

CENTRAL SOMA PLAN


LEGISLATIVE AMENDMENTS PROPOSED BY SUPERVISOR KIM AT 7/23 LAND USE & TRANSPORTATION COMMITTEE

#	Sec.	Legislation Page/Line	Change	Rationale
HOUSING SUSTAINABILITY DISTRICT [File no. 180453 - Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District]				
1	343(d)(7)	pg 10, lines 14-21	Modify project eligibility to require that projects seeking approval pursuant to this Section 343 elect the On-Site Affordable Housing Alternative under Sections 415.5(g)(1)(A). Projects not subject to Section 415 shall provide no less than 10% of dwelling units as units affordable to very low or low income families.	To incentivize production of on-site affordable housing units.
2	343(g)(5)	pg 13, line 25 to pg 14, line 3	Clarify the discretionary review requirement to specify that as long as the Planning Commission has delegated its authority to the Planning Department to review applications for projects subject to this Section 343, the Planning Commission shall not hold a public hearing for discretionary review of projects subject to this Section 343.	This clarifying amendment specifies that the Commission will not hold a hearing for discretionary review of these projects as long as the Planning Commission has delegated its review authority to the Planning Department. This amendment would clarify that the Board of Supervisors is not purporting to unilaterally delegate the Commission's permit review authority.
3	343(g)(6)	pg 14, line 18 to pg 16, line 2	Establish expiration of approval: Approval of a project pursuant to this Section 343 shall expire if the project sponsor has not procured a building permit or site permit for construction of the project within 30 months of the date of the Department's issuance of a written decision pursuant to subsection (g)(2) of this Section 343. If the Planning Director finds that the project sponsor has demonstrated good faith in its efforts to obtain the first site or building permit for the project, the Planning Director may extend the approval for the project for a maximum of six additional months. Such deadline shall additionally be extended in the event of any appeal of such approval for the duration of the appeal, and in the event of litigation seeking to invalidate the approval for the duration of the litigation.	To reduce delays in housing production by requiring approved projects to commence construction within a reasonable timeline.
ZONING MAP [File no. 180184 - Planning Code, Zoning Map - Central South of Market Special Use District]				
4	Section 2, subsection (c)	pg 15, line 13	Amend Height and Bulk District Map HT01 for the development on Assessor's Block 3777, Lot 052 to increase the permitted height/bulk from 45-X to 50-X.	With a special height exemption pursuant to Section 263.32 (eligible for properties that provide 100% affordable housing), this would allow the affordable housing building at 595 Brannan to achieve a height of 70', thus enabling an extra floor of affordable units.
PLANNING CODE & ADMINISTRATIVE CODE [File no. 180184 - Administrative, Planning Codes - Central South of Market Area Plan]				
5	249.78(c)(5)(B)	pg 65, line 21; pg 67, lines 8-9 and 14-27	Amend the PDR Requirements to: (1) remove grocery stores from the definition of "community building space"; (2) require that the 25% space reduction for below market rate PDR space provide the lower rent for the life of the development project; and, (3) when a development application is submitted, require the project sponsor to demonstrate that they notified existing PDR tenants about the proposed project and provided them with information about the PDR Relocation Fund (as described in the Central SoMa Implementation Program Document) and PDR Sector Assistance for Displaced Businesses available from the Office of Economic and Workforce Development (OEWD) or its successor agency.	To incentivize provision of below market rate PDR space and to support existing PDR businesses with relocation.
6	263.33(c)(2)	pg 84, line 24	Allow the development on Assessor's Block 3763, Lot 105 to receive the special height exemption for residential use, in addition to hotel.	To encourage housing production by allowing flexibility for this site to be developed as housing in addition to, or instead of, a hotel.
7	329(e)(3)(A)	pg 98, lines 20-23	Include donation of land for satisfaction of Jobs-Housing Linkage fee pursuant to Section 413.7 as a qualified amenity provided by Key Sites, if the value of the land donated is equal to or greater than the fee amount owed.	Corrects oversight based on benefits proposed by Key Sites.

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8	329(e)(3)(B)(i v)	pg 99, lines 1-4	On the Key Site identified in Section 329(e)(2)(E), allow exception to the lot coverage limits in Section 249.78(d)(4), the street frontage requirements in Section 145.1, and the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r).	Certain exceptions were developed recognizing the specific needs and opportunities of certain Key Development Sites. However, these exceptions should not be broadly applicable to all the Key Sites.
9	329(e)(3)(B)(v i)	pg 99, lines 7-10	On the Key Site identified in Section 329(e)(2)(H), remove the exception to the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r). Add possible exemptions to include the street frontage requirements in Section 145.1, and the required ground floor commercial uses in Section 145.4.	
10	413.7(a)	pg 101, lines 21-23	Clarify that projects that satisfy all or a portion of the Jobs-Housing Linkage fee via land dedication pursuant to Section 413.7 may receive a credit against such requirements up to the value of the land donated.	The code as introduced was contradictory, as it specified that projects could meet part or all of their Jobs-Housing Linkage fee obligation through land dedication, but later said the proposed land must be equal to or greater in value than the fee obligation. This clarification is consistent with our other land dedication policies.
11	840 (Table 840)	pg 186, line 22 to pg 190, line 13	Make conforming edits to the MUG General District Zoning Control Table to correct numbering and cross-references, and to add references to various requirements in the Central SoMa SUD.	Conforming edits to address the zoning amendments introduced on July 16th.
12	841 (Table 841)	pg 192, line 6 to pg 195, line 21	Make conforming edits to the MUR General District Zoning Control Table to correct numbering and cross-references, and to add references to various requirements in the Central SoMa SUD.	Conforming edits to address the zoning amendments introduced on July 16th.
13	848	pg 208, lines 1-6	Correct the residential off-street parking code references in the CMUO District Zoning Control Table.	Corrects cross-references.
14	Uncodified section	pg 216, lines 5-18	For a residential Tower on Block 3786, Lot 035, the following controls shall apply, provided the project meets its Inclusionary Housing requirements pursuant to Planning Code Section 415 by providing BMR units entirely on-site:(a) A 5-foot setback is required for the Tower Portion for the entire frontage along Fourth Street, and a 25-foot setback is required for the Tower Portion for the entire southwest property line frontage directly opposite the property at Block 3786, Lot 322.(b) The residential Tower may have a horizontal separation of not less than 40 feet from the Tower Portion of an approved or proposed Tower on Block 3786, Lot 322.(c) The maximum Gross Floor Area of any residential Tower floor shall be 12,500 gross square feet.(d) The maximum length of a Residential tower shall be 165 feet.	To facilitate an increase in residential units in the tower at 636 4th Street, provided the project provides affordable housing units on-site.
IMPLEMENTATION PROGRAM DOCUMENT [ADOPTED BY REFERENCE]				
15	Public Benefits Program	n/a	Amend the Implementation Program Document to: (1) In the Cultural Preservation and Community Services category, create a \$10million PDR Relocation Fund and subtract \$5million from the Restoration of the US Mint building; and, (2) subtract \$5million from the Environmental Sustainability & Resilience category (\$4 million from "Enhanced stormwater management in complete streets" and \$1million from "Water recycling and stormwater management in parks").	To support existing PDR businesses and mitigate the impacts of displacement by providing relocation assistance, including business services and support with rent and moving costs.
16	Key Development Site Guidelines	n/a	Edit the description of Key Development Site 3 to specify that the hotel may be developed as a residential building, and to remove the reference to 500 hotel rooms.	Conforming amendment with item #6 (Section 263.33) above.

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AMENDMENTS PROPOSED BY SUPERVISOR KIM AT 7/16 LAND USE & TRANSPORTATION COMMITTEE

 = non-substantive edits

#	Sec.	Page / Line	Change	Rationale / Notes
1	Section 2, Finding (d)	pg 8, lines 1-16	Add a finding establishing intent for the Board of Supervisors to revise the jurisdiction and composition of Citizen Advisory Committees (CACs) to guide Plan implementation.	To advance future legislation to revise the Eastern Neighborhoods CAC and split it into two bodies, one serving the three SoMa Plan Areas (East, Central, and West SoMa), and one serving the southern Plan Area (Mission, Showplace Square / Potrero Hill, and Central Waterfront). A process would be developed to incorporate the recommendations of neighborhood stakeholders and community members.
2	Section 2, Finding (e)	pg 8, lines 17-24	Add a finding establishing intent for the Board of Supervisors to develop a "Good Jobs Policy."	To advance future legislation to promote good jobs with living wages in the Plan area.
3	128.1(b)	pg 20, line 25; pg 21, line 1-2	Clarify the FAR definition for Transferable Development Rights to exclude: - lot area devoted to land dedicated to the City for public parks or recreation centers - lot area devoted to development of affordable housing buildings	Clarifying amendment
4	128.1(c)	pg 21, line 15	Reverse the terms "Development Lot" and "Transfer Lot".	Corrects drafting error in sequence of terms.
5	132.4(d)(1)(B)(iv)	pg 24, lines 1-2	Increase allowed streetwall architectural modulation from five feet to eight feet.	Preserves the sense of a substantial edifice while allowing for inset balconies.
6	135.3	pg 32, lines 10-12	Clarify that satisfaction of POPOS under 138 satisfies the open space requirements of 135.3.	Corrects drafting error to properly cross-reference Section 138.
7	138(a)(2)	pg 33, lines 2-3	Clarify that retail uses are not required to provide POPOS.	Corrects drafting error to include retail uses. Retail uses (like institutional uses) would still need to provide usable open space per Section 135.3.
8	138(d)(2), subsections (A) & (B); 138(e)(2)	pg 35, line 14-19; pg 37, line 19-21	Update references to point to appropriate subsections.	Corrects drafting error in references within Section 138.
9	138(d)(2)(E)(i)	pg 36, lines 4-5	Allow up to 10% of outdoor POPOS to be under a cantilevered portion of the building if the building is at least 20 feet above grade.	Facilitates architectural creativity in projects while maintaining the goal of having outdoor POPOS feel outdoors.
10	138(d)(2)(F)(ii)	pg 36, lines 13-14	Allow up to 25% of indoor POPOS to have ceiling height of less than 20 feet.	This change would facilitate the creation of mezzanines within the POPOS.
11	151.1	pg 42, lines 4-6	Change parking requirements to up to 0.25 spaces/unit principally permitted or up to 0.5 spaces/unit with a Conditional Use Authorization.	To limit parking in this transit-rich district, in keeping with the citywide TDM program.
12	155(r)(2)(JJ)	pg 51, line 7	Update reference to point to 329(e)(3)(B).	Corrects drafting error in references
13	155(u)	pg 52, lines 1-5	Add to the Driveway Loading and Operations Plan (DLOP) the requirement that projects include a Passenger Loading Plan. Whereas the DLOP focuses on issues within the building, the PLP would focus on on-street loading issues.	The Passenger Loading Plan is a new concept aimed at minimizing the impact of passenger drop-offs, particularly on high injury corridors. All of the projects required to do such a Plan would also be required to undertake the DLOP, so there's synergy in merging the two efforts.
14	249.78(c)(1)	pg 64, lines 18-23	Allow "active uses" to only be to a depth of 10 feet from the street (as opposed to the current standard of 25 feet) for 1) micro-retail uses on minor streets, 2) along minor streets as long there is a doorway every 25 feet.	Active use requirements are to ensure proper street activation. However, some flexibility may be beneficial in the case of micro-retail uses (i.e., uses less than 1,000 square feet), along narrow streets and alleys, and on small corner lots where the requirements of one frontage impinge on the perpendicular frontage.
15	249.78(c)(1)(D)	pg 64, line 16-17	Add that hotels are allowed as an active commercial use per 145.4.	Hotels generally have very active ground floors, including lobbies, bars, and restaurants.
16	249.78(c)(4)	pg 65, lines 6-9	Modify the Micro-Retail definition to require that spaces measure no less than 100 gross square feet, and modify the requirement so that it applies to new non-residential development only.	To provide a minimum micro-retail size to ensure usable retail space, and to allow maximum flexibility for residential projects.
17	249.78(c)(4)	pg 65, line 9, 12	Key site exception - Micro Retail requirements (c)(4) - make it clear that it refers to "lots" not "sites."	Clarifying amendment

18	249.78(c)(5)	pg 66 line 7-12	Clarify the PDR replacement language to indicate that the requirement would only apply to the nonresidential portion, and would exclude residential & POPOS.	Clarifying amendment
19	249.78(c)(5)(B)	pg 65, lines 20-22; pg 66, line 19	Expand the uses allowed to fulfill the PDR requirements of large office projects to also include nonprofit community services, city-owned public facilities, and Legacy Businesses. Amend the eastern boundary of the area where the off-site PDR requirement may be satisfied from Embarcadero Street to Second Street.	Like PDR, these uses are beneficial to the community and can only pay limited rent. The eastern boundary for off-site PDR replacement is being amended to conform with the Plan area boundary.
20	249.78(d)(3)(C)	pg 69, lines 3-6	Allow projects the flexibility to provide their living and solar roof elements of subsections 249.78(d)(3)(C)(i)-(v) on any rooftops within the subject project, provided the equivalent amount of square footage is provided.	To allow some flexibility
21	249.78(d)(5)(C)	pg 70, lines 5-6	Clarify lot merger restrictions to exempt the Key Site identified in 329(e)(2)(C), consistent with the Key Development Site Guidelines.	Clarifying amendment
22	249.78(d)(7)	pg 72, line 1	Wind standard – clarify that projects must meet the Nine Hour Criterion <i>with mitigations</i>	Clarifying amendment
23	249.78(d)(9)	pg 72, line 16-25; pg 73, line 1-3	In the Central SoMa SUD, - allow units above 85’ in height to meet exposure requirements if they are 15’ back from the property line, - allow 10% of units at or below 85’ to have an exposure of 15’x15’ instead of 25’x25’; and, - do not require the increase in setback at every horizontal dimension that increases of 5’ at each subsequent floor.	These changes would make a rule of commonly granted exceptions.
24	263.32, 263.33, 263.34	pg 83, line 6 -7, pg 84, lines 16-17, pg 85, lines 6-7	Clarify that projects that comply with these Special Height Exception sections do not need a Conditional Use approval.	Corrects oversight such that dedicated affordable housing sites can receive the height bonus just as sites that build units or that dedicate land for open space.
25	263.32(b)(1)	pg 82, lines 21-24	Clarify that sites that donate land for affordable housing are eligible for this Special Height Exception.	The purpose of this height bonus is to incentive projects to provide sites for affordable housing and open space – provide benefits that are otherwise difficult to site in a dense neighborhood. This change is in keeping with the intent of this section in that it maintains the benefit for projects in 160’ height districts.
26	263.32(c)(3)	pg 83, lines 23-25	Clarify that sites that utilize this Special Height Exception to exceed 160 feet are still subject to controls in Section 270 for mid-rise projects and not towers.	Clarifying amendment
27	Table 270(h)	pg 90, line 11	For Perry Street, make the Base Height “none”.	This is the correct change to effectuate the goal of treating Perry St. like current northern sides of alleys, as discussed in the Central SoMa Plan’s Implementation Matrix.
28	329(d)	pg 96, lines 10-11	Add a subsection referencing the ability to grant exceptions for wind per the controls contained in Section 249.78(d)(7).	Corrects drafting error to properly cross-reference 249.78(d)(7) and 329(d).
29	329(d)	pg 96, lines 4-5	Add a subsection referencing the ability to grant tower separation exceptions per the controls contained in Section 132.4(d)(3)(B).	Corrects drafting error to properly cross-reference 132.4(d)(3)(B) and 329(d).
30	329(d)	pg 95, lines 18-21, pg 96, lines 6-7	Add a subsection enabling exceptions for the freight loading requirements of Sections 154 and 155, and to allow the “Driveway and Loading Operations Plans” (DLOP) per Section 155(u) to be used when evaluating this exemption.	These are commonly granted exceptions that are important to maintain but would otherwise be removed based on proposed changes to 329(d)(12).
31	329(d)	pg 96, lines 8-9	Add a subsection allowing for exceptions for exposure requirements under Section 140/249.78	This is a commonly granted exception that is important to maintain but would otherwise be removed based on proposed changes to 329(d)(12).
32	329(d)	pg 96, lines 12-13	Add a subsection allowing for exceptions to lot coverage requirements pursuant to 249.78 for projects that convert from nonresidential to residential.	Clarifying amendment

33	329(e)(2)(A)	pg 97, lines 20-23	Include donation of land for affordable housing per Sec 419.6 (Alternatives to the Inclusionary Housing Component) as qualified amenities to be considered a Key Site.	Corrects oversight based on benefits proposed by Key Sites (for residential projects only).
34	329(e)(3)	pg 97, line 17	Clarify that Key Sites may utilize the exceptions granted in 329(d).	Extra language needed to make sure intent of this section is clear.
35	329(e)(3)(B)	pg 98, Lines 3-4	Clarify that Key Sites can have exceptions for tower separation even greater than the exception in 132.4	Clarifying non-substantive amendment
36	329(e)(3)(B)	pg 97, line 9-25; pg. 98, line 1-6	Limit certain exceptions to specific Key Development Sites, as discussed in the Key Development Sites Guidelines.	Certain exceptions were developed recognizing the specific needs and opportunities of certain Key Development Sites. However, these exceptions should not be broadly applicable to all the Key Sites.
37	Add new section 329(e)(3)(B)(i)	pg 98, lines 11-16	On the Key Site identified in Section 329(e)(2)(B), the ground floor non-residential height in Sections 145.1 and 249.78(d)(8) may be reduced to 14'. In addition, the apparent mass reduction controls in Section 270(h)(2) may be reduced as follows: (A) on the building frontage on Harrison Street: 50%; (B) on the building frontage on Fourth Street: None.	
38	Add new section 329(e)(3)(B)(ii)	pg 98, lines 17-21	On the Key Site identified in Section 329(e)(2)(C), exception to the lot coverage limits in Section 249.78(d)(4), the micro-retail requirement in 249.78(c)(4), the active use requirement in Section 145.1, and the ground floor commercial use requirements in Section 145.4. In addition, the site may be permitted to seek a Conditional Use Authorization to establish a Formula Retail Limited Restaurant, pursuant to Section 303.1.	
39	Add new section 329(e)(3)(B)(iii)	pg 98, lines 22-23	On the Key Site identified in Section 329(e)(2)(D), exception to the requirement in Section 138(d)(2)(E)(i) that ground floor POPOS be open to the sky.	
40	Add new section 329(e)(3)(B)(iv)	pg 98, lines 24-25	On the Key Site identified in Section 329(e)(2)(G), exception to the PDR space requirements of Section 249.78(c)(5).	
41	Add new section 329(e)(3)(B)(v)	pg 99, lines 1-6	On the Key Site identified in Section 329(e)(2)(H), exception to the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r) and to the required nonresidential use in Section 249.78(c)(6). In addition, the usable open space requirement pursuant to Section 135 may be reduced to 60 square feet of usable open space required for each dwelling unit if all private.	
42	413.7	pg 102, lines 8-13	Require the Director of Property to either conduct or approve the land appraisal for land dedication in satisfaction of the Jobs-Housing Linkage Fee requirement	
43	418.7(a)	pg 106 line 21 through pg 107, line 8; pg 108 lines 7-8	Update SoMa Stabilization Fund to allow funding to accrue from the Central SoMa Community Facilities District.	Change necessary to legalize the funding structure proposed by the Plan.
44	418.7(b)(2)	pg 107, lines 20-23	Update SoMa Stabilization Fund to reference Central SoMa Implementation Program Document	Change necessary to legalize the funding structure proposed by the Plan.
45	426	pg 120, lines 4-9	Clarify that the POPOS in-lieu fee should not be charged where exceptions from design standards are granted.	Clarifying amendment

46	434	pg 132, line 9 through pg 134, line 4	Add a Section that describes the purpose, applicability, and requirements of the Central SoMa Mello-Roos Community Facilities District (CFD). This CFD should be applicable to projects that (1) include new construction or net additions of more than 40,000 gross square feet, (2) the project site includes residential development in Central SoMa Development Tiers B and C and/or non-residential development in Central SoMa Development Tier C; and, (3) the proposed project is greater in size than what would have been allowed without the Central SoMa Plan.	This language was always proposed for inclusion but was not ready for discussion until this time.
47	848	pg 202, lines 8-20	Add a cross-reference in the CMUO table to the residential lot coverage requirements in 249.78.	Non-substantive amendment but not included in the Case Report
48	Zoning map amendments & various conforming sections in Planning Code	Zoning map ordinance: pg 4, line 17-19; pg 5, line 4-5; p 6, line 20; pg 7, line 15 & 22	Modify the proposed zoning as follows: - Keep the MUR zoning on the portions of Assessor blocks 3725, 3732, 3750, 3751, 3752 and 3753 that are currently zoned MUR - Rezone the WMUG- and M-zoned parcels in block 3733 in the Plan Area and the WMUG-zoned parcels in block 3752 to MUR - With the exception of parcels that are part of Key Development Sites, rezone the SALI-zoned parcels on blocks 3777, 3778, 3785 to MUG	To increase housing development by limiting hotels and other non-residential uses.