*Automobile Tow Service*	*§ 890.19*	*C*
840.75	*Non-Auto Vehicle Sales or Rental*	*§ 890.69*	*P*
Industrial, Home, and Business Service			
840.78	*Wholesale Sales*	*§ 890.54(b)*	*P*
840.79	*Light Manufacturing*	*§ 890.54(a)*	*P*
840.80	*Trade Shop*	*§ 890.124*	*P*
840.81	*Catering Service*	*§ 890.25*	*P*
840.82	*Business Goods and*	*§ 890.23*	*P*

	Equipment Repair Service		
840.83	*Business Service*	*§ 890.111*	*P*
840.84	*Commercial Storage*	*§ 890.54(c)*	*P*
840.85	*Laboratory, life science*	*§ 890.53(a)*	*NP*
840.86	*Laboratory, not including life science laboratory*	*§§ 890.52, 890.53(a)*	*P*
840.87	*Non-Retail Greenhouse or Plant Nursery*	*§ 227(a)*	*P*
840.88	*Integrated PDR*	*§ 890.49*	*P in applicable buildings*
Other Uses			
840.90	*Mortuary Establishment*	*§ 227(c)*	*NP*
840.91	*Animal Services*	*§ 224*	*NP*
840.92	*Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility*	*§§ 890.80, 209.6(c), 227(h)*	*P*
840.93	*Commercial Wireless Transmitting, Receiving or Relay Facility*	*§ 227(h)*	*C*
840.94	*Internet Services Exchange*	*§ 209.6(c)*	*NP*
840.95	*Public Transportation*	*§ 890.80*	*P*

	Facilities		
840.96	*Open Air Sales*	*§§ 803.9(c), 890.38*	*P*
840.97	*Open Recreation and Horticulture*	*§ 209.5*	*P*
840.98	*Walk-up Facility, including Automated Bank Teller Machine*	*§§ 890.140, 803.9(b)*	*P*

SEC. 841. MUR – MIXED USE – RESIDENTIAL DISTRICT.

The Mixed Use – Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.

The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 841

MUR – MIXED USE – RESIDENTIAL DISTRICT ZONING CONTROL TABLE

		Mixed Use – Residential District	
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
841.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, §261.1 Non-habitable vertical projections permitted, §263.20
841.02	Bulk Limit	See Zoning Map, §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, §270.1 Mid-block alleys required, §270.2
841.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
841.04	Setbacks	§§ 136, 136.2, 144,	Generally required

		145.1	
841.05	*Awnings and Canopies*	*§§ 136, 136.1, 136.2*	*P*
841.06	*Parking and Loading Access: Prohibition*	*§ 155(r)*	*None*
841.07	*Parking and Loading Access: Siting and Dimensions*	*§§ 145.1, 151.1, 152.1, 155*	*Requirements apply*
841.08	*Off-Street Parking, Residential*	*§ 151.1*	*None required. Limits set forth in Section 151.1*
841.09	*Residential to non-residential ratio*	*§ 803.8(e)*	*3 sq.ft. of residential for every 1 sq.ft. of other permitted use*
841.10	*Off-Street Parking, Non-Residential*	*§§ 150, 151, 151.1, 153-157, 204.5*	*None required. Limits set forth in Section 151.1*
841.11	*Usable Open Space for Dwelling Units and Group Housing*	*§ 135*	*80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible*
841.12	*Usable Open Space for Non-Residential*	*§ 135.3*	*Required; amount varies based on use; may also pay in-lieu fee*
841.13	*Outdoor Activity Area*	*§ 890.71*	*P*
841.14	*General Advertising Sign*	*§ 607.2(b) &*	*NP*

	-	*(e) and 611*	
Residential Uses			
841.20	*Dwelling Units*	*§ 102.7*	*P*
841.21	*Group Housing*	*§ 890.88(b)*	*P*
841.22	*SRO Units*	*§ 890.88(c)*	*P*
841.23	*Student Housing*	*§ 315.1(38)*	*C*
841.24 –	*Dwelling Unit Density Limit*	*§§ 124, 207.5, 208* -	*No density limit within*
841.25	*Dwelling Unit Mix*	*§ 207.6*	~~At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total~~

			~~number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.~~ At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
841.26	*Affordability Requirements*	*§ 315*	*15% onsite /20% off-site*
841.27	*Residential Demolition or Conversion*	*§ 317*	*Restrictions apply; see criteria of Section 317*
Institutions			
841.30	*Hospital, Medical Centers*	*§ 890.44*	*NP*
841.31	*Residential Care*	*§ 890.50(e)*	*C*
841.32	*Educational Services*	*§ 890.50(c)*	*C for post-secondary*

			institutions; P for all other
841.33	*Religious Facility*	*§ 890.50(d)*	*P*
841.34	*Assembly and Social Service*	*§ 890.50(a)*	*P*
841.35	*Child Care*	*§ 890.50(b)*	*P*
841.36	*Medical Cannabis Dispensary*	*§ 890.133*	*NP*
Vehicle Parking			
841.40	*Automobile Parking Lot*	*§§ 890.7, 890.9, 890.11*	*NP*
841.41	*Automobile Parking Garage*	*§§ 145.1, 145.4, 155(r), 890.8, 890.10, 890.12, 157.1*	*C; subject to criteria of Sec. 157.1.*
Retail Sales and Services			
841.45	*All Retail Sales and Services which are not listed below*	*§§ 890.104, 121.6*	*P*
841.46	*Formula Retail*	*§ 803.6*	*P*
841.47	*Ambulance Service*	*§ 890.2*	*C*
841.48	*Self-Storage*	*§ 890.54(d)*	*NP*
841.49	*Tourist Hotel*	*890.46*	*NP*

Assembly, Recreation, Arts and Entertainment			
841.55	*Arts Activity*	*§ 102.2*	*P*
841.56	*Nighttime Entertainment*	*§§ 102.17, 181(f) 803.5(b)*	*NP*
841.57	*Adult Entertainment*	*§ 890.36*	*NP*
841.58	*Amusement Arcade*	*§ 890.4*	*NP*
841.59	*Massage Establishment*	*§ 890.60*	*NP*
841.60	*Movie Theater*	*§ 890.64*	*P, up to three screens*
841.61	*Pool Hall not falling within Category 890.50(a)*	*§221 (f)*	*P*
841.62	*Recreation Building, not falling within Category 841.21*	*§ 221(e)*	*P*
Office			
841.65	*Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts*	*§§ 890.70, 803.9(a)*	*P*
841.66	*All Other Office Uses*	*§§ 890.70, 890.118*	*P*
841.67	*Live/Work Units*	*§ 233*	*NP*
Motor Vehicle Services			

841.70	Vehicle Storage--Open Lot	§ 890.131	NP
841.71	Vehicle Storage--Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1.
841.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
841.73	Motor Vehicle Repair	§ 890.15	P
841.74	Automobile Tow Service	§ 890.19	C
841.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
Industrial, Home, and Business Service			
841.78	Wholesale Sales	§ 890.54(b)	P
841.79	Light Manufacturing	§ 890.54(a)	P
841.80	Trade Shop	§ 890.124	P
841.81	Catering Service	§ 890.25	P
841.82	Business Goods and Equipment Repair Service	§ 890.23	P
841.83	Business Service	§ 890.111	P
841.84	Commercial Storage	§ 890.54(c)	P

841.85	*Laboratory, life science*	*§890.53(a)*	*NP*
841.86	*Laboratory, not including life science laboratory*	*§§ 890.52, 890.53(a)*	*P*
841.87	*Non-Retail Greenhouse or Plant Nursery*	*§ 227(a)*	*P*
841.88	*Integrated PDR*	*§ 890.49*	*P in applicable buildings*
Other Uses			
841.90	*Mortuary Establishment*	*§ 227(c)*	*NP*
841.91	*Animal Services*	*§ 224*	*P*
841.92	*Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility*	*§§ 890.80, 209.6(c), 227(h)*	*P*
841.93	*Commercial Wireless Transmitting, Receiving or Relay Facility*	*§ 227(h)*	*C*
841.94	*Internet Services Exchange*	*209.6(c)*	*NP*
841.95	*Public Transportation Facilities*	*§ 890.80*	*P*

841.96	*Open Air Sales*	*§§ 803.9(c), 890.38*	*P*
841.97	*Open Recreation and Horticulture*	*§ 209.5*	*P*
841.98	*Walk-up Facility, including Automated Bank Teller Machine*	*§§ 890.140, 803.9(b)*	*P*

SEC. 842. MUO – MIXED USE – OFFICE DISTRICT.

The Mixed Use – Office (MUO) runs predominantly along the 2nd Street corridor in the South of Market area. The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Large hotel, adult entertainment and heavy industrial uses are not permitted.

Table 842

MUO – MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE

		Mixed Use – Office District	
No.	*Zoning Category*	*§ References*	*Controls*
Building and Siting Standards			
842.01	*Height Limit*	*See Zoning Map,*	*As shown on Sectional*

		§§ 260-261.1, 263.20	Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, §261.1 Non-habitable vertical projections permitted, §263.20
842.02	Bulk Limit	See Zoning Map, §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, §270.1 Mid-block alleys required, §270.2
842.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
842.04	Setbacks	§§ 136, 136.2, 144, 145.1	Generally required
842.05	Awnings and Canopies	§§ 136, 136.1,	P

		136.2	
842.06	*Parking and Loading Access: Prohibition*	*§ 155(r)*	*4th Street between Bryant and Townsend Streets*
842.07	*Parking and Loading Access: Siting and Dimensions*	*§§ 145.1, 151.1, 152.1, 155*	*Requirements apply*
842.08	*Off-Street Parking, Residential*	*§ 151.1*	*None required. Limits set forth in Section 151.1*
842.09	*Residential to non-residential ratio*	*§ 803.8(e)*	*None*
842.10	*Off-Street Parking, Non-Residential*	*§§ 150, 151, 151.1, 153-157, 204.5*	*None required. Limits set forth in Section 151.1*
842.11	*Usable Open Space for Dwelling Units and Group Housing*	*§ 135*	*80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible*
842.12	*Usable Open Space for Non-Residential*	*§ 135.3*	*Required; amount varies based on use; may also pay in-lieu fee*
842.13	*Outdoor Activity Area*	*§ 890.71*	*P*
842.14	*General Advertising Sign*	*§§ 607.2(b) & (e) and 611*	*NP*
Residential Uses			

842.20	*Dwelling Units*	*§ 102.7*	*P*
842.21	*Group Housing*	*§ 890.88(b)*	*P*
842.22	*SRO Units*	*§ 890.88(c)*	*P*
842.23	*Student Housing*	*§ 315.1(38)*	*C*
842.24	*Dwelling Unit Density Limit*	*§§ 124, 207.5, 208*	*No density limit*
842.25	*Dwelling Unit Mix*	*§ 207.6*	~~At least 40% of all dwelling units must contain two or more bedrooms~~ (a) ~~No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least~~

			~~three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.~~ At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
842.26	*Affordability Requirements*	*§ 315*	*15% onsite /20% off-site*
842.27	*Residential Demolition or Conversion*	*§ 317*	*Restrictions apply; see criteria of Section 317*
Institutions			
842.30	*Hospital, Medical Centers*	*§ 890.44*	*P*
842.31	*Residential Care*	*§ 890.50(e)*	*C*
842.32	*Educational Services*	*§ 890.50(c)*	*P*
842.33	*Religious Facility*	*§ 890.50(d)*	*P*
842.34	*Assembly and Social Service*	*§ 890.50(a)*	*P*

842.35	Child Care	§ 890.50(b)	P
842.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
842.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
842.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1.
Retail Sales and Services			
842.45	All Retail Sales and Services which are not listed below	§§ 890.104, 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.
842.46	Formula Retail	§ 803.6	P
842.47	Ambulance Service	§ 890.2	C
842.48	Self-Storage	§ 890.54(d)	NP
842.49	Tourist Hotel	§ 890.46	C if less than 75 rooms
Assembly, Recreation, Arts and Entertainment			
842.55	Arts Activity	§ 102.2	P
842.56	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	C

842.57	*Adult Entertainment*	*§ 890.36*	*NP*
842.58	*Amusement Arcade*	*§ 890.4*	*NP*
842.59	*Massage Establishment*	*§ 890.60*	*NP*
842.60	*Movie Theater*	*§ 890.64*	*P, up to three screens*
842.61	*Pool Hall not falling within Category 890.50(a)*	*§221(f)*	*P*
842.62	*Recreation Building, not falling within Category 842.21*	*§ 221(e)*	*P*
Office			
842.65	*Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts*	*§§ 890.70, 803.9(a)*	*P*
842.66	*All Other Office Uses*	*§ 890.70*	*P*
842.67	*Live/Work Units*	*§ 233*	*NP*
Motor Vehicle Services			
842.70	*Vehicle Storage--Open Lot*	*§ 890.131*	*NP*
842.71	*Vehicle Storage--Enclosed Lot or Structure*	*§ 890.132, 157.1*	*C; subject to criteria of Sec. 157.1.*
842.72	*Motor Vehicle Service Station, Automotive Wash*	*§§ 890.18, 890.20*	*P*

842.73	Motor Vehicle Repair	§ 890.15	P
842.74	Automobile Tow Service	§ 890.19	C
842.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
Industrial, Home, and Business Service			
842.78	Wholesale Sales	§ 890.54(b)	P
842.79	Light Manufacturing	§ 890.54(a)	P
842.80	Trade Shop	§ 890.124	P
842.81	Catering Service	§ 890.25	P
842.82	Business Goods and Equipment Repair Service	§ 890.23	P
842.83	Business Service	§ 890.111	P
842.84	Commercial Storage	§ 890.54(c)	P
842.85	Laboratory, life science	§ 890.53(a)	P
842.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53(a)	P
842.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P
842.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
842.90	Mortuary Establishment	§ 227(c)	NP

842.91	*Animal Services*	*§ 224*	*P*
842.92	*Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility*	*§§ 890.80, 209.6(c), 227(h)*	*P*
842.93	*Commercial Wireless Transmitting, Receiving or Relay Facility*	*§ 227(h)*	*C*
842.94	*Internet Services Exchange*	*§ 209.6(c)*	*C*
842.95	*Public Transportation Facilities*	*§ 890.80*	*P*
842.96	*Open Air Sales*	*§§ 803.9(c), 890.38*	*P*
842.97	*Open Recreation and Horticulture*	*§ 209.5*	*P*
842.98	*Walk-up Facility, including Automated Bank Teller Machine*	*§§ 890.140, 803.9(b)*	*P*

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the

Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

		Urban Mixed Use District	
No.	*Zoning Category*	*§ References*	*Controls*
Building and Siting Standards			
843.01	*Height Limit*	*See Zoning Map, §§ 260-261.1, 263.20*	*As shown on Sectional Maps 1 and 7 of the Zoning Map* *Height sculpting required on narrow streets, §261.1* *Non-habitable vertical projections permitted, §263.20*

843.02	*Bulk Limit*	*See Zoning Map, §§ 270, 270.1, 270.2*	*As shown on Sectional Maps 1 and 7 of the Zoning Map* *Horizontal mass reduction required, §270.1* *Mid-block alleys required, §270.2*
843.03	*Non-residential density limit*	*§§ 102.9, 123, 124, 127*	*Generally contingent upon permitted height, per Section 124*
843.04	*Setbacks*	*§§ 136, 136.2, 144, 145.1*	*Generally required*
843.05	*Awnings and Canopies*	*§§ 136, 136.1, 136.2*	*P*
843.06	*Parking and Loading Access: Prohibition*	*§ 155(r)*	*None*
843.07	*Parking and Loading Access: Siting and Dimensions*	*§§ 145.1, 151.1, 152.1, 155*	*Requirements apply*
843.08	*Off-Street Parking, Residential*	*§ 151.1*	*None required. Limits set forth in Section 151.1*
843.09	*Residential to non-residential ratio*	*§ 803.8(e)*	*None*

843.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
843.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
843.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
843.13	Outdoor Activity Area	§ 890.71	P
843.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
843.20	Dwelling Units	§ 102.7	P
843.21	Group Housing	§ 890.88(b)	P
~~843.22~~ 843.22	~~SRO Units~~ SRO Units	~~§ 890.88(c)~~ § 890.88(c)	~~P~~ NP
843~~22.23~~.23	Student Housing	§ 315.1(38)	C
843.~~2324~~ 24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
843.~~242~~525	Dwelling Unit Mix	§ 207.6	~~At least 40% of all dwelling units must~~

			~~contain two or more bedrooms(a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.~~ At least 40% of all dwelling units must contain two or more bedrooms or 30% of all

			dwelling units must contain three or more bedrooms.
843.26	Affordability Requirements	§ 319	Varies- see Section 319
843.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
Institutions			
843.30	Hospital, Medical Centers	§ 890.44	NP
843.31	Residential Care	§ 890.50(e)	C
843.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P for all other
843.33	Religious Facility	§ 890.50(d)	P
843.34	Assembly and Social Service	§ 890.50(a)	P
843.35	Child Care	§ 890.50(b)	P
843.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
843.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP

843.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1.
Retail Sales and Services			
843.45	All Retail Sales and Services which are not listed below	§§ 890.104, 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use.
843.46	Formula Retail	§§ 803.6, 843.45	C. If approved, subject to size controls in Section 843.45.
843.47	Ambulance Service	§ 890.2	C
843.48	Self-Storage	§ 890.54(d)	NP
843.49	Tourist Hotel	§ 890.46	NP
843.50	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	P, when primarily open to the general public on a retail basis; subject to the use size limits in Section 843.45.
843.51	Gyms	§§ 218(d),	P up to 3,999 gross sq.ft.

		803.9(i)	*per use; C over 4,000 gross sq.ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(i).*
Assembly, Recreation, Arts and Entertainment			
843.55	*Arts Activity*	*§ 102.2*	*P*
843.56	*Nighttime Entertainment*	*§§ 102.17, 181(f), 803.5(b)*	*P*
843.57	*Adult Entertainment*	*§ 890.36*	*C*
843.58	*Amusement Arcade*	*§ 890.4*	*P*
843.59	*Massage Establishment*	*§ 890.60*	*NP*
843.60	*Movie Theater*	*§ 890.64*	*P, up to three screens*
843.61	*Pool Hall not falling within Category 890.50(a)*	*§221(f)*	*P*
843.62	*Recreation Building, not falling within Category 843.21*	*§ 221(e)*	*P*
Office			
843.65	*Office Uses in Landmark Buildings* ~~or Contributory Buildings in Historic~~	*§§ 890.70, 803.9(a)*	*P*

	~~Districts~~		
843.66	*All Other Office Uses*	*§§ 803.9(h), 890.70, 890.118*	*Subject to vertical control of Sec. 803.9(h)*
843.67	*Live/Work Units*	*§ 233*	*NP*
Motor Vehicle Services			
843.70	*Vehicle Storage--Open Lot*	*§ 890.131*	*NP*
843.71	*Vehicle Storage--Enclosed Lot or Structure*	*§ 890.132, 157.1*	*C; subject to criteria of Sec. 157.1.*
843.72	*Motor Vehicle Service Station*	*§ 890.18*	*P*
843.73	*Motor Vehicle Repair*	*§ 890.15*	*P*
843.74	*Automobile Tow Service*	*§ 890.19*	*C*
843.75	*Non-Auto Vehicle Sales or Rental*	*§ 890.69*	*P*
843.76	*Automobile Sale or Rental*	*§ 890.13*	*P; subject to size controls in Section 843.45.*
843.77	*Automotive Wash*	*§ 890.20*	*C*
Industrial, Home, and Business Service			
843.78	*Wholesale Sales*	*§ 890.54(b)*	*P*

843.79	Light Manufacturing	§ 890.54(a)	P
843.80	Trade Shop	§ 890.124	P
843.81	Catering Service	§ 890.25	P
843.82	Business Goods and Equipment Repair Service	§ 890.23	P
843.83	Business Service	§ 890.111	P
843.84	Commercial Storage	§ 890.54(c)	P
843.85	Laboratory, life science	§890.53(a)	NP
843.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53(a)	P
843.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P
843.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
843.90	Mortuary Establishment	§ 227(c)	NP
843.91	Animal Services	§ 224	P
843.92	Public Use, except Public Transportation	§§ 890.80, 209.6(c), 227(h)	P

	Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility		
843.93	*Commercial Wireless Transmitting, Receiving or Relay Facility*	*§ 227(h)*	*C*
843.94	*Internet Services Exchange*	*209.6(c)*	*NP*
843.95	*Public Transportation Facilities*	*§ 890.80*	*P*
843.96	*Open Air Sales*	*§§ 803. 9(c), 890.38*	*P*
843.97	*Open Recreation and Horticulture*	*§ 209.5*	*P*
843.98	*Walk-up Facility, including Automated Bank Teller Machine*	*§§ 890.140, 803.9(b)*	*P*

SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) Contains at least the following amount of PDR activities:

(A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall contain PDR activities; or

(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;

(2) Does not include residential activities;

(3) The remaining space may contain any non-residential use permitted in the MUO District~~office uses, as defined in Sec. 890.70, or any use permitted in the subject zoning district,~~ *as long as:*

(A) Retail space is limited to 1/3 of the total space; and

(B) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;

(4) For purposes of this definition, PDR activities are those that:

(A) Are generally consistent with Code Sections 220 and 222 through 227 or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

(B) Are not:

(i) Residential (as defined in Section. 890.88);

(ii) Retail (as defined in Sections 890.102 and 890.104);

(iii) Institutional (as defined in Section 890.50);

(iv) Office (as defined in Section 890.70);

(v) Laboratory (as defined in Section 890.52); or

(vi) Storage (as defined in Sec. 890.54(c));

(C) May include any non-office uses that integrate multimedia, informational technology, or software development functions;

(D) Do not include typical office support functions; and

(E) Occur in space specifically designed to accommodate the industrial nature of the PDR activities.

(5) Any retail space contained within the Integrated PDR use shall not count against any per-parcel retail limits of the subject zoning district.

(b) Integrated PDR uses are subject to the following requirements:

(1) These uses are only permitted in buildings:

(A) That were constructed before 1951 which were at least three stories in height above grade, excluding those building features listed in Section 260(b) and related structures, as of the effective date of Ordinance Number ; or

(B) For which a first certificate of occupancy was issued after the effective date of Ordinance Number ;

(2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property containing an Integrated PDR use. The Planning Department shall forward a copy of each NSR to the Mayor's Office of Economic and Workforce Development, or a successor office, for purposes of record keeping and monitoring. *This NSR shall* include a copy of the use provisions of this Section and also *require that the property owner:*

(A) Ensure that all new *Integrated PDR tenants* and/or occupants register with ~~contact~~ *the Office of Economic and Workforce Development*'s PDR Program. *The purpose of this* ~~contact~~ registration *is to confirm the accuracy of each tenant's or occupant's NAICS code on their Business Registration and Payroll Tax forms, collect basic information on the nature of each tenant's or occupant's business,* including the total number of employees ~~and~~ *to inform the tenant or occupant of available tax credits and other benefits of the state and local Enterprise Zone program;* and to determine, to the extent possible, the total number of employees that

reside within the City and are eligible to receive State Enterprise Zone tax credits ("IPDR Disadvantaged Employees"); *and*

(B) Report annually to the Planning Department staff *on any reallocation of space within an Integrated PDR* ~~tenant~~space.

(c) Integrated PDR uses are not subject to the annual office limit controls of Sections 320-324.

SEC. 890.52. LABORATORY.

Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)). Examples of laboratories include the following:

(a) Chemistry, biochemistry, or analytical laboratory;

(b) Engineering laboratory;

(c) Development laboratory;

(d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;

(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;

(f) Support laboratory;

(g) Quality assurance/Quality control laboratory;

(h) Core laboratory.

SEC. 890.53. LIFE SCIENCE.

Life Science is an industry that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in Section 890.52(d) and (e).

SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.

A commercial use, including light manufacturing, wholesale sales, and storage, as defined in Subsections (a), (b), ~~and~~ (c), *and (d)* below.

(a) Light Manufacturing. A nonretail use which provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

(1) Food processing, not including mechanized assembly line production of canned or bottled goods;

(2) Apparel and other garment products;

(3) Furniture and fixtures;

(4) Printing and publishing of books or newspaper;

(5) Leather products;

(6) Pottery;

(7) Glass blowing;

(8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks.

It shall not include the chemical processing of materials or the use of any machine that has more than five horsepower capacity, nor shall the mechanical equipment required for the use, together with related floor space used primarily by the operators of such equipment, in aggregate occupy more than 1/4 of the total gross floor area of the use.

It shall be not include a trade shop, as defined in Section 890.124 of this Code, or a heavy industrial use subject to Section 226(e) through (w) of this Code. It shall not include general or heavy manufacturing uses, not described in this Subsection (a).

(b) Wholesale Sales. A nonretail use which exclusively provides goods or commodities for resale or business use, including accessory storage. It shall not include a nonaccessory storage warehouse.

(c) *Commercial* Storage. A commercial use which stores, within an enclosed building, household goods, contractors' equipment, building materials or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable

or highly combustible materials, and wholesale goods or commodities. ~~*This use shall include retail self storage facilities for household goods.*~~

(d) Self-Storage. Retail facilities for the storage of household and personal goods.

SEC. 890.70. OFFICE USE.

~~*As used in this Article an office use is space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others at that location administrative services, design services, professional services, financial services or medical services as defined in Sections 890.28, 890.106, 890.108, 890.110 and 890.114. It does not include business services as defined in Section 890.111 or the office functions which are permitted by this Code as uses which are necessary to another permitted use.*~~

(a) "Office use" shall mean space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location services including, but not limited to, the following: Professional; banking; insurance; management; consulting; technical; sales; and design; and the non-accessory office functions of manufacturing and warehousing businesses; all uses encompassed within the definition of "office" in Section 219 of this Code; multimedia, software development, web design, electronic commerce, and information technology; all uses encompassed within the definition of "administrative services" in Section 890.106 of this Code; and all " professional services" as proscribed in Section 890.108 of this Code excepting only those uses which are limited to the Chinatown Mixed Use District.

(b) "Office use" shall exclude: retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping,

receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

SEC. 890.88. RESIDENTIAL USE.

A use which provides housing for San Francisco residents, rather than visitors, including a dwelling unit or group housing, as defined in Subsections (a) and (b) below, or a residential hotel, as defined in Section 890.47 of this Code and in Chapter 41 of the San Francisco Administrative Code.

(a) Dwelling Unit. A residential use which consists of a suite of two or more rooms and includes sleeping, bathing, cooking, and eating facilities, and has only one kitchen.

(b) Group Housing. A residential use which provides lodging or both meals and lodging without individual cooking facilities for a week or more at a time in a space not defined as a dwelling unit. Group housing includes, but is not limited to, a roominghouse, boarding house, guest house, lodging house, residence club, commune, fraternity and sorority house, monastery, nunnery, convent, and ashram. It also includes group housing operated by a medical or educational institution when not located on the same lot as such institution.

(c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room

occupancy building (or "SRO" building) is one that contains ~~*one or more*~~ *only* SRO units and non nonaccessory living space.

SEC. 890.111. SERVICE, BUSINESS.

A use which provides the following kinds of services to businesses and/or to the general public *and does not fall under the definition of 'office' pursuant to Section 890.70*: radio and television stations; newspaper bureaus; magazine and trade publication publishing; ~~*desktop publishing; product testing laboratories;*~~ microfilm recording; slide duplicating; bulk mail services; parcel shipping services; parcel labeling and packaging services; messenger delivery/courier services; ~~*uniform security services;*~~ sign painting and lettering services; building maintenance services~~*; interior decorating services*~~.

Article 10.0 – Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts

APPENDIX I TO ARTICLE 10 SOUTH END HISTORIC DISTRICT

SEC. 10. ADDITIONS.

Additions to existing buildings and new infill construction proposed within the South End Historic District must reflect an understanding of the relationship of the proposal with the contributing buildings within the district. Additions shall be reviewed for compatibility with the historic building and the district while infill constriction shall be reviewed for compatibility with the overall district. Neither should directly imitate nor replicate existing features. For additions, every effort should be made to minimize the visibility of the new structure within the district. Infill construction should reflect the character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the

process with a Planning Department Historic Preservation Technical Specialist when developing a proposal.

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a radical change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the district. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)). Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions:

- *The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district.*
- *The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history.*
- *The materials are compatible with the property or district in general character, color and texture.*

As part of the Planning Department review process, the project sponsor shall conduct and submit an analysis that illustrates the relative visibility of a proposed vertical addition from within the district. As part of this analysis, sightline cross-sections

and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted.

When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Historic buildings within the district should be utilized and referenced for design context. Contemporary design that respects the District's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction:

- *The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district.*
- *The site plan respects the general site characteristics associated with the district.*
- *The design respects the general character-defining features associated with the district*
- *The materials are compatible with the district in general character, color, and texture.*

APPENDIX L TO ARTICLE 10 DOGPATCH HISTORIC DISTRICT

SEC. 10. ADDITIONS.

Additions to existing buildings and new infill construction proposed within the Dogpatch Historic District must reflect an understanding of the relationship of the proposal with the contributing buildings within the district. Additions shall be reviewed for compatibility with the historic building and the district while infill constriction shall be reviewed for compatibility with the overall district. Neither should directly imitate nor replicate existing features. For additions, every effort should be made to minimize the visibility of the new structure within the district. Infill construction should reflect the

character of the district, including the prevailing heights of contributing buildings without creating a false sense of history. Property owners should consult early in the process with a Planning Department Historic Preservation Technical Specialist when developing a proposal.

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a radical change to the form or character of the historic building. A vertical addition may be approved, depending on how the addition impacts the building and its relative visibility from the surrounding public rights-of-way within the district. The Planning Department evaluates all proposals for properties identified under Article 10 of the Planning Code for compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)). Based on these Standards, Department staff uses the following criteria when reviewing proposals for vertical additions:

- *The structure respects the general size, shape, and scale of the features associated with the property and the district and the structure is connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district.*
- *The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history.*
- *The materials are compatible with the property or district in general character, color and texture.*

As part of the Planning Department review process, the project sponsor shall conduct and submit an analysis that illustrates the relative visibility of a proposed

vertical addition from within the district. As part of this analysis, sightline cross-sections and perspective drawings illustrating the proportionality and scale, as well as the visible extent of the addition from prescribed locations should be submitted.

When a district provides an opportunity for new construction through existing vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical importance. Historic buildings within the district should be utilized and referenced for design context. Contemporary design that respects the district's existing character-defining features without replicating historic designs is encouraged. The Department uses the following criteria when reviewing proposals for infill construction:

- *The structure respects the general size, shape, and scale of the character-defining features associated with the district and its relationship to the character-defining features of the immediate neighbors and the district.*
- *The site plan respects the general site characteristics associated with the district.*
- *The design respects the general character-defining features associated with the district.*
- *The materials are compatible with the district in general character, color, and texture.*
- *The only instance where a replication of an original design may be appropriate is the replacement of a missing structure in a row of identical houses.*

Section 3. This Section is uncodified. **Historic Preservation Procedures.**

A. Purpose. The Eastern Neighborhoods Area Plans formalize and set the policy framework for the historic preservation efforts currently being performed by Planning Department preservation staff for this sub-area. The City is committed to a more systematic and enhanced policy framework for governing

historic preservation for the sub-area as currently set forth under Objectives & Policies in Chapter 8 of the East SoMa, Mission, Showplace Square/Potrero Hill Area Plans, as per the effective date of this amendment, the Planning Department shall enact the building permit review procedures set forth in this Section until Planning Commission adoption of the Eastern Neighborhoods Historic Resource Survey as set forth below. The procedures, as a precautionary measure securing against the loss of potential historic resources, shall ensure extra scrutiny in the period between Plan adoption and adoption of survey findings by the Landmarks Preservation Advisory Board and the Planning Commission.

B. Definitions. The following definitions shall apply to this Section 5.

1. "Historic Resource Survey", or "Survey" means the area-wide survey of buildings to assess whether they can be considered historic resources, individually or as districts. The survey will have been performed by a consultant with review and oversight by Department staff, and will be submitted to Landmarks Preservation Advisory Board and to the Planning Commission for adoption.

2. "Environmental Evaluation Application", "Environmental Exemption Application", or "EE" mean applications filed with the Planning Department by a project sponsor to assess the potential environmental impacts of a proposed project under the California Environmental Quality Act ("CEQA").

3. "Historic Context Statement" means a geographically or thematically specific document focusing on a well-defined area's built history. The document is prepared to aid in identifying historic resources, as well as in reviewing permit applications for buildings without individual ratings.

4. "Minor Alteration" means work that does not meet the definition of "ordinary maintenance and repairs" set forth in Section 1005(e)(3) and that does not meet the definition of Major Alteration set forth in this Section.

5. "Major Alteration" means any project for which the Department requires the filing of an EE.

7. "Eastern Neighborhoods Planning Area" means the geographic area contained in the Mission, East SoMa, Showplace Square/Potrero Hill Area Plans, parts of the San Francisco General Plan.

8. "DPR 523-A," "DPR 523-B" or "DPR-523-D" are forms used by the State of California, Department of Parks and Recreation to record historic information related to details on either a building (DPR 523-B) or a district (DPR 523-D), whereas DPR 523-A records general information on a property.

9. "Significant Tree" means a tree within the definition of Article 16 of the Public Works Code Section 810A.

C. Application.

1. The permit review procedures set forth in this Section shall be applied throughout the East SoMa, Mission, Showplace Square/Potrero Area Plans (on file with the Clerk of the Board of Supervisors in File No. 081152). Properties subject to these procedures are limited to those built in or before 1963.

2. Expiration. This section shall be in effect until Planning Commission adoption of the Survey.

D. Review Standards for historic resources as defined by CEQA.

When the Planning Department's Preservation Technical Specialists review a building permit for an historic resources as defined by CEQA, the

standard to be used shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties".

E. Permit Review Procedures.

1. All proposed new construction within the entire areas covered by the Plans that is over 55 feet or 10 feet taller than adjacent buildings, built before 1963 shall be forwarded to the Landmarks Preservation Advisory Board for review and comment during a regularly scheduled hearing. The Landmarks Board's comments will be forwarded to the Planning Department for incorporation into the project's final submittal and in advance of any required final hearing before the Planning Commission.

2. All projects that required California Environmental Quality Act (CEQA) review for properties constructed prior to 1963 that propose demolition or major alteration within the Plan Areas shall be forwarded to the Landmarks Preservation Advisory Board for comment. When a proposed building permit application may affect a potential or identified historic resource, the applicant must file an EE. When an EE is filed and the supporting Historic Resource Evaluation (HRE) is forwarded to a Preservation Technical Specialist within the Neighborhood Planning Unit for review, copies of the application and HRE shall be forwarded to the Landmarks Preservation Advisory Board for comment. The Landmarks Preservation Advisory Board members may forward comments and recommendations to the Planning Department for incorporation into the project's final environmental evaluation document.

3. A report regarding all permit applications that propose exterior modifications to the street façade(s) of historic resources (as defined in Planning Department Preservation Bulletin #16) within the Plan Areas will be presented to

the Landmarks Preservation Advisory Board on a regular basis. All building permit applications for exterior modifications visible from a public right of way and within the Plan Area (exclusive of "ordinary maintenance and repairs" permits as defined in Planning Code Section 1005(e)(3), including but not limited to in-kind re-roofing, or replacement of front stairs,) including commercial storefront alterations, shall be reviewed by a Preservation Technical Specialist, or will be reviewed and approved under their supervision. A list of these permit applications shall be compiled and presented to the Landmarks Preservation Advisory Board at their regularly scheduled hearings. The list will provide the following information: Address, APN, Assessor's Date of Construction, any Historic Ratings or Designations, and Brief Description of Work. At the time of the hearing, the Landmarks Board may request a formal presentation or request additional information on any of the listed projects for a future hearing. The Landmarks Board shall have 30 days from receipt of the information to respond.

4. A Preservation Technical Specialist shall review or be consulted on all applications for proposed alterations to buildings constructed before 1963 within the Plan Areas. Review will take into consideration policies of the East SoMa, Showplace Square/Potrero, and Mission Area Plans, as well as preservation of neighborhood character, the impact of the proposal on the settings of the building(s), significant architectural features, consistent with the Zoning Administrator Bulletin (2006.1A and 2006.1B) on Procedures and Criteria for Adding Garages to Existing Residential Structures, significant trees, as well as other code-mandated regulations.

5. Neighborhood Association Block Book Notations (BBN) for all building permit activities reviewed by Planning Department. The Planning

Department will offer to register all of the neighborhood associations affected by the Area Plans for Block Book Notations (BBN) by phone number or email. Each association may select the block(s) of their interest within the Plan Area, and the Department will notify them when a permit application is submitted to the Department for review. This procedure will be subject to the Planning Department's Fee Schedule. The Department shall not approve a building or demolition permit application for a period of 10 days during which any interested parties may review the permit application.

F. Survey Incorporation into the East SoMa, Mission, Showplace Square/Potrero Area Plans.

1. Purpose. To ensure that findings of the survey will be reflected in a future revised version of the East SoMa, Showplace Square/Potrero, and Mission Area Plans, the Planning Department shall follow the procedures set forth in this subsection F.

2. Timeline of Actions.

a. During the period after the Department receives the consultants' final results of the Survey but no later than 90 days after receipt of the consultant submissions, the Department shall host a community meeting to discuss and share the Survey process and results with the public and present the Survey to the Landmarks Preservation Advisory Board for review, adoption, and recommendation to the Planning Commission.

b. Once the Landmarks Preservation Advisory Board recommends Survey adoption, the Department shall have 30 days to present the Survey findings to the Planning Commission for a public hearing to consider Commission adoption of the Survey.

c. The Department shall have 90 days from the Planning Commission adoption to prepare a report, called the "Post-Survey Report" for the Commission recommending updates or amendments, if any, to the East SoMa, Showplace Square/Potrero, and Mission Area Plans, the Planning Code, or other relevant planning controls, and shall contain the information as outlined in Section 5(F)(3) below. These recommendations may include amendments to General Plan policies, design principles and/or design guidelines, or amendments to Planning Code provisions regarding land use controls and height districts.

d. Within one year of the Planning Commission survey adoption, the Department shall present any, if any, proposed, identified, eligible districts as recorded on DPR 523D District Records, and 523A and 523B, individual building inventory forms, to the Landmarks Preservation Advisory Board ("Landmarks Board"). Upon receipt, the Landmarks Board may: (1) initiate designation under Article 10 of the Planning Code; and/or (2) nominate all California or National Register-eligible districts with the California Office of Historic Preservation (OHP).

e. In the event that any of the above deadlines are not met, the Board of Supervisors may schedule a hearing to discuss the most appropriate course of action to ensure the retention of historic resources in the Plan Area.

3. Post-Survey Report.

a. The Department shall update its "Parcel Information" database with the new information for each lot in the Plan Area. The report shall note that this has taken place.

c. Language will be drafted to update Area Plan Policies on future designation of landmarks and historic districts to reflect new designations. The Post-Survey Report shall identify any "potential historic districts" and prioritize

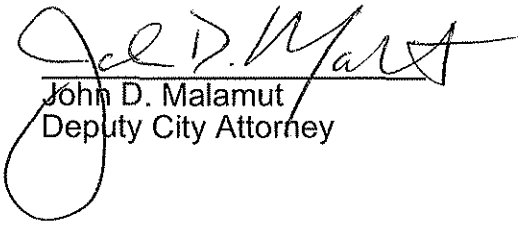
such potential historic districts for advancement as new historic districts under Planning Code Article 10.

d. In addition to the Post-Survey Report, the Department shall make any recommendations as to additional appropriate changes to the Plan and its implementing controls, at a public hearing at the Planning Commission. These recommendations may include: (i) amendments to East SoMa, Mission, and Showplace Square/Potrero Area Plan policies referring to the Survey; (ii) other amendments to General Plan policies, design principles and/or design guidelines as well as related Planning Code provisions such as land use controls and height districts. The Planning Commission, as appropriate, may recommend proposed amendments to the Board of Supervisors.

e. The Planning Commission and the Board of Supervisors may consider similar interim review procedures as those described in this Section for parcels that are subject to additional survey work.

Section 4. This Section is uncodified. Severability concerning challenge to fees. Should the final adjudication of a court void any of the fees associated with the Eastern Neighborhood Area Plans, the increase in height and density provided in this Ordinance and Ordinance No. 299-08, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 081154 and is incorporated herein by reference, shall automatically terminate and the height and density controls shall revert to those in effect prior to this Ordinance. This severability clause is provided in recognition of the integral relationship between the impacts associated with height and density increases and the fees enacted to address these impacts.

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

By: 
John D. Malamut
Deputy City Attorney

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Ordinance

File Number: 081153 **Date Passed:**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

November 18, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 18, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — COMBINED WITH EXISTING FILE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

December 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Daly

File No. 081153

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 9, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

12/19/2008
Date Approved

Mayor Gavin Newsom

Appendix G-6: CEQA documentation for the Mandatory Recycling and Composting Ordinance

File No. 081404- Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1814, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173 and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco separate recycles, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) set an operative date; and (4) ensure that all properties subscribe to refuse collection service; and making environmental findings.

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 21, 2008

File No. 081404

John Rahaim
Director of Planning
Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Mr. Rahaim:

On November 4, 2008, the Mayor introduced the following proposed legislation:

File No. 081404. Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1814, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) set an operative date; and (4) ensure that all properties subscribe to refuse collection service; and making environmental findings.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Linda Laws, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: Bill Wycko, Major Environmental Analysis
Leigh Kienker, Major Environmental Analysis
Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney

Non Physical impact per CEQA Guidelines Section 15060.
Brett Bollinger 12/9/08
Approved Planning Dept. Brett Bollinger

Environmental Review Referral 4/18/08

2008.1325E

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: November 21, 2008

FILE NUMBER: 081404

DESCRIPTION: Mandatory recycling and composting

FROM:
- ☐ Budget & Finance
- ☐ City Operations & Neighborhood Services
- ☐ City & School District Select
- ☐ Government Audit & Oversight
- ☒ Land Use & Economic Development
- ☐ Rules
- ☐ Public Safety

☐ The meeting to hear this file will be held on:_____ **OR:** ☒ No date set yet

☐ **Hearing or** ☒ **Legislation referred to:**

- ☐ Building Inspection Commission *Charter Section D3.750-5*
- ☐ Ethics Commission *Campaign & Governmental Conduct Code*
- ☒ FYI Only – DPW and Department of Environment
- ☐ Parking and Traffic Regulations *for environmental review*
- ☐ Planning - Code Amendment *Planning Code Section 302(b)*
- ☒ Planning - Environmental review
- ☐ Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq*
- ☐ Planning - Interim Controls *Planning Code Section 306.7(c)*
- ☐ Retirement Board *Campaign & Governmental Code or Elections Code*
- ☐ Small Business Commission *M01-33*
- ☐ Youth Commission *Charter Section 3.720-2*

FILE NO. 081404

ORDINANCE NO.

[Mandatory Recycling and Composting.]

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1814, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) set an operative date; and (4) ensure that all properties subscribe to refuse collection service; and making environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. **Findings.** The Board of Supervisors finds and declares:

1. The City and County of San Francisco has a duty to protect the natural environment, the economy, and the health of its citizens.

2. The California Integrated Waste Management Act of 1989 requires cities and counties to reduce, reuse and recycle (including composting) solid waste generated in the state to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy and other natural resources, and to protect the environment.

3. The California Integrated Waste Management Act of 1989 mandates that each local jurisdiction in the state divert 50% of discarded materials from landfill. Every city and county

in California could face fines up to $10,000 a day for not meeting the 50% diversion goal. In 2001, the California Integrated Waste Management Board adopted a Strategic Directive statewide zero waste goal.

4. The State of California regulates hazardous waste (e.g., paint, batteries, electronics) and sets management standards, including banning landfill disposal of hazardous waste, to protect public health and the environment, and conserve natural resources. As a result, services to collect and recycle hazardous waste materials include more than 100 neighborhood drop-off sites throughout the city for various materials, a year-round facility that accepts all materials, and an appointment-based home pick-up service.

5. For each ton of municipal waste landfilled, about 71 tons of waste have been created "upstream" from the mining, manufacturing and distribution of materials in the product lifecycle, resulting in significant resource depletion, pollution and climate-changing impacts.

6. Organic or compostable waste that is buried in in the anaerobic conditions of landfills creates methane gas along with the leaching of toxins. Methane gas is at least 21 times as potent as carbon dioxide in changing the planet's climate. Twenty percent of San Francisco's planned reductions in climate-changing emissions come from diverting additional solid waste from landfill.

7. The Board of Supervisors has adopted goals of 75% diversion from landfill by 2010 and zero waste to landfill or incineration by 2020. This policy includes urging greater consumer responsibility, including mandatory participation in diversion programs.

8. People who live in, work in, or visit San Francisco generate over 2 million tons of solid waste annually. While the city has an overall landfill diversion rate of 70% (as reported to the State), most residents and businesses divert closer to 50% through recycling and

composting, resulting in over 660,000 tons per year of material from San Francisco being landfilled in 2006.

9. Growth in the rate of landfill diversion in San Francisco has leveled off in recent years, with an increase of less than 1% from 2005 to 2006, and continued voluntary diversion participation alone will not likely enable the City to meet its 75% diversion goal by 2010.

10. San Francisco's agreement with the Altamont Landfill in Alameda County provides for waste disposal of up to 15 million tons. At the end of 2007, nearly 12 million tons of this contract capacity had been used, leaving about 3 million tons of capacity remaining. At the current disposal rate at the Altamont Landfill there are about 5 years left (until 2013) on the City's landfill contract. Increased diversion will extend the life of this landfill contract with its favorable low disposal costs, while any new landfill contract will likely increase disposal costs and subsequently trash collection rates in San Francisco.

11. After years of voluntary, convenient, nation-leading, award-winning programs and outreach and financial incentives, a comprehensive study found that 36% of what San Francisco sends to landfills is compostable (primarily food scraps) and 31% is recyclable (mostly paper), and this breakdown essentially applies to all sectors (residential, commercial and City government).

12. There are facilities in the City and surrounding areas that can effectively reuse, recycle, compost or otherwise process and market most materials discarded in San Francisco and thereby divert such materials from landfill while creating jobs.

13. Many state and local governments have mandated recycling of various materials and composting of yard trimmings, or conversely banned them from landfill, resulting in significant increases in waste diversion.

14. State legislation that would have mandated owners or managers of multifamily buildings to provide recycling collection for their tenants was vetoed by the Governor because, as he stated, local jurisdictions already have the authority to mandate this participation locally.

15. The Board of Supervisors passed a mandatory Construction and Demolition Debris Recovery Ordinance (No. 27-06), effective July 1, 2006, which helped divert more than 26,000 additional tons from landfill in its first year of implementation.

16. In keeping with the Precautionary Principle, codified in Chapter 1 of the Environment Code, this Chapter requires diversion of recyclable or compostable materials from landfill for beneficial use as a deterrent to unsafe and wasteful practices. In this way, the City will create and maintain a healthy, viable environment for current and future generations, and will become a model of sustainability.

Section 2. The San Francisco Environment Code is hereby amended by adding Chapter 18, Sections 1801 through 1814, to read as follows:

SEC. 1801. TITLE.

This Chapter shall be entitled "Mandatory Recycling and Composting".

SEC. 1802. DEFINITIONS.

For the purposes of this Chapter, the following words have the following meanings:

(a) "City" means the City and County of San Francisco.

(b) "Collection" means taking physical possession of and removing discarded material from the place of generation for subsequent off-site management of that material.

(c) "Collection Container" means the receptacle that is provided, designated and serviced by the collector for the collection of recyclables, compostables or trash.

(d) "Collector" means the person, firm or corporation licensed and permitted to collect refuse by the Director of Public Health pursuant to the provisions of the Refuse Collection and Disposal Ordinance adopted November 8, 1932, as amended, and any other collectors of discarded material not excluded under that ordinance.

(e) "Commercial Property" means a parcel or any portion of real property where refuse is generated that is not a dwelling, including schools, institutions, and City properties.

(f) "Compostable" means any material that can be broken down into, or otherwise become part of, usable compost (e.g., soil-conditioning material) in a safe and timely manner as accepted in San Francisco's compostables collection program, such as food scraps, soiled paper and plant trimmings. Compostable materials can also include disposable plastic food service ware and bags if labeled "Compostable", in accordance with the Food Service Waste Reduction Ordinance (No. 295-06) and Department of the Environment regulations for easy identification, meeting the ASTM Standard Specification (D6400) for compostable plastics, and consistent with State labeling law (California Public Resources Code Section 42359) that any plastic bag or food container labeled "Compostable" must meet the ASTM Standard Specification for compostable plastics.

(g) "Construction and Demolition Debris" means building materials generated from construction and demolition activities including, but not limited to, fully-cured asphalt, concrete, brick, rock, soil, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, fixtures, plastic pipe, metals, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction, deconstruction, demolition or land developments. Hazardous waste, as defined in California Health and Safety Code Sections 25100 et seq., is not construction and demolition debris for purposes of this Chapter.

(h) "Customer" means any person being served food from a food vendor or event.

(i) "Department" means the San Francisco Department of the Environment.

(j) "Designated" means clearly labeled and color-coded for a material type, such as labeled blue receptacles for recyclables, green for compostables and black for trash.

(k) "Director" means the Director of the Department of the Environment or his or her designee.

(l) "Disposable Food Service Ware" means all containers, bowls, plates, trays, carton, cups, lids, straws, forks, spoons, knives, napkins and other items that are designed for one-time use for serving food.

(m) "Dwelling" means a residence, flat, apartment, or other facility, used for housing one or more persons.

(n) "Event" means any function that serves food and is permitted through any agency, including, but not limited to, the Department of Parking and Traffic, the Recreation and Park Department, the Port of San Francisco or, to the extent permitted by law, the National Park Service.

(o) "Food Vendor" means any and all sales outlets, stores, shops, vehicles or other places of business located or operating in the city that operate primarily to sell or convey foods or beverages to consumers.

(p) "Manager" means the authorized agent for the owner of a building, structure or property, who is responsible for the day-to-day operation of said building, structure or property.

(q) "Multifamily Property" means a property that includes multiple residential households and has a single account with collector(s) for recyclables, compostables and trash.

(r) "Person" means a natural person (including a resident, employee, or visitor), a firm, business concern, association, partnership, corporation or governmental entity, including the City and County of San Francisco and its departments, boards and commissions, and successors or assigns.

(s) "Public Trash Container" means any receptacle installed by a public agency at a sidewalk, park or other public area and that is not under the control, unless otherwise required by this Chapter, of a multifamily or commercial property, food vendor or event manager.

(t) "Recyclable" means any material that can be sorted and reconstituted, for the purpose of using the altered form in the manufacture of a new product, as accepted in San Francisco's recycling collection program, such as paper, bottles and cans. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

(u) "Refuse" has the meaning set forth in the Refuse Collection and Disposal Ordinance adopted November 8, 1932, as amended, and includes recyclables, compostables, and trash, but not construction and demolition debris, all as defined in this Chapter.

(v) "Source Separate" means to divide refuse at the place of discard generation, prior to collection, into separate containers that are designated for recyclables, compostables or trash.

(w) "Transfer Station" means a facility that is permitted under Health Code Section 294 to receive discarded materials and transport them to a landfill for disposal.

(x) "Trash" means material that is designated for landfill disposal by the collector and does not include either recyclable or compostable materials. The term "trash" does not include hazardous waste, as defined in California Health and Safety Code Sections 25100 et seq., or construction and demolition debris as defined in this Chapter.

SEC. 1803. SOURCE SEPARATION OF REFUSE REQUIRED.

All persons in San Francisco must source separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse. No person may mix recyclables, compostables or trash, or deposit refuse of one type in a collection container designated for another type of refuse, except as otherwise provided in this Chapter.

SEC. 1804. REQUIREMENTS FOR OWNERS OR MANAGERS OF MULTIFAMILY AND COMMERCIAL PROPERTIES.

(a) Owners or managers of multifamily or commercial properties must provide source separated collection of recyclables, compostables and trash to the tenants, employees, contractors, and customers of the properties.

(b) Owners or managers of multifamily or commercial properties must supply appropriate containers, placed in an appropriate location, to make source separation of refuse convenient for the tenants, employees, contractors, and customers of the properties. The containers must:

(1) Be of appropriate number and size in light of the recyclable, compostable, and trash quantities reasonably anticipated to be generated at the location;

(2) Bear appropriate signage and be color coded to identify the type of refuse to be contained—blue for recyclables, green for compostables, and black for trash—and meet any additional design criteria established by the Department by regulation; and,

(3) Be placed as close together as possible, to provide equally convenient access to users.

(c) Owners or managers of multifamily or commercial properties must provide information and/or training for new tenants, employees and contractors, including custodians, on how to source separate recyclables, compostables and trash, and must re-educate existing tenants, employees and contractors at least once a year.

(d) New construction or expansion of multifamily or commercial properties may be subject to Department of Building Inspection requirements, such as Administrative Bulletin 088 and Building Code Chapter 13, Section 1304C, to provide adequate space for recyclables and compostables, which includes requiring any chute systems to keep compostables, recyclables and trash separate.

SEC. 1805. REQUIREMENTS FOR OWNERS OR MANAGERS OF FOOD VENDORS AND EVENTS.

(a) Owners or managers of food vendors and events must provide source separated collection of recyclables, compostables and trash to their employees, contractors and customers.

(b) Owners or managers of food vendors and events must supply appropriate containers, placed in appropriate locations, to make source separation of recyclables, compostables, and trash convenient for the employees, contractors, and customers of the food vendors and events. The containers must:

(1) Be of appropriate number and size in light of the recyclable, compostable, and trash quantities reasonably anticipated to be generated at the location;

(2) Bear appropriate signage and be color coded to identify the type of refuse to be deposited—blue for recyclables, green for compostables, and black for trash—and meet any additional design criteria established by the Department by regulation; and,

(3) Be placed as close together as possible to provide equally convenient access to users.

(c) Owners or managers of food vendors and events must provide information and/or training for new tenants, employees, and contractors, including custodians, on how to source separate recyclables, compostables, and trash, and must re-educate existing tenants, employees, and contractors at least once a year.

(d) Food vendors that provide disposable food ware must have at least one container each for recyclables, compostables and trash for use by customers and visitors, placed inside near a main exit. Food vendors meeting the requirements of this Section are exempt from the requirement of Public Works Code Section 173 to place "a litter receptacle outside each exit." Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate

number, size, and placement of containers for recyclables, compostables and trash for convenient use by customers or visitors.

(e) Food vendors and events must not put any fats, oils or grease in trash collection containers.

SEC. 1806. REQUIREMENTS FOR REFUSE COLLECTORS, TRANSFER STATIONS, AND PROCESSING FACILITIES.

(a) All collectors must appropriately designate the collection containers they provide to customers for source separation of recyclables, compostables and trash. The containers must:

(1) Bear appropriate signage that allows users to clearly and easily identify which containers to use for recyclables, compostables or trash;

(2) Be color-coded—blue for recyclables, green for compostables and black for trash; and,

(3) Bear the name of the collector to whom the container belongs.

(b) (1) If a collector finds materials that are not the correct type as designated for that container, such as recyclables or compostables in a trash container, or trash in a compostables or recyclables container, the collector then must leave a tag on the container identifying the incorrect materials.

(2) If the collector continues to find incorrect materials in a collection container after the collector has left a previous tag for that customer and that type of container, the collector must leave another tag on the container identifying the incorrect materials and send a written notice to the person who subscribes for that collection service.

(3) If the collector continues to find incorrect materials in a collection container after the collector has already left two or more tags for that customer and that type of container, the collector may refuse to empty the container, subject to California Code of Regulations Title 14,

Section 17331, or as determined by the Director of Public Health or his or her designee. If the container is not emptied, the collector must leave a tag and send a written notice to the person who subscribes for the collection service, identifying the incorrect materials and describing what action must be taken for the materials to be collected; provided, however, that a collector may not refuse on this basis to empty containers from multifamily or commercial properties with multiple tenants and joint account collection service.

(4) The collector shall, upon request, provide to the Director a list of the names and addresses of those persons who have received tags or notices or whose containers have not been emptied due to non-compliance with this Chapter, or copies of the tags or notices issued by the collector. The collector shall also provide to the Director, upon request, a list of the names, addresses, and service levels of the collector's customers and any additional information required by the Director.

(c) Within 90 days of the end of each calendar year, each collector must submit to the Department, on a form specified by the Director, an annual report of all tons collected by material type and to whom the material was sent.

(d) No person may deliver recyclables or compostables, including those mixed with trash, to a landfill or transfer station for the purpose of having those materials landfilled, except as follows:

(1) A collector may drop off recyclables or compostables at the San Francisco transfer station for landfill if the transfer station has agreed to provide to the Director, upon request, audits of collection vehicles for a specified period going forward in time. The transfer station's audit shall report the quantity of recyclables or compostables,stated as estimated tons per load or as a percentage of the loads, deposited at the transfer station by collection vehicles specifically identified in the request over a reasonable period of time occurring after the request.

(2) A processing facility that sorts and reconstitutes recyclables for the purpose of using the altered form in the manufacture of a new product or turns compostables into usable and marketable

compost (e.g., soil-conditioning) material may send to a landfill a minor portion of those materials that constitutes unmarketable processing residuals, if the processing facility provides to the Director, upon request, audits of specific collection vehicles for a specific period going forward in time, of the quantities of recyclables or compostables sent to the landfill from the processing facility.

(e) No person may deliver trash from the city, including trash mixed with recyclables or compostables, to a processing facility, unless the processing facility has agreed to provide to the Director, upon request, audits of collection vehicles for a specified period going forward in time. The processing facility's audit shall report the quantity of trash, stated as estimated tons per load or as a percentage of the loads, deposited at the processing facility by collection vehicles specifically identified in the request over a reasonable period of time occurring after the request.

SEC. 1807. REQUIREMENT TO SUBSCRIBE TO REFUSE COLLECTION SERVICE.

Owners of residential, multifamily or commercial properties, events or other facilities that generate refuse must subscribe to, pay for, and provide an accessible location for sufficient levels of service with collector(s) for source separated recyclables, compostables and trash, except as otherwise provided in this Chapter. Owners of such properties are responsible for any failure to subscribe to or pay for sufficient levels of refuse collection service. The Director of Public Health, pursuant to Health Code Article 6, as amended, shall collect from owners for non-payment of refuse collections services.

SEC. 1808. ENFORCEMENT.

(a) The Director and his or her designee may administer all provisions of this Chapter and enforce those provisions by any lawful means available for such purpose, except as otherwise provided in this Chapter.

(b) To the extent permitted by law, the Director may inspect any collection container, collection vehicle load, or receiving facility for collected trash, recyclables or compostables.

(c) The Director of Public Works and his or her designee may issue administrative citations for violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as otherwise provided in this Chapter. San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as amended, is hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter; provided, however, that:

(1) The Director may adopt regulations providing for lesser penalty amounts than those provided in Administrative Code Section 100.5;

(2) The fine for any violation at a dwelling or commercial property that generates less than one cubic yard of refuse per week may not initially exceed $100; and,

(3) No person who is the owner, tenant, manager, employee, contractor, or visitor of a multifamily or of a multi-tenant commercial property shall be subject to fines or penalties for violation of Section 1803, unless and until the Director has adopted specific regulations setting out the liability of such persons. The Director shall not adopt such regulations prior to July 1, 2011.

(d) The City shall use administrative penalties collected under this Chapter, including recovery of enforcement costs, to fund implementation and enforcement of this Chapter. Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

SEC. 1809. FORMS, REGULATIONS AND GUIDELINES.

(a) After public notice and a public hearing, the Director may adopt necessary forms, regulations, and guidelines to implement this Chapter.

(b) The Department shall provide assistance regarding compliance with this Chapter.

(c) The Department shall provide information on its website regarding what materials are accepted as recyclables, compostables, and trash under this Chapter.

SEC. 1810. EXCEPTIONS

(a) A property owner or manager may seek a waiver from the Director of all or portions of this Chapter, if the applicant submits documentation, using a form specified by the Director and including a signed affidavit under penalty of perjury, that shows that the property does not have adequate storage space for containers for recyclables, compostables or trash. In cases where after on-site verification space limitations are determined to exist, the Director shall evaluate the feasibility of sharing containers for recyclables, compostables or trash with contiguous properties, and, where feasible, requiring container sharing in lieu of providing a waiver.

(b) Except as otherwise required by the Director, a collector may drop-off compostables or recyclables at the San Francisco transfer station that have been collected from public trash containers. The Director may require public trash containers to have a recyclables receptacle attached.

SEC. 1811. OPERATIVE DATE.

This Chapter shall become operative on January 1, 2009.

SEC. 1812. DISCLAIMER OF LIABILITY.

The degree of protection required by this Chapter is considered to be reasonable for regulatory purposes. The standards set forth in this Chapter are minimal standards and do not imply that compliance will ensure safe handling of recyclables, compostables or trash. This Chapter shall not create liability on the part of the City, or any of its officers or employees for any damages that result

from reliance on this Chapter or any administrative decision lawfully made in accordance with this Chapter. All persons handling discarded materials within the city should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this Chapter, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 1813. DUTIES ARE DISCRETIONARY.

Subject to the limitations of due process and applicable requirements of State or federal laws, and notwithstanding any other provisions of this Code, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the City, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

SEC. 1814. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

Section 3. The San Francisco Public Works Code is hereby amended by amending Section 173, to read as follows:

SEC. 173. PLACEMENT AND MAINTENANCE OF LITTER RECEPTACLES.

(a) It is the intent of this Section to ensure that public areas are kept clean and free from litter.

(b) Any person, firm or corporation operating a grocery store, a liquor store or an establishment selling food or beverages for consumption off the premises shall place and maintain a litter receptacle outside of each exit from said premises for the use of the patrons thereof during business hours; *provided, however, that a person, firm, or corporation is not required under this Section to place and maintain a litter receptacle outside each exit if that person, firm, or corporation places and maintains a set of three containers for recyclables, compostables and trash for use by customers and visitors as specified in Chapter 18 of the Environment Code.*

(c) Any person, firm, corporation, or property owner operating a place of employment shall provide and maintain adjacent to the place of employment sufficient ashtrays or other receptacles for the disposal of cigarettes, cigars, and other similar combustible products used by employees and patrons who smoke. The Director of Public Works shall authorize the placement of such ashtrays or other receptacles in the public right-of-way where necessary.

(d) The design, capacity, location, and number of ashtrays and receptacles shall be prescribed by the Director of Public Works. Decals may be placed upon said receptacles subject to the limitations set forth in Section 171 of this Article.

(e) The receptacle shall be emptied when full and at the close of business each day and the contents thereof shall be stored or set out for collection in the same manner as other refuse generated in the operation of the business. Each receptacle shall be maintained in a clean and sanitary condition.

(f) Violation of this Section shall constitute an infraction and shall be punishable by a fine of not less than $80 nor more than $100; for a second offense by a fine not less than

$150 nor more than $200; and for each additional offense by a fine not less than $250 nor more than $500. In the alternative, an administrative penalty not to exceed $250 may be assessed for each violation. Such penalty shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

Section 4. The San Francisco Health Code is hereby amended, by amending Sections 291, 291.1, 291.2, 291.4, 291.5, and 291.15, to read as follows:

SEC. 291. OWNER RESPONSIBILITY FOR MAINTENANCE OF REFUSE COLLECTION SERVICE TO DWELLINGS *AND COMMERCIAL PROPERTIES*; DEFINITIONS.

Unless the context otherwise specifies or requires, the terms defined in this Section shall, for all purposes of this Article, have the meanings herein specified, the following definitions to be equally applicable to both the singular and plural forms of any of the terms herein defined:

(a) The term "City" means the City and County of San Francisco;

(b) The term "Collector" means a refuse collector duly licensed pursuant to the provisions of the Initiative Ordinance;

(c) The term "Commercial Property" means a parcel or any portion of real property where Refuse is generated that is not a Dwelling, including schools, institutions, and City properties.

(d) ~~*(c)*~~ The term "Director" means the Director of Health of the City, or his authorized agents;

(e) ~~*(d)*~~ The term "dwelling" means a residence, flat, apartment, or other facility, used for housing one or more persons in the City and County of San Francisco;

(f) ~~*(e)*~~ The term "Initiative Ordinance" means the Initiative Refuse Collection and Disposal Ordinance adopted November 8, 1932, as amended; and

(g) ~~(f)~~ The term "Owner" when used with reference to a dwelling shall mean, and shall conclusively be deemed to be, the legal Owner of the dwelling *and when used in reference to a commercial property shall mean, and shall conclusively be deemed to be, the legal Owner of the commercial property*.

SEC. 291.1. OWNER RESPONSIBLE FOR REFUSE COLLECTION SERVICE.

The owner of any dwelling *or commercial property* shall subscribe to and pay for refuse collection service rendered to such dwelling *or commercial property* by a collector and shall provide at a location accessible to the collector *for* an adequate container or containers for deposit of refuse of such capacity as the Director of Public Works may prescribe. The necessity for and type of refuse collection service required and the rates charged therefor shall be governed by the Initiative Ordinance *and Chapter 18 of the Environment Code*.

Nothing in this Section is intended to prevent an arrangement or the continuance of an existing arrangement, under which payments for refuse collection service are made by a tenant or tenants, or any agent, in behalf of the Owner. However, any such arrangement will not affect the Owner's obligation to the City.

SEC. 291.2. FAILURE TO INITIATE SERVICE OR TO PROVIDE SUFFICIENT REFUSE CONTAINERS.

When an owner fails to initiate adequate refuse collection service within 15 days of occupancy of a Dwelling *or commercial property* by any person, the Director will give the Owner notification that such service is required. A copy of said notice will be sent to the Collector. If the Owner does not arrange with the Collector for service within 15 days from the date of

mailing of the notice, then the Collector shall initiate and continue refuse collection service for said dwelling *or commercial property*.

When in the judgment of the Director additional refuse containers are required, they shall be provided by the Owner upon written notification from the Director.

The Director of Public Health, after a public notice and hearing, may adopt forms, regulations, and guidelines to ensure the payment and collection of refuse services from any commercial property managers who fail to initiate or pay for sufficient refuse service.

SEC. 291.4. COLLECTOR ENTITLED TO PAYMENT FOR SERVICES RENDERED.

Pursuant to the provisions of the Initiative Ordinance, the Collector shall be entitled to payment from the owner for services rendered. When the Owner has been directed to initiate service but fails to provide an adequate container or containers at an accessible location and the Collector attempts to collect refuse from the dwelling *or commercial property,* then such attempt shall be deemed the rendering of collection service for which Collector is entitled to compensation in the same manner and amount as if refuse had actually been collected. Should there be failure to make payment for any service rendered by the Collector, the means for effecting payment shall be in accordance with the procedure set forth hereunder.

SEC. 291.5. COMPLAINT OF NONPAYMENT.

Any account shall be deemed delinquent 15 days after the last day of the normal billing period for which service has been rendered when the bill has not been paid in full. Not less than 15 days after the Owner has been mailed the bill containing the notice described in Section 291.6 hereunder regarding a delinquent account and not more than 180 days after

such account has become delinquent respecting such bill, said Collector may file with the Director a verified written complaint which shall contain the specific allegation setting forth the name or names of the Owner, the address of the Dwelling *or commercial property* served, the period of service, the amount due, the steps taken to secure payment and such other information as the Director may reasonably require.

Pending satisfactory payment by said Owner, or by the City pursuant to Section 291.6 hereunder, the Collector shall continue to provide uninterrupted normal refuse collection service to the Dwelling *or commercial property* covered by the complaint; provided, however, that said Collector shall not be required to continue to provide such uninterrupted normal refuse collection service if the City fails or is unable to pay the fees due under this Article after the City has received the complaint and the rates or service to the Dwelling *or commercial property* are not under adjudication as provided by the Initiative Ordinance.

SEC. 291.15. MANNER OF GIVING NOTICES.

Any notice required to be given hereunder by the City, the Director or any Collector to an Owner shall be sufficiently given or served upon the Owner for all purposes hereunder if personally served upon the Owner or if deposited, postage prepaid, in a post office letter box addressed to the "Owner" at the official address of the Owner maintained by the Tax Collector of the City for the mailing of tax bills or, if no such address is available, to the Owner at the address of the dwelling *or commercial property*.

/ / /

/ / /

/ / /

Section 5. The San Francisco Health Code is hereby amended by amending Section 293.1, to read as follows:

SEC. 293.1. VIOLATIONS.

It shall be unlawful for any person other than *the Collector,* an authorized City employee *for enforcement purposes,* or the *generator of recyclable materials* ~~*City's authorized curbside recycling program collectors*~~ to take, remove, move or otherwise appropriate *recyclable materials that have been placed in a container designated by a Collector for recyclables or to take, remove, move, or otherwise appropriate the container that is placed for collection* ~~*the container in which recyclable materials are placed for collection and the matters contained therein*~~. The City and its duly authorized collectors shall have the exclusive right to collect recyclable materials placed for collection in public sidewalk and street areas.

Section 6. **Environmental Findings.** On _____, 2008, the Planning Department determined that the actions contemplated in this Ordinance are categorically exempt under the California Environmental Quality Act (California Public Resources Code sections 121000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Section 7. **Severability.** If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end the provisions of the ordinance are severable.

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

By: _____
THOMAS J. OWEN
Deputy City Attorney

Appendix G-7: CEQA documentation for the Transit Impact Development Fee

File No.: 070133- Ordinance (1) amending Chapter 38 of the Administrative Code by (a) amending Sections 38.1 and 38.3, and adding a new Section 38.3-1 to limit the exemption from the current Transit Impact Development Fee (TIDF) for projects for which an application for environmental review or a categorical exemption was submitted on or before April 1, 2004, to instances in which a building permit was issued before January 1, 2007 and requiring that such exempt projects that would otherwise have been subject to the former TIDF pay a fee on new office space only equivalent to the amount that would be due for the office space under the current TIDF ordinance; (b) amending Section 38.1 to clarify the definitions of "Gross Floor Area" and "Retail/Entertainment"; (c) amending Section 38.3 to correct an unintended exclusion for art spaces; (d) amending Section 38.5 to specify that the TIDF due for a project is based on the fee in effect on the date of payment; and (e) amending Section 38.6 to clarify the circumstances in which a credit for prior eliminated uses is available and make clear that any credit against the amount of the TIDF based on prior use cannot exceed the amount of the TIDF due; and (2) make environmental findings.

07.0169E

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

TO: Department of Planning
Environmental Review Officer

FROM: Gloria L. Young, Clerk of the Board

DATE: March 7, 2007

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors Land Use and Economic Development Committee has received the following that is being referred to the Planning Department for determination as to whether the proposed legislation will impact the environment.

Please provide your findings within 10 days from the date of referral.

File: 070133. Ordinance (1) amending Chapter 38 of the Administrative Code by (a) amending Sections 38.1 and 38.3, and adding a new Section 38.3-1 to limit the exemption from the current Transit Impact Development Fee (TIDF) for projects for which an application for environmental review or a categorical exemption was submitted on or before April 1, 2004, to instances in which a building permit was issued before January 1, 2007 and requiring that such exempt projects that would otherwise have been subject to the former TIDF pay a fee on new office space only equivalent to the amount that would be due for office space under the current TIDF ordinance; (b) amending Section 38.1 to clarify the definitions of "Gross Floor Area" and "Retail/Entertainment;" (c) amending Section 38.3 to correct an unintended exclusion for art spaces; (d) amending Section 38.5 to specify that the TIDF due for a project is based on the fee in effect on the date of payment; and (e) amending Section 38.6 to clarify the circumstances in which a credit for prior eliminated uses is available and make clear that any credit against the amount of the TIDF based on prior use cannot exceed the amount of the TIDF due; and (2) making environmental findings.

Please return this cover sheet with the Commission's response to **Mary L. Red, Clerk, Land Use and Economic Development Committee.**

****

RESPONSE FROM PLANNING DEPARTMENT - Date: 3/8/07

____ No Comment

___✓ Recommendation Attached

Planning Department
Paul Maltzer, Environmental Review Officer

Cc: AnMarie Rodgers

Exempt from CEQA
Non-physical exemption
CEQA Guidelines §15060(c)(2)

07.0169E

FILE NO. 070133 ORDINANCE NO.

[Limiting exemptions from, and clarifying the scope and collection of, the Transit Impact Development Fee.]

Ordinance (1) amending Chapter 38 of the Administrative Code by (a) amending Sections 38.1 and 38.3, and adding a new Section 38.3-1 to limit the exemption from the current Transit Impact Development Fee (TIDF) for projects for which an application for environmental review or a categorical exemption was submitted on or before April 1, 2004, to instances in which a building permit was issued before January 1, 2007 and requiring that such exempt projects that would otherwise have been subject to the former TIDF pay a fee on new office space only equivalent to the amount that would be due for office space under the current TIDF ordinance; (b) amending Section 38.1 to clarify the definitions of "Gross Floor Area" and "Retail/Entertainment;" (c) amending Section 38.3 to correct an unintended exclusion for art spaces; (d) amending Section 38.5 to specify that the TIDF due for a project is based on the fee in effect on the date of payment; and (e) amending Section 38.6 to clarify the circumstances in which a credit for prior eliminated uses is available and make clear that any credit against the amount of the TIDF based on prior use cannot exceed the amount of the TIDF due; and (2) making environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of

the Board of Supervisors in File No. _____ and is incorporated herein by reference.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 38.1 to read as follows:

SEC. 38.1. DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply:

A. Accessory Use. A related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use and is located on the same lot as the principal or conditional use.

B. Base Service Standard. The relationship between revenue service hours offered by the Municipal Railway and the number of automobile and transit trips estimated to be generated by certain non-residential uses, expressed as a ratio where the numerator equals the average daily revenue service hours offered by MUNI, and the denominator equals the daily automobile and transit trips generated by non-residential land uses as estimated by the TIDF Study or updated under Section 38.7 of this ~~*ordinance*~~*Chapter*.

C. Base Service Standard Fee Rate. The transit impact development fee that would allow the City to recover the estimated costs incurred by the Municipal Railway to meet the demand for public transit resulting from new development in the economic activity categories for which the fee is charged, after deducting government grants, fare revenue, and costs for non-vehicle maintenance and general administration.

D. Board. The Board of Supervisors of the City and County of San Francisco.

E. Certificate of Final Completion and Occupancy. A certificate of final completion and occupancy issued by any authorized entity or official of the City, including the Director of the Department of Building Inspection, under the Building Code.

F. City. The City and County of San Francisco.

G. Covered Use. Any use subject to the TIDF.

H. Cultural/Institution/Education (CIE). An economic activity category that includes, but is not limited to, schools, as defined in subsections (g), (h), and (i) of Section 209.3 of the Planning Code and subsections (f)—(i) of Section 217 of the Planning Code; child care facilities, as defined in subsections (e) and (f) of Section 209.3 of the Planning Code and subsection (e) of Section 217 of the Planning Code; museums and zoos; and community facilities, as defined in Section 209.4 of the Planning Code and subsections (a)—(c) of Section 221 of the Planning Code.

I Director. The Director of Transportation of the MTA, or his or her designee.

J. Economic Activity Category. One of the following six categories of nonresidential uses: Cultural/Institution/Education (CIE), Management, Information and Professional Services (MIPS), Medical and Health Services, Production/Distribution/Repair (PDR), Retail/Entertainment, and Visitor Services.

K. Gross Floor Area. The total area of each floor within the building's exterior walls, as defined in Section 102.9 of the San Francisco Planning Code, *except that for purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in Section 102.9(b)(12) of that Code shall not apply*.

L. Gross Square Feet of Use. The total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all covered uses, including any common areas exclusively serving such uses and not serving residential uses. Where a

structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary space included in gross floor area that are not exclusively assigned to one use shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

M. Management, Information and Professional Services (MIPS). An economic activity category that includes, but is not limited to, office use as defined in Section 313.1(35) of the Planning Code; medical offices and clinics, as defined in Section 890.114 of the Planning Code; and business services, as defined in Section 890.111 of the Planning Code.

N. Medical and Health Services. An economic activity category that includes, but is, not limited to, those non-residential uses defined in Sections 209.3(a) and 217(a) of the Planning Code; animal services, as defined in subsections (a) and (b) of Section 224 of the Planning Code; and social and charitable services, as defined in subsection (d) of Section 209.3 of the Planning Code and subsection (d) of Section 217 of the Planning Code.

O. Municipal Railway; MUNI. The public transit system owned by City and under the jurisdiction of the Municipal Transportation Agency.

P. Municipal Transportation Agency; MTA. The agency of City created under Article 8A of the San Francisco Charter.

Q. Municipal Transportation Agency Board of Directors; MTA Board. The governing board of the MTA.

R. New Development. Any new construction, or addition to or conversion of an existing structure under a building or site permit issued *on or* after ~~*the effective date of this ordinance*~~ *September 4, 2004,* that results in 3,000 gross square feet or more of a covered use. In the case of mixed use development that includes residential development, the term "new

development" shall refer to only the non-residential portion of such development. "Existing structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a structure for which no TIDF was paid.

S. *Office Space Development Fee; OSDF. A fee imposed under Section 38.3-1 of this Chapter.*

~~S~~T. Planning Code. The Planning Code of the City and County of San Francisco, as it may be amended from time to time.

~~T~~U. Production/Distribution/Repair (PDR). An economic activity category that includes, but is not limited to, manufacturing and processing, as defined in Section 226 of the Planning Code; those uses listed in Section 222 of the Planning Code; automotive services, as defined in Section 223(a)—(k) of the Planning Code; arts activities and spaces, as defined in Section 102.2 of the Planning Code; and research and development, as defined in Section 313.1(42) of the Planning Code.

~~U~~V. Residential. Any type of use containing dwellings as defined in Section 209.1 of the Planning Code or containing group housing as defined in Section 209.2(a)—(c) of the Planning Code.

~~V~~W. Retail/Entertainment. An economic activity category that includes, but is not limited to, retail use, as defined in Section 218 of the Planning Code; entertainment use, as defined in Section 313.1(15) of the Planning Code; massage establishments, as defined in Section 218.1 of the Planning Code; laundering, *and* cleaning and pressing, as defined in Section 220 of the Planning Code~~; and wholesale sales, as defined in Section 890.54(b) of the Planning Code~~.

~~W~~X. Revenue Service Hours. The number of hours that the Municipal Railway provides service to the public with its entire fleet of buses, light rail (including streetcars), and cable cars.

~~X~~*Y*. Sponsor. An applicant seeking approval for construction of new development subject to this Chapter, such applicant's successors and assigns, and/or any person or entity that controls or is under common control with such applicant.

~~Y~~*Z*. TIDF Study. The study commissioned by the San Francisco Planning Department and performed by Nelson/Nygaard Associates entitled "Transit Impact Development Fee Analysis—Final Report," dated May 2001, including all the Technical Memoranda supporting the Final Report and the Nelson/Nygaard update materials contained in Board of Supervisors File No. 040141.

~~Z~~*AA*. Transit Impact Development Fee; TIDF. The development fee that is the subject of this ~~ordinance~~*Chapter*.

~~AA~~*BB*. Treasurer. Treasurer of the City and County of San Francisco.

~~BB~~*CC*. Trip Generation Rate. The total number of automobile and Municipal Railway trips generated for each 1,000 square feet of development in a particular economic activity category as established in the TIDF Study, or pursuant to the five-year review process established in Section 38.7 of this ~~ordinance~~*Chapter*.

~~CC~~*DD*. Use. The purpose for which land or a structure, or both, are legally designed, constructed, arranged or intended, or for which they are legally occupied or maintained, let or leased.

~~DD~~*EE*. Visitor Services. An economic activity category that includes, but is not limited to, hotel use, as defined in Section 313.1(18) of the Planning Code; motel use, as defined in subsections (c) and (d) of Section 216 of the Planning Code; and time-share projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

Section 3. The San Francisco Administrative Code is hereby amended by amending Section 38.3 to read as follows:

SEC. 38.3. IMPOSITION OF TRANSIT IMPACT DEVELOPMENT FEE.

being added to the building; or (2) the TIDF rate for the new development is in an economic activity category with a higher fee rate than the rate set for MIPS, as set forth in Section 38.4.

E. No TIDF shall be payable on the following types of new development.

(1) New development on property owned (including beneficially owned) by the City, except for that portion of the new development that may be developed by a private sponsor and not intended to be occupied by the City or other agency or entity exempted under this ~~*ordinance*~~*Chapter*, in which case the TIDF shall apply only to such non-exempted portion. New development on property owned by a private person or entity and leased to the City shall be subject to the fee, unless the City is the beneficial owner of such new development or unless such new development is otherwise exempted under this Section.

(2) Any new development in Mission Bay North or South to the extent application of this ~~*ordinance*~~*Chapter* would be inconsistent with the Mission Bay North Redevelopment Plan and Interagency Cooperation Agreement or the Mission Bay South Redevelopment Plan and Interagency Cooperation Agreement, as applicable.

(3) New development located on property owned by the United States or any of its agencies to be used exclusively for governmental purposes.

(4) New development located on property owned by the State of California or any of its agencies to be used exclusively for governmental purposes.

(5) New development for which an application for environmental evaluation or an application for a categorical exemption has been filed prior to April 1, 2004, *and for which a building permit was issued prior to January 1, 2007; provided however, that such new development may be subject to the OSDF under Section 38.3-1 of this Chapter.*

(6) The following types of new developments:

(a) Public facilities/utilities, as defined in Section 209.6 of the Planning Code;

(b) Open recreation/horticulture, as defined in Section 209.5 of the Planning Code, including private noncommercial recreation open use, as referred to in Section 221(g) of the Planning Code;

(c) Vehicle storage and access, as defined in Section 209.7 of the Planning Code;

(d) Automotive services, as defined in Section 223(l)—(v) of the Planning Code;

(e) Wholesaling, storage, distribution, and open-air handling of materials and equipment, as defined in Section 225 of the Planning Code;

(f) Other Uses, as defined in Section 227*(a)-(q) and (s)-(t)* of the Planning Code;

In reviewing whether a development is subject to the fee, the Director shall consider the project in its entirety. A sponsor may not seek multiple building permits to evade paying the TIDF.

F. The sponsor shall pay, or cause to be paid, the TIDF to the Treasurer on the earliest of the following dates:

(1) The date when 50 percent of the net rentable area of the project has been occupied;

(2) The date of issuance of the first temporary permit of occupancy in the new development;

G. Upon payment of the fee in full to the Treasurer, and upon request of the sponsor, the Treasurer shall issue a certificate that the fee has been paid. The sponsor shall present such certification to DBI before the issuance of the final certificate of occupancy for the new development. DBI shall provide notice in writing to the Treasurer, the Planning Department, and MUNI at least five business days before issuing the final certificate of

occupancy for any new development project. DBI may not issue a final certificate of occupancy for any new development until DBI has received notice from the Treasurer that the TIDF has been paid.

Section 4. The San Francisco Administrative Code is hereby amended by adding a new Section 38.3-1 to read as follows:

SEC. 38.3-1. IMPOSITION OF OFFICE SPACE DEVELOPMENT FEE.

(a) Definitions.

For purposes of this Section, the following definitions apply:

(1) Downtown Area. That portion of the City and County bounded by Van Ness Avenue as far north as Broadway, from Van Ness Avenue and Broadway easterly on Broadway to Sansome Street, then northerly on Sansome Street to the Embarcadero; then southeasterly on the Embarcadero to Berry Street; then southwesterly on Berry Street to De Haro Street; then southerly on De Haro Street to Alameda Street; then westerly on Alameda Street to Bryant Street; then northerly on Bryant Street to Thirteenth Street; then westerly on Thirteenth Street to South Van Ness Avenue; then northerly to Van Ness Avenue. The downtown area includes all property which abuts upon any of or is within the area surrounded by the above enumerated boundary streets.

(2) Gross Square Foot of Office Use. A square foot of floor space within a structure, whether or not within a room, to be occupied by, or primarily serving, Office Use.

(3) Office Use. Any structure or portion thereof intended for occupancy by business entities which will primarily provide clerical, professional or business services of the business entity, or which will primarily provide clerical, professional or business services to other business entities or to the public, at that location.

(b) Imposition of Fee.

(1) New development in the Downtown Area that contains 3000 or more Gross Square Feet of Office Use for which an application for environmental evaluation or an application for a categorical

exemption has been filed prior to April 1, 2004, and for which a building permit was issued on or after September 4, 2004, but prior to January 1, 2007, shall be subject to an Office Space Development Fee in accordance with this Section. The fee for each Gross Square Foot of Office Use in new development in the Downtown Area shall be equivalent to the current TIDF for the Management, Information and Professional Services category established under Section 38.4 of this Chapter, including any adjustments pursuant to Section 38.4.B.

(2) Any Office Space Development Fee due under paragraph (b)(1) shall be due and payable in accordance with the procedures set forth in this Chapter governing payment and collection of the TIDF, except that the amount of the fee shall be calculated based upon Gross Square Feet of Office Use, rather than Gross Square Feet of Use.

(c) Credits. In determining the number of gross square feet of office use to which the Office Space Development Fee applies, the Director shall provide for the following credits:

(1). For prior Office Uses, there shall be credit for the number of gross square feet of Office Use being eliminated as part of the project.

(2). For prior uses other than Office Use, there shall be a credit for the number of gross square feet of non-Office Use being eliminated multiplied by an adjustment factor to reflect the difference between office building peak-period Municipal Railway trip generation rates and peak-period Municipal Railway trip generation rates for other uses. The adjustment factor shall be determined by the Director as follows:

(A) The adjustment factor shall be a fraction, the numerator of which shall be the peak-period Municipal Railway trip generation rate which the Director shall determine, in consultation with the Department of City Planning applies to the class of prior use being eliminated by the project.

(B) The denominator of the fraction shall be the peak-period Municipal Railway trip generation rate for office use used in the most recent calculation of the Transit Impact Development Fee Schedule approved by the Board of Supervisors.

(C) Notwithstanding the foregoing, the adjustment factor shall not exceed 1.

Section 5. The San Francisco Administrative Code is hereby amended by amending Sections 38.5 and 38.6 to read as follows:

SEC. 38.5. SETTING OF TIDF.

Before obtaining the first building or site permit for any new development in the City *on or* after ~~*the effective date of this ordinance*~~ *September 4, 2004*, each sponsor shall file with the Director, on such form as the Director may develop, a report indicating the number of gross square feet of use of the new development and any other information the Director may require to determine the sponsor's obligation to pay the TIDF. Each sponsor of a new development who had applied for a building or site permit, but who had not obtained an approval of the building permit or site permit before ~~*the effective date of this ordinance*~~ *September 4, 2004*, shall file the same report prior to obtaining a final certificate of occupancy. Except where an exemption otherwise applies under this ~~*ordinance*~~*Chapter*, the Director shall determine the number of gross square feet of use in each applicable economic activity category, disregarding the number of pre-existing gross square feet of use being retained in each such category, apply the fee schedule, and determine the fee*, which shall be subject to any adjustments to the TIDF Schedule that occur prior to final payment of any TIDF due*. The Director shall mail a copy of his or her written determination to the sponsor. The sponsor may appeal the determination of the number of gross square feet of use subject to the fee, the economic activity category, or the credits described in Section 38.6, to the MTA Board. If the sponsor notifies the Director of its acceptance of the determination, or does not submit an appeal to the MTA Board within 15 days following the date of mailing of notice of the Director's determination, the Director's determination shall be final, and a notice of such determination shall be provided to DBI and the Treasurer. DBI may not issue a site or building permit for any new development until it has received notice from the MTA of the final determination of the

amount of the Transit Impact Development Fee to be paid. The MTA shall not change the amount of the TIDF based on changes to the amount of gross square feet of new development during construction of the new development unless the sponsor applies for a new building permit to reflect such changes.

SEC. 38.6 CREDITS

In determining the number of gross square feet of use to which the TIDF applies, the Director shall provide a credit for prior uses eliminated on the site~~, *provided that a TIDF has not been paid for any prior use of the property*~~. The credit shall be calculated according to the following formula:

(a) There shall be a credit for the number of gross square feet of use being eliminated by the new development, multiplied by an adjustment factor to reflect the difference in the fee rate of the use being added and the use being eliminated. The adjustment factor shall be determined by the Director as follows:

(1) The adjustment factor shall be a fraction, the numerator of which shall be the fee rate which the Director shall determine, in consultation with the Department of City Planning, if necessary, applies to the economic activity category in the most recent calculation of the TIDF Schedule approved by the MTA Board for the prior use being eliminated by the project.

(2) The denominator of the fraction shall be the fee rate for the use being added, as set forth in the most recent calculation of the TIDF Schedule approved by the MTA Board.

(b) A credit for a prior use may be given only if the prior use was active on the site within five years before the date of the application for a building or site permit for the proposed use.

(c) As of ~~*the effective date of this ordinance*~~ *September 4, 2004*, no sponsor shall be entitled to a refund of the TIDF on a building for which the fee was paid under the former Chapter 38.

(d) Notwithstanding the foregoing, the adjustment factor shall not exceed 1.

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

By: _____
DAVID A. GREENBURG
Deputy City Attorney

FILE NO. 070133

LEGISLATIVE DIGEST

[Limiting exemptions from, and clarifying the scope and collection of, the Transit Impact Development Fee.]

Ordinance (1) amending Chapter 38 of the Administrative Code by (a) amending Sections 38.1 and 38.3, and adding a new Section 38.3-1 to limit the exemption from the current Transit Impact Development Fee (TIDF) for projects for which an application for environmental review or a categorical exemption was submitted on or before April 1, 2004, to instances in which a building permit was issued before January 1, 2007 and requiring that such exempt projects that would otherwise have been subject to the former TIDF pay a fee on new office space only equivalent to the amount that would be due for office space under the current TIDF ordinance; (b) amending Section 38.1 to clarify the definitions of "Gross Floor Area" and "Retail/Entertainment;" (c) amending Section 38.3 to correct an unintended exclusion for art spaces; (d) amending Section 38.5 to specify that the TIDF due for a project is based on the fee in effect on the date of payment; and (e) amending Section 38.6 to clarify the circumstances in which a credit for prior eliminated uses is available and make clear that any credit against the amount of the TIDF based on prior use cannot exceed the amount of the TIDF due; and (2) making environmental findings.

Existing Law

The existing Transit Impact Development Fee ("TIDF") was enacted in 2004. At that time, the prior TIDF, which was limited in scope to office space development in a defined Downtown Area, was repealed. The 2004 ordinance expanded the scope of the fee to a broader range of development projects and also expanded the scope to include the entire City. Among other exemptions from the new fee was an exemption for projects where an application for environmental evaluation or categorical exemption was filed prior to April 1, 2004. This exemption was intended to "grandfather" pending projects that had been planned in advance of the expanded fee. The combination of this exemption and the repeal of the prior TIDF had the unintended result, however, of making these projects exempt from both the expanded TIDF as well as the original TIDF.

In addition, the City's experience in implementing the expanded TIDF has highlighted several inconsistencies and areas of confusion in the existing legislation.

Amendments to Current Law

The proposed legislation retains the exemption from the new TIDF for projects where an application for environmental evaluation or categorical exemption was filed prior to April 1,

2004, but puts a time limit on that exemption; in order to qualify for the exemption, the project must have been issued a building permit by January 1, 2007. Projects that have not received a building permit by that date will be required to pay the current TIDF. In addition, since it was not the intent of the 2004 legislation to exempt projects that would otherwise have been subject to the prior TIDF from paying any transit impact fee, the proposed legislation would make clear that such projects that are exempt from the fee enacted in 2004 due to submission of an application for environmental evaluation or categorical exemption prior to April 1, 2004, are nonetheless subject to an alternate fee, called the Office Space Development Fee (OSDF) in order to avoid confusion with the current TIDF. The provisions governing the OSDF are intended to reinstate the applicable requirements of the original TIDF for these projects, except that the fee is increased from $5 per square foot to the rate imposed pursuant to the 2004 legislation for the Management, Information and Professional Services category (currently $10.21 per square foot).

The proposed legislation also clarifies that (1) the TIDF applies to New Development that cumulatively creates 3000 square feet or more of a covered use; (2) that the fee due is based on the fee in effect on the date of payment (thus taking into account any increases in the fee that occur prior to the date of payment); (3) that in cases where a project is entitled to a credit for uses being eliminated, the credit cannot exceed the amount of the fee that is due; and (4) that credit for prior uses eliminated can be available where a TIDF was paid for a prior use of the property.

This legislation would also remedy two inconsistencies in the existing TIDF ordinance. First, the existing law contains a specific exemption from the TIDF for wholesale facilities as defined in Planning Code Section 225. Nonetheless, the definition of the "Retail/Entertainment" category specifically includes "wholesale sale, as defined in Section 890.54(b) of the Planning Code." Because the nexus study supporting the 2004 legislation includes wholesale facilities as an appropriate category for exclusion from the fee, the reference to Planning Code Section 890.54(b) is removed. Similarly, the "Production/Distribution/Repair" (PDR) category specifically includes "arts activities and spaces." But the existing law exempts from the fee "Other Uses, as defines in [Planning Code] Section 227." Planning Code Section 227(r) includes "arts activities." Thus, the proposed legislation would clarify that arts activities are subject to the TIDF by removing Planning Code Section 227(r) from the exempt provisions.

Finally, the legislation updates references to the effective date of the 2004 legislation, and makes other technical corrections.

Background Information

This legislation is intended to clarify the scope and application of the existing TIDF.

Appendix G-8: CEQA documentation for bicycle parking for commercial and industrial buildings

Planning Department Case No. 2001.0280E- Adding Section 155.4 to the Planning Code to require that all new commercial and industrial buildings and all major expansions to existing commercial and industrial buildings contain parking spaces for bicycle proportionate to and in accordance with such buildings' square footage and primary use.

PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION FAX: 558-6409 ADMINISTRATION FAX: 558-6426 CURRENT PLANNING/ZONING FAX: 558-6409 LONG RANGE PLANNING FAX: 558-6426

CERTIFICATE OF DETERMINATION OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title: 2001.0280E – Proposed Planning Code Bicycle Parking Provision

Location: Citywide

City and County: San Francisco

Description of Nature and Purpose of Project: The project is a Board of Supervisors - proposed resolution that would add Section 155.4 to the Planning Code to require that all new commercial and industrial buildings and all major expansions to existing commercial and industrial buildings contain parking spaces for bicycles proportionate to and in accordance with such buildings' square footage and primary use.

Name of Person, Board, Commission or Department Proposing to Carry Out Project:
San Francisco Board of Supervisors (Board File No. 010488) sponsored by supervisor Leno.

EXEMPT STATUS:
X General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS: The California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed provision would be more restrictive than the current zoning regulations and permit review procedures citywide. The proposed requirement that all new commercial and industrial buildings and all major expansions to existing commercial and industrial buildings contain parking spaces for bicycles proportionate to and in accordance with such buildings' square footage and primary use would have no direct physical consequences. The provision would not stimulate new development nor result in the removal, abatement, or demolition of any existing structures.

For the above reasons, it can be seen with certainty that the proposed provision could not have a significant effect on the environment.

Contact Person: Ben Helber Telephone: (415) 558-5968

Date of Determination:

April 17, 2001

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Paul Maltzer
Environmental Review Officer

cc: Supervisor Leno, Sponsor
Paul Lord, Citywide Policy
Amit Ghosh, Citywide Policy
O. Chavez/Bulletin Board
L. Fernandez/M.D.F.
Exemption/Exclusion File
30 Van Ness File

2001.0280E

Appendix G-9: CEQA documentation for the San Francisco Green Building Ordinance

File No. 070925-Ordinance amending the San Francisco Building Code by adding Chapter 13C to require new or added construction over 20,000 square feet to comply with the Leadership in Energy and Environmental Design (LEED™) Gold rating or an equivalent green building standard except for City projects, which are covered by Chapter 7 of the San Francisco Environment Code, to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility, to require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure, and to encourage projects not within the scope of the ordinance to incorporate as many green building standards in their construction as is feasible; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

File No. 080063- Ordinance amending the San Francisco Building Code by adding Chapter 13 C to impose green building requirements on newly constructed residential buildings, newly constructed commercial buildings that are 5,000 gross square feet or more, alterations to new or existing commercial interiors that are 25,000 gross square feet or more in area, and major alterations to existing buildings that are 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting City projects, which are covered by Chapter 7 of the San Francisco Environment Code; providing that the requirements become effective 90 days after enactment of the ordinance and increase over the following five-year period; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

2007.0663 E

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

TO: Department of Planning
Environmental Review Officer

FROM: Kay Gulbengay, Clerk of the Board

DATE: June 26, 2007

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors Land Use and Economic Development Committee has received the following that is being referred to the Planning Department for determination as to whether the proposed legislation will impact the environment.

Please provide your findings within 10 days from the date of referral.

File 070925. Ordinance amending the San Francisco Building Code by adding Chapter 13C to require new or added construction over 20,000 square feet to comply with the Leadership in Energy and Environmental Design (LEED) Gold rating or an equivalent green building standard except for City projects, which are covered by Chapter 7 of the San Francisco Environment Code, to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility, to require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure, and to encourage projects not within the scope of the ordinance to incorporate as many green building standards into their construction as is feasible; adopting findings, including environmental findings and findings required by California Health & Safety Code Section 17958.5.

Please return this cover sheet with the Commission's response to **Mary L. Red, Clerk, Land Use and Economic Development Committee.**

****

RESPONSE FROM PLANNING DEPARTMENT - Date: 6/29/07

____ **No Comment**

__X__ **Recommendation Attached**

Exempt from CEQA
CEQA Guidelines § 15060(c)(2)
Non-physical exemption

Paul Maltzer

Ethics Commission 5/7/01

Planning Department
Paul Maltzer, Environmental Review Officer

Cc: AnMarie Rodgers
Tara Sullivan-Lenane

FILE NO. 070925 ORDINANCE NO.

[Green Building Construction Requirements.]

Ordinance amending the San Francisco Building Code by adding Chapter 13C to require new or added construction over 20,000 square feet to comply with the Leadership in Energy and Environmental Design (LEED™) Gold rating or an equivalent green building standard except for City projects, which are covered by Chapter 7 of the San Francisco Environment Code, to authorize the Director of Building Inspection to grant an exemption from some of the requirements on the grounds of hardship or infeasibility, to require the Director to grant an exemption if compliance would compromise the historical integrity of an historic structure, and to encourage projects not within the scope of the ordinance to incorporate as many green building standards into their construction as is feasible; adopting findings, including environmental findings and findings required by California Health & Safety Code Section 17958.5.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

(a) CEQA Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(b) Findings Required by California Health & Safety Code Section 17958.5.

(i) San Francisco is located at the tip of a peninsula and is served by the electricity grid at a single point, the Martin Substation. This single point of service makes San Francisco uniquely vulnerable to supply disruptions. Making San Francisco's building stock more energy efficient will reduce San Francisco's energy consumption and decrease its vulnerability to supply disruptions.

(ii) The world's leading climate scientists have documented a clear global warming trend and the unmistakable impact of human activities on that trend. As a coastal city surrounded on three sides by water, San Francisco is extremely vulnerable to climate change caused by global warming and the associated rise in sea levels. Construction of more energy efficient buildings can help San Francisco reduce its share of the greenhouse gas emissions that are a significant contributor to global warming.

(iii) In 2002, in response to the global warming threat, the Board of Supervisors adopted unanimously Resolution No. 158-02, which, among other things, established for San Francisco a greenhouse gas emissions reduction target of 20 percent below 1990 levels by the year 2012 and called for continued actions toward achieving these goals.

In Resolution No. 158-02, the Board found that global warming and the associated rise in sea levels would be particularly devastating to San Francisco and that a Green Building Program, among other efforts, was a critical component in a local action plan for climate protection. The Board further found that greenhouse gas reduction activities would contribute substantially to the achievement of many of the City's highest priority goals, including but not limited to: energy security and cost reduction, affordable housing, mobility and transportation choices, solid waste reduction and recycling, reliable and affordable water supply, urban and rural forest protection, sustainable economic development, and clean air.

(iv) In response to Board Resolution No. 158-02, San Francisco's Department of Environment and Public Utilities Commission published a Climate Action Plan for San Francisco in September 2004. The Plan states that in San Francisco, the impacts of climate change will be variable and widespread and identifies a number of specific serious impacts that global warming and the associated rise in sea levels would have on San Francisco's weather, water resources, physical landscape, ecosystem, human health, economy, and infrastructure.

(v) The City's Climate Action Plan found that energy use in buildings and facilities is responsible for approximately 50 percent of San Francisco's greenhouse gas emissions. In 1990, San Francisco's total energy consumption was about 5,000 gigawatt-hours of electricity and 300 million therms of natural gas. San Francisco's energy use resulted in a total of approximately 4.5 million tons of CO2 emissions released into the atmosphere in 1990: 1.7 million tons of CO2 was released by the City's 300,000 households, 1.5 million tons of CO2 was released by the City's 32,000 businesses, 894,000 tons of CO2 was released by the City's industrial sector, and 402,000 tons of CO2 was released by the City's municipal buildings and facilities.

The Climate Action Plan states that the potential for CO2 reductions through electricity and gas savings in San Francisco's buildings is tremendous and that key actions required to reach this potential include incorporating policies in both the private and public sectors such as designing new buildings beyond code and implementing energy efficient retrofit projects in existing buildings. Reducing electricity demand means in-city power plants run less, creating fewer emissions.

(vi) As a participant in the Cities of Climate Protection campaign sponsored by the International Council on Local Environmental Initiatives, San Francisco has joined with more

than 500 cities around the world to inventory its emissions of greenhouses gases, set reduction targets, and take action to meet those targets.

(vii) In recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. At the national level, the U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED™) Green Rating System and LEED™ Reference Guide, has become a leader in promoting and guiding green building.

(viii) In 2004, the City adopted Chapter 7 of the San Francisco Environment Code, which, among other things, mandates green building standards for City construction projects. This ordinance will continue San Francisco's efforts to mitigate the effects of global warming by reducing the emissions of greenhouse gases by San Francisco's residential, commercial and industrial sectors.

(ix) In 2006, the State enacted the California Global Warming Solutions Act of 2006 (AB 32) which added Section 38501 et seq. to the California Health and Safety Code. This legislation requires, among other things, that by January 1, 2008, the State Air Resources Board approve a statewide greenhouse gas emissions limit that is equivalent to the emissions level in 1990. This ordinance will further the State's efforts to reduce greenhouse gas emissions statewide by reducing San Francisco's emissions.

Section 2. The San Francisco Building Code is hereby amended by adding Chapter 13C, to read as follows:

Chapter 13C

GREEN BUILDING DESIGN REQUIREMENTS

SECTION 1301C - TITLE

This chapter shall be known as the "Green Building Design Ordinance."

SECTION 1302C - INTENT

The purpose of this chapter is to promote the health, safety and welfare of San Francisco residents, workers, and visitors by minimizing the use and waste of energy, water and other natural resources in the construction and operation of the City's building stock and by providing a healthy indoor environment. The green building practices required by this Chapter will also further the goal of reducing the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, as stated in Board of Supervisors Resolution No. 158-02 and the City's 2004 Climate Action Plan.

SECTION 1303C - DEFINITIONS

For the purposes of this chapter, certain terms are defined as follows:

APPLICANT means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, industry, public or private corporation, or any other entity that applies to the City for permits to construct a covered project within the scope of this ordinance.

BUILDING means any structure used for support or shelter of any use or occupancy, as defined in Chapter 3 of this Code.

CITY means the City and County of San Francisco.

CONDITIONED SPACE means an enclosed space in a building that is provided with a mechanical heating system that has a capacity exceeding 10 Btu(hr. x ft.^{2}) or is provided with a mechanical heating system that has a capacity exceeding 5 Btu(hr. x ft. ^{2}), unless the

space-conditioning system is designed and thermostatically controlled to maintain a process environment temperature less than 55°F or to maintain a process environment temperature greater than 90°F for the entire space the system serves.

CONSTRUCT OR CONSTRUCTION means the construction of any building or structure or portion thereof.

COVERED PROJECT means a project that is within the scope of this chapter.

GREEN BUILDING means a whole systems approach to the design, construction, and operation of buildings that helps to mitigate the environmental, economic, and social impacts of buildings. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and to provide a healthy indoor environment.

GREEN BUILDING PROJECT CHECKLIST means a checklist or scorecard developed and amended from time to time by the U.S. Green Building Council or an equivalent entity for the purpose of calculating a score on a Green Building Rating System.

GREEN BUILDING RATING SYSTEM means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Green Building Rating System approved by the U.S. Green Building Council or an alternative rating system approved as an equivalent by the Director in consultation with the Director of the Department of the Environment. As new rating systems are developed, the Director, in consultation with the Director of the Department of the Environment, is authorized to specify the applicable Green Building Rating System required by this chapter.

GREEN BUILDING REFERENCE GUIDE means a supporting document published by the U.S. Green Building Council or equivalent entity that provides detailed information, resources, and standards for the environmental categories covered by the LEED™ Rating

System or the equivalent rating system, including information requiring the documentation required for certification.

GREEN BUILDING WORKSHEET means a worksheet or other form, developed by the Director in consultation with other relevant City departments, which specifies information to be submitted prior to any hearing on building design authorized by any provision of the San Francisco Municipal Code. The Green Building Worksheet shall specify the form and content of the required documentation.

HISTORIC STRUCTURE means any building or structure listed on or eligible for listing on a national or state register or listing of historic resources or designated under Article 10 or Article 11 of the San Francisco Planning Code.

RENOVATION means any change, addition, or modification to an existing building or structure.

SECTION 1304C - SCOPE

All construction projects within the City that include 20,000 gross square feet or more of conditioned space are covered projects that shall comply with the requirements of this chapter excluding City projects, which are covered by Chapter 7 of the San Francisco Environment Code. For the purposes of this chapter, a covered project shall include renovation projects that incorporate 20,000 gross square feet or more of additional space. A renovation project that consists solely of interior improvements to an existing building is not a within the scope of this chapter. Applicants for projects that are not mandated to meet green building standards under this chapter are encouraged to use their best efforts to incorporate as many green building measures as feasible without compromising the historical integrity of an historic structure.

SECTION 1305C - RULES AND REGULATIONS

The Director shall adopt reasonable rules and regulations implementing the provisions and intent of this chapter and may amend them from time to time. The Director shall develop the rules and regulations and any amendment thereto in consultation with the Director of the Department of the Environment and such other advisors as the Director may deem appropriate and after considering public input.

SECTION 1306C – DESIGN REQUIREMENTS

1306C.1 Applicable Green Building Standard. A covered project shall meet a minimum LEED™ Gold rating or an alternative equivalent green building standard approved by the Director pursuant to Section 1306C.2. Compliance with the provisions of this chapter is a condition of approval of the covered project and no building permit shall be issued unless and until the Director or his designee has determined that the project meets this standard or an exemption has been granted under Section 1308C.

For the first six months after the release of any new version of the Green Building Rating System, the applicant shall be given the choice at the time an application for a building permit is filed of using the most current version or the version to be superseded. City staff shall maintain the most recent version of the applicable Green Building Rating System and associated Green Building Reference Guide that are being used by the Department.

1306C.2. Alternative Rating System. The applicant may request approval from the Director to use an alternative rating system that is equivalent to the LEED™ Gold rating. An application to use an alternative rating system shall be made and approved by the Director prior to submission of the permit application and documentation required by Section 1306C.3 and shall include any documentation that the Director, in consultation with the Director of the Department of the Environment, determines is required to determine whether the alternative rating system is equivalent to the LEED™ Gold rating.

1306C.3. Documentation to be Submitted with the Permit Application. In conjunction with an application for a building permit, the applicant shall submit documentation indicating the measures to be used to achieve the applicable green building standard. The documentation shall also indicate how many credits the covered project will achieve in each category. This documentation shall include:

(1) the Green Building Project Checklist;

(2) the Green Building Worksheet with an analysis of each credit claimed; and

(3) any other documentation that the Director may require to show compliance with this chapter.

Covered projects shall use the Green Building Project Checklist that corresponds with the Green Building Rating System approved for use. All building plans shall indicate in the general notes or individual detail drawings, where feasible, the green building measures to be used to attain the applicable green building rating.

1306C.4. Project Registration and Building Commissioning. Although not required by this chapter, applicants are encouraged to register projects using the LEED™ rating system with the U.S. Green Building Council. Building commissioning, specified as a prerequisite for all LEED™ ratings, is not required under this chapter. However, applicants are encouraged to verify that fundamental building systems are designed, installed, and calibrated to operate as intended.

SECTION 1307C - COMPLIANCE REVIEW

1307C.1. Compliance Inspections. Department staff shall verify that the green building measures indicated in the approved documentation are being implemented at foundation inspection, framing inspection, and prior to issuance of a final certificate of occupancy. The Director may require such additional inspections as he or she determines are needed to

ensure compliance with this chapter. If, as a result of any such inspection, the Department determines that the covered project does not comply with the approved documentation, the Department shall issue a stop-work order, which may apply to the portion of the project impacted by the noncompliance or to the entire project. The stop-work order shall remain in effect until the Director determines that the project will be brought into compliance with the approved documentation and this chapter.

1307C.2. Substitution of Credits. During compliance review for covered projects, the Director or his or her designee may authorize the substitution of approved credits with other credits in the approved Green Building Rating System. Substitution shall occur only at the request of the applicant and after the Director or his or her designee has determined that the originally approved credits are no longer feasible.

1307C.3. Post Construction Compliance Documentation. After completion of construction, the applicant shall submit to the Department the following documentation demonstrating compliance of a covered project with this chapter (1) prior to the Department's final approval of construction or issuance of a certificate of final completion and occupancy for the project, (2) after one year of occupancy, and (3) after five years of occupancy if the Director deems it necessary. The Department shall keep a copy of this documentation with its official records of the building.

(1) Prior to the Department's final approval of construction or issuance of a certificate of final completion and occupancy for a covered project, the applicant shall submit to the Department: (a) documentation that verifies incorporation of the approved design and construction related credits; and (b) a letter from the project architect or project contractor certifying that the building has been constructed in accordance with the approved Green Building Project Checklist. The applicant shall also provide any additional documentation that

would be required by the LEED™ Reference Guide for LEED™ certification or the reference guide for the alternative rating system approved by the Department. The applicant may submit any additional information that he or she believes is relevant to determining its good faith efforts to comply with this chapter.

(2) After one year of occupancy of a covered project, the applicant, property owner, or building tenant as applicable shall submit to the Department documentation detailing conformance with the operation, efficiency and conservation related credits from the approved documentation for the project. The applicant shall also provide any additional documentation that would be required by the LEED™ Reference Guide for LEED™ certification or the reference guide for the Department's approved alternative. The applicant may submit any additional information that the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

(3) If required by the Director, after five years of occupancy of a covered project, the applicant, property owner, or building tenant as applicable shall submit to the Department documentation that details conformance with the operation, efficiency, and conservation related credits from the approved documentation for the project. The applicant may submit any additional information that the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

1307C.4. Compliance Determination. Prior to the Department's final approval of construction or issuance of a certificate of final completion and occupancy, the Director or his designee shall review the information submitted by the applicant pursuant to Section 1307C.3(1) and determine whether the applicant has achieved the LEED™ Gold rating or approved alternative required by this chapter. If it is determined that the applicant has not achieved the required rating, the Director or his designee shall make the following findings:

(1) Good faith effort to comply. If the Director or his designee determines that the covered project has not met the requirements for the LEED™ Gold rating or approved alternative, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this chapter. In making this determination, the Director or his designee shall consider the availability of markets for materials to be recycled, the availability of green building materials and technologies, and the documented efforts of the applicant to comply with this chapter. The Director may require additional reasonable green building measures, as authorized in subsection (3) below, to be taken in the operation of the covered project to mitigate the failure to comply fully with this chapter.

(2) Noncompliance. If the applicant fails to submit the documentation required by Section 1307C.3(1) within the required time period, or if the Director or his designee determines that the applicant has not made a good faith effort to comply with this chapter, the final building approval or occupancy certificate may be withheld. The Director may require additional reasonable building measures, as authorized in subsection (3) below, to be taken in the operation of the covered project to mitigate the failure to comply fully with this chapter. Once the applicant has performed such additional reasonable green building measures, the Director or his designee shall approve the covered project for final building approval and/or issuance of a certificate of final completion and occupancy.

If the documentation submitted by the applicant as required by Section 1307C.3(2) and (3) reveals that the applicant has not made a good faith effort to maintain the originally approved conservation and energy related credits in the operation of the building, the Director or his designee may require additional reasonable green building measures as authorized in subsection (3) below.

(3) Mitigation. If the Director or his designee determines that the applicant has not complied with this chapter, the Director may require further reasonable green building measures to be employed in the operation and maintenance of the covered project to mitigate the applicant's failure to comply fully with this chapter. A list of potential mitigation measures to be employed shall be developed by the Director in consultation with the Director of the Department of the Environment and may be amended from time to time. Such measures may include, but are not limited to, landscaping the covered project to decrease water and energy consumption, use of energy efficient fixtures, including the use of energy efficient light bulbs, and education of the building's occupants and owners regarding on-going energy and resource savings techniques.

SECTION 1308C – HARDSHIP OR INFEASIBILITY EXEMPTION

1308C.1. Exemption. If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet fully the requirements of this chapter, he or she may apply to the Director for an exemption as set forth below. In applying for an exemption, the burden is on the applicant to demonstrate hardship or infeasibility.

1308C.2. Application. An applicant shall apply for the exemption at the time that he or she submits an application for a building permit and shall submit the following information in support of the application:

(1) the maximum number of credits the applicant believes is practical or feasible for the covered project;

(2) the circumstances that the applicant believes make it a hardship or infeasible to comply fully with this chapter. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials and

technologies, and compatibility of green building requirements with existing building standards.

1308C.3. Granting of Exemption. If the Director determines that it is a hardship or infeasible for the applicant to meet fully the requirements of this chapter based on the information submitted with the application for an exemption, the Director shall determine the maximum feasible number of credits reasonably achievable for the covered project and shall indicate this number on the documentation submitted by the applicant. If an exemption is granted, the applicant must achieve the number of credits the Director determines to be achievable and shall comply with this chapter in all other respects.

1308C.4. Exemption for Historic Structure. The Director shall grant an exemption for an historic structure if the Director determines that compliance with certain requirements would impair the structure's historical integrity. The historic structure shall comply with this chapter in all other respects.

1308C.5. Denial of Exemption. If the Director determines that it is possible for the applicant to meet fully the requirements of this chapter, he or she shall so notify the applicant in writing. The applicant may then submit the documentation required by Section 1306C.1. If the applicant does not submit the documentation within the time period ordered by the Director or the documentation does not comply with the requirements of Section 1306C.1, the Department shall deny the building permit.

1308C.6. Appeal. The determination of the Director under this Section 1308C is appealable to the Building Inspection Commission pursuant to the procedure set forth in Chapter 77 of the San Francisco Administrative Code. Appeal from the denial of a building permit is appealable to the Board of Appeals pursuant to the procedure set forth in Section 8 et seq. of the San Francisco Business and Tax Regulations Code.

SECTION 1309C – ENFORCEMENT

The applicant's failure to build the covered project in accordance with the project's approved documentation and plans shall be subject to the procedures governing abatement of unsafe structures set forth in Section 102 of this Code. In addition, the Director may require additional reasonable green building measures as authorized in Section 1307C.4(3) to mitigate the failure to comply fully with this chapter.

SECTION 1310C - CONFLICT WITH OTHER PROVISIONS OF THIS OR OTHER CODES

In the event that the requirements of this chapter conflict with other provisions of this Code or the other codes enforced by the Department of Building Inspection, the process requirements of this chapter shall apply and the more restrictive building design standards of this or the other codes shall prevail.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

2008.0094E

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Planning Department
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board

DATE: January 17, 2008

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
The Board of Supervisors Land Use and Economic Development Committee has received the following, that is being referred to the Planning Department for determination of compliance with the California Environmental Quality Act.

File 080063. Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on newly constructed residential buildings, newly constructed commercial buildings that are 5,000 gross square feet or more, alterations to new or existing commercial interiors that are 25,000 gross square feet or more in area, and major alterations to existing buildings that are 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting City projects, which are covered by Chapter 7 of the San Francisco Environment Code; providing that the requirements become effective 90 days after enactment of the ordinance and increase over the following five-year period; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

Please return this cover sheet with the Commission's response to **Mary L. Red, Clerk, Land Use and Economic Development Committee.**

****

RESPONSE FROM PLANNING DEPARTMENT - Date: January 28, 2008

__✓__ **No Comment**

____ **Recommendation Attached**

Bill Wycko, **Environmental Review Officer**

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Planning Department
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board

DATE: January 17, 2008

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors Land Use and Economic Development Committee has received the following, that is being referred to the Planning Department for determination of compliance with the California Environmental Quality Act.

File 080063. Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on newly constructed residential buildings, newly constructed commercial buildings that are 5,000 gross square feet or more, alterations to new or existing commercial interiors that are 25,000 gross square feet or more in area, and major alterations to existing buildings that are 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting City projects, which are covered by Chapter 7 of the San Francisco Environment Code; providing that the requirements become effective 90 days after enactment of the ordinance and increase over the following five-year period; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

Please return this cover sheet with the Commission's response to **Mary L. Red, Clerk, Land Use and Economic Development Committee.**

****

RESPONSE FROM PLANNING DEPARTMENT - Date: January 28, 2008

__✓__ **No Comment**

____ **Recommendation Attached**

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW
CLASS 8 - Actions by Regulatory Agencies for Protection of the Environment

Bill Wycko, **Environmental Review Officer**

FILE NO. 080063 ORDINANCE NO.

[Green Building Requirements.]

Ordinance amending the San Francisco Building Code by adding Chapter 13C to impose green building requirements on newly constructed residential buildings, newly constructed commercial buildings that are 5,000 gross square feet or more, alterations to new or existing commercial interiors that are 25,000 gross square feet or more in area, and major alterations to existing buildings that are 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed; exempting City projects, which are covered by Chapter 7 of the San Francisco Environment Code; providing that the requirements become effective 90 days after enactment of the ordinance and increase over the following five-year period; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

Note: This Chapter is entirely new.

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

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

(a) CEQA Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(b) Findings Required by California Health & Safety Code Section 17958.5.

(i) San Francisco is located at the tip of a peninsula and is served by the electricity grid at a single point, the Martin Substation. This single point of service makes San Francisco uniquely vulnerable to supply disruptions. Making San Francisco's building stock more energy efficient will reduce San Francisco's energy consumption and decrease its vulnerability to supply disruptions.

(ii) The world's leading climate scientists have documented a clear global warming trend and the unmistakable impact of human activities on that trend. As a coastal city surrounded on three sides by water, San Francisco is extremely vulnerable to climate change caused by global warming and the associated rise in sea levels. Construction of more energy efficient buildings can help San Francisco reduce its share of the greenhouse gas emissions that are a significant contributor to global warming.

(iii) In 2002, in response to the global warming threat, the Board of Supervisors adopted unanimously Resolution No. 158-02, which, among other things, established for San Francisco a greenhouse gas emissions reduction target of 20 percent below 1990 levels by the year 2012 and called for continued actions toward achieving these goals.

In Resolution No. 158-02, the Board found that global warming and the associated rise in sea levels would be particularly devastating to San Francisco and that a Green Building Program, among other efforts, was a critical component in a local action plan for climate protection. The Board further found that greenhouse gas reduction activities would contribute substantially to the achievement of many of the City's highest priority goals, including but not limited to: energy security and cost reduction, affordable housing, mobility and transportation choices, solid waste reduction and recycling, reliable and affordable water supply, urban and rural forest protection, sustainable economic development, and clean air.

(iv) In response to Board Resolution No. 158-02, San Francisco's Department of Environment and Public Utilities Commission published a Climate Action Plan for San Francisco in September 2004. The Plan states that in San Francisco, the impacts of climate change will be variable and widespread and identifies a number of specific serious impacts that global warming and the associated rise in sea levels would have on San Francisco's weather, water resources, physical landscape, ecosystem, human health, economy, and infrastructure.

(v) The City's Climate Action Plan found that energy use in buildings and facilities is responsible for approximately 50 percent of San Francisco's greenhouse gas emissions. In 1990, San Francisco's total energy consumption was about 5,000 gig watt-hours of electricity and 300 million therms of natural gas. San Francisco's energy use resulted in a total of approximately 4.5 million tons of CO_2 emissions released into the atmosphere in 1990: 1.7 million tons of CO_2 was released by the City's 300,000 households, 1.5 million tons of CO_2 was released by the City's 32,000 businesses, 894,000 tons of CO_2 was released by the City's industrial sector, and 402,000 tons of CO_2 was released by the City's municipal buildings and facilities.

The Climate Action Plan states that the potential for CO_2 reductions through electricity and gas savings in San Francisco's buildings is tremendous and that key actions required to reach this potential include incorporating policies in both the private and public sectors such as designing new buildings beyond code and implementing energy efficient retrofit projects in existing buildings. Reducing electricity demand means in-city power plants run less, creating fewer emissions.

(vi) As a participant in the Cities of Climate Protection campaign sponsored by the International Council on Local Environmental Initiatives, San Francisco has joined with more

than 500 cities around the world to inventory its emissions of greenhouses gases, set reduction targets, and take action to meet those targets.

(vii) In recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. At the national level, the U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED™) Green Rating System and LEED™ Reference Guide, has become a leader in promoting and guiding green building. At the local level, Build It Green and StopWaste.Org have developed residential green building standards appropriate for smaller projects, and which over twenty Bay Area cities and counties have employed.

(viii) Starting in 2004, the City has enacted legislation or adopted programs to mandate or encourage the use of green building standards in San Francisco and to reduce the City's impacts on the environment.

In 2004, the City enacted Chapter 7 of the San Francisco Environment Code, which, among other things, requires all new City construction and major renovation projects to achieve a LEED® Silver certification from the US Green Building Council. In 2006, the City adopted Ordinance No. 27-06 mandating the recycling of construction and demolition debris.

In 2006, the City adopted two programs to encourage the use of green building standards in the private sector. First, the San Francisco Building and Planning Departments developed criteria to reduce the cost of solar permits and streamline the permitting process. Solar permits now cost less than $90 and can be issued over the counter, without the delays of in-house reviews. The Department of Building Inspection has estimated that 90 percent of

photovoltaic system applications meet the requirements for the streamlined permit process. Second, the San Francisco Department of Building Inspection, Planning Department, and Department of the Environment established a priority permitting process for LEED Gold certified, or equivalent, building projects. Eight projects have presently been accepted, with four more pending.

(ix) In 2004, the City and County of San Francisco committed to the goals of diverting over 75% of its waste from landfill by the year 2010 and to achieve Zero Waste to landfill by 2020. These ambitious targets can only be realized through continued implementation and expansion of recycling and composting programs, increased construction and demolition debris recycling, and source reduction programs in the public and private sectors.

(x) In 2006, the State enacted the California Global Warming Solutions Act of 2006 (AB 32), which added Section 38501 et seq. to the California Health and Safety Code. This legislation requires, among other actions that by January 1, 2008, the State Air Resources Board approve a statewide greenhouse gas emissions limit that is equivalent to the emissions level in 1990. This ordinance will further the State's efforts to reduce greenhouse gas emissions statewide by reducing San Francisco's emissions.

(xi) In 2007, Mayor Gavin Newsom established a Task Force on Green Building for the City and County of San Francisco comprised of ten members from San Francisco's ownership, developer, financial, architectural, engineering, and construction community. The mission of the Task Force was to advise and recommend to the City's policy makers mandates, incentives, education, and outreach in order to increase the number and improve the quality of green buildings in San Francisco and to assess the impacts of the Task Force's recommendations. The Task Force issued its Report and Recommendations in June 2007.

(xii) In its Report, the Green Building Task Force Report recommends that the City take a leadership role in addressing environmental impacts, which include consumption of natural resources, accelerated effects on climate change, and increased pollution. It further recommends that as the City look at a broad range of policies and programs to improve sustainability and recognize that construction activity for and operational energy used by buildings are primary contributors to man-made CO_2 production and have significant other impacts on air quality, landfill, transportation, energy consumption, resource use, and occupant health and productivity. The Task Force Report states that it is essential that sustainable practices become standards of the building industry.

(xiii) By implementing the recommendations of the Mayor's Task Force on Green Building, this ordinance continues San Francisco's efforts to address environmental impacts in order to improve the health and economic well being of the City's residents, workers and visitors, and to mitigate the effects of global warming on the City's weather, water resources, physical landscape, ecosystem, human health, economy, and infrastructure.

Some of the significant cumulative benefits this ordinance is very conservatively expected to achieve through 2012 are: reducing CO_2 emissions by 60,000 tons, saving 220,000 megawatt hours of power, saving 100 million gallons of drinking water, reducing wastewater and stormwater by 90 million gallons of water, reducing construction and demolition waste by 700 million pounds, increasing the valuations of recycled materials by $200 million, reducing automobile trips by 540,000, and increasing green power generation by 37 thousand megawatt hours.

Section 2. The San Francisco Building Code is hereby amended by adding Chapter 13C, to read as follows:

Chapter 13C

GREEN BUILDING REQUIREMENTS

SECTION 1301C - INTENT

The purpose of this chapter is to promote the health, safety and welfare of San Francisco residents, workers, and visitors by minimizing the use and waste of energy, water and other natural resources in the construction and operation of the City's building stock and by providing a healthy indoor environment. The green building practices required by this Chapter will also further the goal of reducing the City's greenhouse gas emissions to 20 percent below 1990 levels by the year 2012, as stated in Board of Supervisors Resolution No. 158-02 and the City's 2004 Climate Action Plan.

SECTION 1302C - DEFINITIONS

For the purposes of this chapter, certain terms are defined as follows:

ADEQUATE SPACE FOR WASTE means that areas provided for the collection and separate storage of trash, composting, and commingled recycling shall be designed to accommodate containers compatible with current methods and frequency of local collection. The recycling and compost storage areas shall be enclosed and integral to the structure of the project and be designed to be as accessible and as convenient as that for trash areas for all tenants, residents, and service providers, and must met or exceed the requirements of Administrative Bulletin 088.

APPLICANT means any individual, firm, Limited Liability Company, association, partnership, political subdivision, government agency, industry, public or Private Corporation,

or any other entity that applies to the City for permits to construct a project within the scope of this ordinance.

CITY means the City and County of San Francisco.

GREENPOINT RATED, GREEN POINTS and GREEN POINTS CHECKLIST mean the residential green building rating system and checklist and certification methodology used by the non-profit organization Build It Green or an equivalent organization and rating system approved by the Director in consultation with the Director of the Department of the Environment.

HIGH-RISE RESIDENTIAL BUILDING means a residential building that is more than 75 feet in height to the highest occupied floor.

MIXED-USE means a building with residential and commercial or retail or a combination of residential, commercial and retail. If the building is more than 75 feet in height, the HIGH-RISE RESIDENTIAL BUILDING requirements shall apply. If the building is 75 feet or less in height, the MID-RISE MULTIFAMILY REQUIREMENTS shall apply.

LARGE COMMERCIAL BUILDING means a commercial building or addition that is 25,000 gross square feet or more or over 75 feet in height.

LEED and LEED Checklist mean the Leadership in Energy and Environment Design rating system, certification methodology, and checklist used by the United States Green Building Council (USGBC).

MAJOR ALTERATION means alterations to existing buildings of 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed

MID-SIZE COMMERCIAL BUILDING means a commercial building that is more than 5,000 and less than 25,000 gross square feet, and is not a high-rise (less than 75 feet in height to the highest occupied floor).

MID-SIZE MULTIFAMILY RESIDENTIAL BUILDING means a residential building that has five or more dwelling units and is not a high-rise (75 feet or less in height to the highest occupied floor).

RECYCLING AND COMPOSTING SPACE means that areas provided for the collection and separate storage of trash to landfill, materials for commingled recycling and for composting shall be designed to accommodate sufficient quantity of recycling and composting containers adequate for the building occupants, and compatible with current methods and frequency of local collection. All areas designated for the collection, storage and loading of materials for recycling and for composting must be integral to the structure of the project and be at least as accessible and as convenient as that for trash areas for all tenants, residents, and service providers, and, if applicable, must meet or exceed the requirements of Administrative Bulletin 088. Any building designed with a chute system for trash disposal must provide additional chutes for composting (which includes food waste) and for commingled recycling, or must provide alternative installations such as turntable systems designed to keep trash separate from materials for recycling and composting.

SMALL RESIDENTIAL BUILDING means a building that has four or fewer dwelling units and is not a high-rise (less than 75 feet in height to the highest occupied floor).

SECTION 1303C – SCOPE

Projects in the City and County of San Francisco that are within the scope of this chapter are: (1) newly constructed residential buildings, (2) newly constructed commercial buildings that are 5,000 gross square feet or more (3) alterations to new or existing

commercial interiors that are 25,000 gross square feet or more in area, and (4) major alterations to existing buildings that are 25,000 gross square feet or more in area, where interior finishes are removed and significant upgrades to structural and mechanical, electrical and/or plumbing systems are proposed. City projects, which are covered by Chapter 7 of the San Francisco Environment Code, are exempt from the provisions of this chapter.

SECTION 1304C – GREEN BUILDING REQUIREMENTS

The following green building requirements shall apply to all projects within the scope of this chapter. Wherever reference is made to the LEED or GreenPoint Rated systems, a comparable equivalent rating system may be used if approved by the Director in consultation with the Director of the Department of the Environment. The applicable LEED, GreenPoint Rated or equivalent requirements are those in effect at the time a complete application for a building (or site) permit is filed with the Department of Building Inspection.

The versions of performance standards for any applications subject to this legislation, regardless of application dates, are:

LEED-CI v2.0 - LEED for Commercial Interiors (June 2005)

LEED-CS v2.0 - LEED for Core and Shell (July 2006)

LEED-EB - LEED for Existing Building: Operations and Maintenance (Version 2008)

LEED for Homes Program Pilot Rating System Version 1.11a (January 2007)

LEED-NC v2.2 - LEED for New Construction (July 2007)

LEED for Retail – New Construction and Major Renovations (Pilot Version 2.0, October 2007)

GreenPoint Rated (GPR) – GPR v2007 (March 2007)

Verification of compliance with any of the requirements may be done by any manner of approval, including third-party equivalent, if approved by the Director.

Any structure subject to this Chapter 13C shall maintain the green building features required herein, regardless of subsequent alterations, additions, or changes of use, unless subject to more stringent requirements.

1304C.1. Requirements for New Residential Construction.

1304C.1.1. Small Residential Buildings. Beginning ninety days after the effective date of this ordinance, the permit applicant must submit a Green Points New Home Construction Checklist but no points are required to be achieved. Effective January 1st 2009, applicants for new buildings must submit documentation demonstrating that a minimum of 25 Green Points from the checklist will be achieved. Effective January 1st 2010 through 2011, applicants for new buildings must submit documentation to be GreenPoint Rated and must achieve a minimum of 50 Green Points. Effective January 1st 2012, a new building must submit documentation be GreenPoint Rated and must achieve a minimum of 75 Green Points.

1304C.1.2. Midsize Multifamily Buildings. Beginning ninety days after the effective date of this ordinance, the permit applicant must submit a Green Points Multifamily Checklist but no points are required to be achieved. Effective January 1st 2009, applicants for new buildings must submit documentation demonstrating that a minimum of 25 Green Points from the checklist will be achieved. Effective January 1st 2010 a new building must be GreenPoint Rated and must submit documentation to achieve a minimum of 50 Green Points. Effective January 1st 2011 and thereafter, a new building must be GreenPoint Rated and must submit documentation to achieve a minimum of 75 Green Points.

1304C.1.2.1. Recycling and compostable waste. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation that designates adequate on-site space for trash, recyclables and compostable waste as defined in 1302C.

1304C.1.3. High-Rise Residential Buildings.

1304C.1.3.1. Rating requirement. . Beginning ninety days after the effective date of this ordinance, applicants for new buildings must submit documentation to achieve LEED "Certified" certification from the USGBC, or an approved equivalent. Effective January 1st 2010 and thereafter, applicants for new buildings must submit documentation to achieve a LEED "Silver" certification from the USGBC, or an approved equivalent.

1304C.1.3.2. Recycling and compostable waste. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation that designates adequate on-site space for recycling and compostable waste in addition to adequate on-site space for trash, as defined in 1302C.

1304C.1.3.3. Water efficient landscaping. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation to achieve a minimum 50 percent reduction in use of potable water for landscaping. (LEED WE1.1)

1304C.1.3.4. Water use reduction. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation to achieve a minimum 20 percent reduction in the use of potable water. (LEED WE3.1) Effective January 1st 2011 and thereafter, the required reduction in use of water is 30 percent. (LEED WE3.1)

1304C.1.3.5. Construction debris management. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation to verify that diversion of at least 75 percent of its Construction debris has been achieved. (LEED MR2.1)

1304C.1.3.6 Stormwater management. Beginning 90 days after the effective date of this ordinance, permit applicants must submit documentation demonstrating achievement of the required stormwater management performance measures for buildings within those areas

served by separate or combined sewers. These provisions are for stormwater quantity and quality are designed to meet or exceed the requirements of LEED SS6.1 and SS6.2.

The performance measures for developments within the area served by separate sewers require the capture and treatment of:

a. The 85th percentile 24-hour event, determined as the maximized capture of stormwater volume for the drainage area of concern; or

b. The volume of annual runoff based on a unit basin storage water quality volume, to achieve 80 percent or more volume treatment.

The performance measures for developments in the combined sewer areas require:

a. the capture or detention of 80 percent or more of the annual runoff volume, based on a unit basin storage volume;

b. a minimum of 25 percent of the surface of the setback to be pervious; and

c. stormwater to be reused on site to the extent feasible.

Compliance with the performance measures can be achieved by implementing the stormwater management design standards described by the Port and the SFPUC in "The San Francisco Stormwater Design Guidelines".

1304C.2. Requirements for New Commercial Construction.

1304C.2.1. Mid-Size Commercial Buildings.

1304C.2.1.1. Rating requirement. Beginning January 1, 2009, permit applicants must complete a LEED Checklist but no points are required to be achieved. Effective January 1st 2009, a select list of five LEED credits must be achieved, increasing to six credits January 1st 2011 and seven credits January 1st 2012.

1304C.2.1.2. Recycling and compostable waste. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation that designates adequate on-site space for trash, recyclables and compostable waste, as defined in 1302C.

1304C.2.1.3. Water efficient landscaping. Beginning January 1, 2009, permit applicants must submit documentation demonstrating achievement of a minimum 50 percent reduction in use of potable water for landscaping. (LEED WE1.1)

1304C.2.1.4. Water use reduction. Beginning January 1, 2009, and effective through 2010, permit applicants must submit documentation to demonstrating achievement of a minimum 20 percent reduction in the use of potable water. (LEED WE3.1) Effective January 1st 2011 and thereafter, the required reduction in use of water is 30 percent. (LEED WE3.1)

1304C.2.1.5. Construction debris management. Effective January 1st 2009 and thereafter, permit applicants must submit documented verification that diversion of at least 75 percent of its construction debris was achieved. (LEED MR2.1)

1304C.2.1.6. Enhanced commissioning. Effective January 1st 2011 and thereafter, a new building must achieve enhanced commissioning. (LEED EA3.0)

1304C.2.1.7. Stormwater management. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation demonstrating achievement of the required stormwater management performance measures for buildings within those areas served by separate or combined sewers. These provisions are for stormwater quantity and quality and are designed to meet or exceed the requirements of LEED SS6.1 and SS6.2.

The performance measures for developments within the area served by separate sewers require the capture and treatment of:

a. The 85th percentile 24-hour event, determined as the maximized capture of stormwater volume for the drainage area of concern; or

b. The volume of annual runoff based on a unit basin storage water quality volume, to achieve 80 percent or more volume treatment.

The performance measures for developments in the combined sewer areas require:

a. the capture or detention of 80 percent or more of the annual runoff volume, based on a unit basin storage volume;

b. a minimum of 25 percent of the surface setback to be pervious; and

c. stormwater to be reused on site to the extent feasible.

Compliance with the performance measures can be achieved by implementing the stormwater management design standards described by the Port and the SFPUC in "The San Francisco Stormwater Design Guidelines."

1304C.2.1.8. Energy. Effective January 1st 2012, permit applicants must submit documentation to verify renewable on-site energy or purchase green energy credits under LEED EA2 and EA6.

1304C.2.2. New Large Commercial Buildings.

1304C.2.2.1. Rating requirement. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation to achieve LEED "Certified" Certification. Effective January 1st 2009, 2010 and 2011, a new building must submit documentation to achieve LEED Silver rating. Effective January 1st 2012, a new building must submit documentation to achieve a LEED Gold rating.

1304C.2.2.2. Recycling and compostable waste. Effective January 1st 2009 and thereafter, a permit applicant must submit documentation designating adequate on-site space for compostable and recycling waste, in addition to trash.

1304C.2.2.3. Water efficient landscaping. Effective 90 days after passage and thereafter, permit applicants must submit documentation verifying that a minimum 50 percent reduction in use of potable water for landscaping was achieved. (LEED WE1.1)

1304C.2.2.4. Water use reduction. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation verifying that a minimum 20 percent reduction in the use of potable water was achieved. (LEED WE3.1) Effective January 1st 2011 and thereafter, the required reduction in use of potable water is 30 percent. (LEED WE3.1)

1304C.2.2.5. Construction debris management. Beginning ninety days after the effective date of this ordinance, permit applicants must submit documentation to verify diversion of at least 75 percent of its construction debris. (LEED MR2.1)

1304C.2.2.6. Enhanced commissioning. Effective January 1st 2010 and thereafter, a new building must submit documentation to achieve enhanced commissioning. (LEED EA3.0)

1304C.2.2.7. Stormwater management. Beginning 90 days after the effective date of this ordinance, permit applicants must submit documentation demonstrating achievement of the required stormwater management performance measures for buildings within those areas served by separate or combined sewers. These provisions are for stormwater quantity and quality are designed to meet or exceed the requirements of LEED SS6.1 and SS6.2.

The performance measures required for developments within the areas served by separate sewers include the capture and treatment of:

a. The 85th percentile 24-hour event, determined as the maximized capture of stormwater volume, for the drainage area of concern; or

b. The volume of annual runoff based on a unit basin storage water quality volume, to achieve 80 percent or more volume treatment.

The performance measures required for developments in the combined sewer areas shall capture or detain 80 percent or more of the annual runoff volume based on a unit basin storage volume and include:

a. a 25 percent reduction of the site runoff coefficient for water quality; and

b. the capture of 80 percent or more of the annual runoff volume based on a unit basin storage volume.

Further information on requirements of design and implementation of stormwater performance measures is included in "The San Francisco Stormwater Design Guidelines."

1304C.2.2.8. Energy. Effective January 1st 2012, a new building must submit documentation to verify renewable on-site energy or purchase green energy credits in accord with LEED EA2 and EA6.

1304C.3. New Large Commercial Interiors and Major Alterations to Existing Buildings.

1304C.3.2.1. Rating requirement. Beginning ninety days after the effective date of this ordinance, permit applicants for alterations to existing Large Commercial Buildings of 25,000 gross square feet or more or where interior finishes are removed and significant upgrades to structural and mechanical, electrical and plumbing systems are proposed, must submit documentation to achieve LEED "Certified" Certification. Effective January 1st 2009, 2010, and 2011, the alterations must submit documentation to achieve a LEED Silver rating. Effective January 1st 2012, the alterations must submit documentation to achieve a LEED Gold rating.

1304C.3.2.2. Use of low-emitting materials. Beginning ninety days after the effective date of this ordinance, permit applicants for alterations as described in subsection 1304C.3.2.1 must submit documentation to verify the use of low-emitting materials under LEED EQ4.1, 4.2, and 4.3.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney