



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment HEARING DATE: SEPTEMBER 30, 2010

Project Name: **Amendments relating to the Upper Market NCD**
Case Number: 2010.0833T [Board File No. pending]
Initiated by: Planning Commission
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **Recommend Adoption of Amendments**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416 et seq., 421.1, 421.3, 421.5, 721, and 721.1 as the sections relate to the Upper Market Street Neighborhood Commercial District (Upper Market NCD) and to extend the Market and Octavia Community Infrastructure Fee area to include the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area.

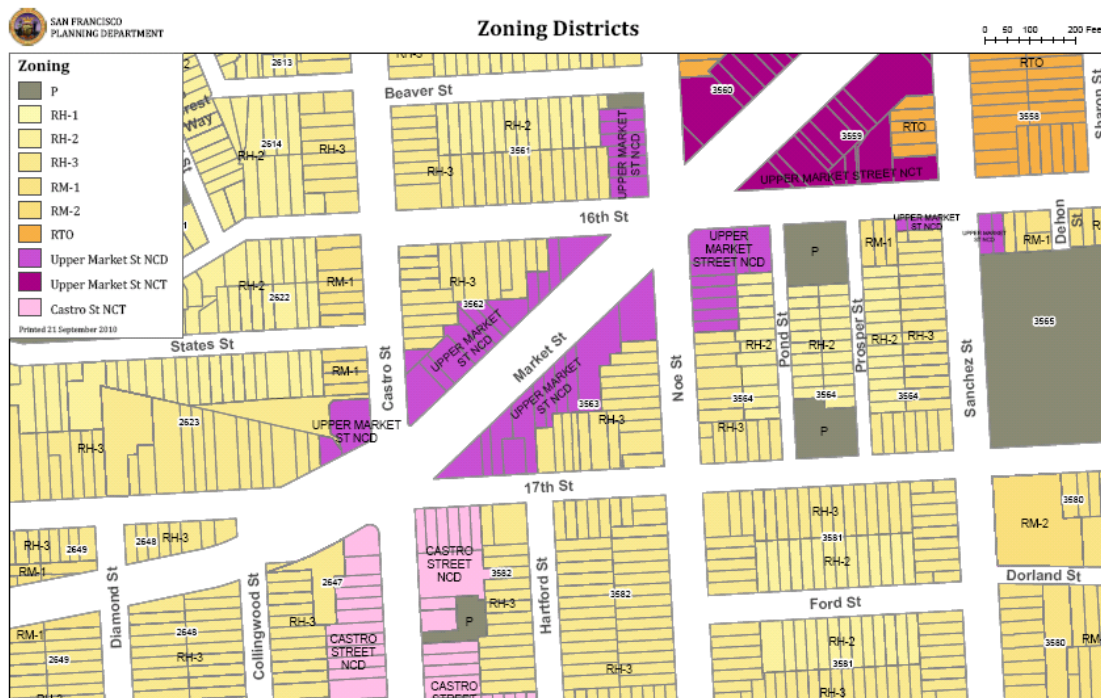
The proposed Planning Code amendment is intended to achieve the following: 1) ensure commercial and residential development in the Upper Market NCD is consistent with existing development patterns; 2) provide relief from parking requirements and encourage more transit-oriented development in the Upper Market NCD; and 3) ensure new development in the Upper Market NCD provides community benefits to offset new impacts to infrastructure due to new development.

Pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission ("HPC") for review and recommendation to the Board of Supervisors.

The Way It Is Now:

The area that would be affected by the proposed legislation is the only remaining block in the City with the zoning district "Upper Market Neighborhood Commercial". See attached map on the following page. The controls for this area were established in the mid-1980's during the neighborhood commercial rezoning effort. While the district has had minor changes to the planning controls since its inception, in large part the substance of the zoning controls for the district have not been updated since the original adoption.

After three successful community workshops, the Upper Market neighbors have developed a community vision and design guidelines. These documents were endorsed by the Planning Commission on October 23, 2008.



The existing zoning controls for this district can be summarized as follows:

- **Section 134 Rear Yards** currently requires rear yards at the lowest level containing a dwelling unit and above.
- **Section 145.4 Required Ground Floor Commercial Uses** currently does not apply to this district.
- **Section 151.1 Off-Street Parking** currently requires one parking space per dwelling unit. Commercial parking controls are governed by Section 721.1.
- **Section 155 General Standards for Parking and Loading** does not currently apply to this area.
- **Section 207.7 Restrictions On Demolition, Conversion, And Merger Of Existing Dwelling Units In RTO And NCT Districts** currently does not apply to the Upper Market NCD.
- **Section 207.8 Division of Dwelling Units** currently does not apply to the Upper Market NCD.
- **Section 263.20 Special Height Exception** does not currently apply in this area.
- **Section 401 Definitions for Development Impact Fees; Section 416 et. Seq Market and Octavia Area Plan Affordable Housing Fee; Section 421.1 Findings for Development Impact Fees; Section 421.3 Application of Community Improvement Impact Fees; and Section 421.5 Market and Octavia Community Improvements Fund.** These Sections currently do not apply to this area. Parcels zoned Upper Market NCD are not currently subject to area-specific community improvement impact fees.
- **Section 721 and 721.1 Upper Market Street Neighborhood Commercial District Description and Zoning Control Table** currently makes little mention of multimodal transportation choices

in the area; requires no commercial parking if the occupied floor area is less than 5000 sf; does not reference the proposed new controls discussed below including changes to require active street frontages; to place certain prohibitions on new vehicular access; to provide opportunity for the special height exception for generous ground floor spaces consistent with existing buildings; to add restrictions to residential unit divisions; to increased the rear yard requirement; and to replace commercial and residential parking minimum requirements with parking maximum limits.

The status of historic resources for this area can be summarized as follows:

- **This area is adjacent to the adopted Upper Market Street Commercial Historic District and has been determined eligible to be added to this district.** The block currently zoned Upper Market NCD (Market from Castro to Noe Street) was documented in association with the area within Market & Octavia Plan. While this area was outside of the Market & Octavia rezoning, the survey work for the rezoning determined that a potential district could extend beyond the designated plan area. For this reason, the area has been surveyed and determined to be eligible to be added to the Upper Market Street Commercial Historic District.
- **Information on the Adopted Upper Market Street Commercial Historic District.** The Market and Octavia Plan holistically balances neighborhood character, land use, and transportation in order to create a complete neighborhood. It is the product of over eight years of community planning that was guided by the general objectives and policies of the San Francisco General Plan. Historic preservation of existing neighborhood character was a key element in the development of the Area Plan. The Area Plan design guidelines that were created with the Area Plan were written in a manner that requires new development to respect the existing character of the neighborhood. The Area Plan was developed with a consciousness towards historic preservation and the on-going detailed survey work. The Market & Octavia Historic Survey, completed by Page & Turnbull in conjunction with Planning Department Preservation Staff, was endorsed by the Landmarks Board in December 2008 with some modifications. The Planning Commission adopted the findings of the survey also with modifications in February 2009. The findings of the Historic Survey confirm that the policies incorporated into the Area Plan will encourage development in a way that is compatible to the historic character.

The Way It Would Be:

The proposed Ordinance would amend the zoning controls for this district as follows:

- **Section 134 Rear Yards** would be amended to generally provide for rear yards at the ground floor and above.
- **Section 145.4 Required Ground Floor Commercial Uses** would be amended to require ground floor commercial uses in this district.
- **Section 151.1 Off-Street Parking** would generally be amended to permit up to one car for each two dwelling units and to allow by conditional use authorization up to 0.75 cars per dwelling units and to generally permit up to 1 commercial parking space per 1,500 square feet of occupied floor area, with an exception to allow more for retail grocery stores.
- **Section 155 General Standards for Parking and Loading** would be amended to not permit new garage entries on Market Street in this area.

- **Section 207.7 Restrictions On Demolition, Conversion, And Merger Of Existing Dwelling Units In RTO And NCT Districts** would be amended to add restrictions on loss of existing units in the area above and beyond existing unit demolition controls that currently apply from Section 317.
- **Section 207.8 Division of Dwelling Units** would be amended to add restrictions onto the splitting of dwelling units into smaller units.
- **Section 263.20 Special Height Exception** would be amended to allow a 5 foot height bonus in the portions of the Upper Market NCD that are currently zoned for heights of 40 and 50 feet.
- **Section 401 Definitions for Development Impact Fees; Section 416 et. Seq Market and Octavia Area Plan Affordable Housing Fee; Section 421.1 Findings for Development Impact Fees; Section 421.3 Application of Community Improvement Impact Fees; and Section 421.5 Market and Octavia Community Improvements Fund** would all be amended to include the Upper Market NCD in the "Program Area" for certain impact fees so that impact fees due in the Market and Octavia Area Plan would also be due in the Upper Market NCD.
- **Section 721 and 721.1 Upper Market Street Neighborhood Commercial District Description and Zoning Control Table District** would be amended to note the multimodal transportation options in the area; to include certain prohibitions on new vehicular access; to reference new height and bulk limits; to increase the rear yard requirement; to add provisions for active street frontages; and to replace commercial and residential parking minimum requirements with parking maximum limits; to reference restrictions to residential unit divisions.

The changes proposed by the draft Ordinance that may pertain to historic resources for this area can be summarized as follows:

- **The proposed Ordinance would increase restrictions and controls on changes to existing units by adding controls on the demolition, conversion, merger or subdivision of existing units.** This change would help to preserve the existing character of the housing stock.
- **The proposed Ordinance offers a 5' height bonus for active retail but contains no changes to the underlying height districts.** The change to Section 263.20 would authorize a 5' height bonus to encourage ground floor retail, however, this change would generally not enable the construction of additional floors instead it would ensure a more new development that is more compatible with the existing character which features generous ground floor retail spaces.
- **The proposed Ordinance would not require parking.** This would also enable the construction of new structures without parking, similar to the majority of the existing built character of the block.

REQUIRED COMMISSION ACTION

Pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission ("HPC") for review and recommendation to the Board of Supervisors. The proposed Resolution is before the Commission so that it may recommend approval or disapproval to the proposed Planning Code amendments.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the resolution and the proposed the Planning Code amendments.

BASIS FOR RECOMMENDATION

Residents and property owners within the Upper Market Area have raised the issue of adjusting the zoning controls for this area at several Planning Commission hearings in 2010. According to a July 8, 2010 article in the San Francisco Chronicle¹, support for the amendments to the Planning Code is strong in the area. The article states that:

“ . . . Cohen’s group [Duboce Triangle Neighborhood Association] along with organizations like Castro Area Planning & Action, the Eureka Valley Neighborhood Association and Livable City, wants planners to extend the more restrictive zoning rules all the way to Castro, reunifying that section of Market Street.”

The Planning Commission requested that the Planning Department explore the citizen request. Staff analysis of the citizen proposal found the citizen request to be in line with recent planning work by the Department. The Department met with a coalition of people representing neighborhood and local advocacy groups including the Duboce Triangle Neighborhood Association, the Eureka Valley Neighborhood Association, the Castro Business Improvement District and Livable City. At this meeting it was decided that the Department would conduct the required public notice and advertisements while the community coalition would spearhead a neighborhood meeting and supplemental outreach.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code would be reviewed by the Planning Department prior to the adoption hearing.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received no letters regarding this legislation.

RECOMMENDATION:	Recommend Approval
------------------------	---------------------------

Attachments

- Exhibit A: Draft Ordinance
- Exhibit B: Draft Resolution
- Exhibit C: Upper Market Street Commercial Historic District DPR D Form and Update

¹ “S.F. Quandary Develops Over ‘Orphan’ Block”, San Francisco Chronicle. Wildermuth, John. July 08, 2010.

Executive Summary
Hearing Date: October 20, 2010

Case No. No 2010.0833T
Amendments relating to the
Upper Market NCD

1 [Zoning – Amendment of Upper Market Neighborhood Commercial District; Extension of
2 Market and Octavia Community Infrastructure Fee Area]

3 **Ordinance amending the San Francisco Planning Code by amending Sections 134,**
4 **145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721,**
5 **and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to**
6 **extend the Market and Octavia Community Infrastructure Fee area to include the**
7 **portion of the Upper Market Street Neighborhood Commercial District lying outside the**
8 **Market and Octavia Plan area; adopting findings, including environmental findings,**
9 **Section 302 findings, and findings of consistency with the General Plan and the Priority**
10 **Policies of Planning Code Section 101.1.**

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

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

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

17 (a) The Planning Department has determined that the actions contemplated in this
18 ordinance comply with the California Environmental Quality Act (California Public Resources
19 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. _____ and is incorporated herein by reference.

21 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
22 Code amendments will serve the public necessity, convenience, and welfare for the reasons
23 set forth in Planning Commission Resolution No. _____ and the Board incorporates
24 such reasons herein by reference. A copy of Planning Commission Resolution No.
25 _____ is on file with the Board of Supervisors in File No. _____.

1 (c) This Board finds that these Planning Code amendments are consistent with the
2 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
3 forth in Planning Commission Resolution No. _____, and the Board hereby
4 incorporates such reasons herein by reference.

5 Section 2. Findings Required by AB 1600 (California Government Code Section 66000
6 et seq.)

7 (1) The application of the Market and Octavia Community Infrastructure Fee to the
8 Upper Market Neighborhood Commercial District (Upper Market NCD) is consistent with the
9 requirements of AB 1600, the legislation that enables the City to levy development impact
10 fees to fund infrastructure to support new growth.

11 (2) The Planning Code controls proposed by this legislation require commercial
12 ground floor development with residential development above in the Upper Market NCD.
13 Relief from parking requirements and access to public transportation in this district encourage
14 more transit oriented development similar to the development called for in the Market and
15 Octavia Plan. Accordingly, the analysis completed in support of the Market and Octavia
16 Community Infrastructure Impact Fee (Section 421 et seq. of this Code), which establishes a
17 nexus between new residential and non-residential development and the demand for
18 additional community improvements (transportation, open space, pedestrian amenities,
19 childcare, library services, and other public amenities), also applies to the Upper Market NCD.
20 New Development in the Upper Market NCD, which includes the north and south side of
21 Market Street between Noe Street and Castro Street would place an equivalent demand for
22 community improvements.

23 (3) The Market and Octavia Community Infrastructure Fee is intended to offset the
24 demands of new development in the Upper Market NCD.

25

1 (4) The development impact fees collected on new development in the Upper
2 Market NCD will be deposited into the Market and Octavia Community Improvements Fund
3 pursuant to Section 421.5 of this Code. Monies from this fund will be expended on necessary
4 community improvements in the district or Market and Octavia Plan Area including
5 transportation amenities, open space, library materials, childcare facilities, recreational
6 facilities, or greening, as described in Section 421.5 of this Code.

7 (5) As detailed in Section 421.1 of this Code, new development will clearly generate
8 new infrastructure demands. To fund such community infrastructure and amenities, new
9 development in the district shall be assessed development impact fees proportionate to the
10 increased demand for such infrastructure and amenities. The City will use the proceeds of the
11 fee to build new infrastructure and enhance existing infrastructure. A Community
12 Infrastructure Impact Fee shall be established for the Upper Market Neighborhood
13 Commercial District as described in Section 421.1 of this Code.

14 Development impact fees are an effective approach to achieve neighborhood
15 mitigations and associate the costs with new residents, workers, and a new kind of
16 development. The proposed application of the Market and Octavia Community Infrastructure
17 Fee in the Upper Market NCD would be dedicated to infrastructure improvements in the Plan
18 Area and the Upper Market NCD; directing benefits of the fund clearly to those who pay into
19 the fund, by providing the infrastructure improvements needed to serve new development.
20 The net increases in individual property values in these areas due to the enhanced
21 neighborhood amenities financed with the proceeds of the fee are expected to exceed the
22 payments of fees by project sponsors.

23 The fee rate has been calculated by the Planning Department based on accepted
24 professional methods for the calculation of such fees. The Market and Octavia Community
25 Improvements Program Document contains a full discussion of impact fee calculation. Cost

1 estimates are based on an assessment of the potential cost to the City of providing the
2 specific improvements described in the Market and Octavia Plan Area. The Department
3 assigned a weighted value to new construction based on projected population increases in
4 relation to the total population.

5 The addition of the Upper Market NCD to the fee area adds roughly 50 parcels to the
6 “Market and Octavia Program Area” (47 map block lots). Any new development in this district
7 would include a consistent increase in the demand for new community improvements
8 including transportation improvements in the district, additional demands on recreation and
9 open space amenities, and incremental demand for childcare and library services.

10 The proposed fee would cover less than 80 percent of the estimated costs of the
11 community improvements calculated as necessary to mitigate the impacts of new
12 development. By charging developers less than the maximum amount of the justified impact
13 fee, the City avoids any need to refund money to developers if the fees collected exceed
14 costs. The proposed fees only cover impacts caused by new development and are not
15 intended to remedy existing deficiencies; those costs will be paid for by public, community,
16 and other private sources.

17 Section 3. The San Francisco Planning Code is hereby amended by amending
18 Sections 134, 145.4, 151.1, 155, 207.8, 261.1, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5,
19 and 721.1, to read as follows:

20 Section 2. The San Francisco Planning Code is hereby amended by amending
21 Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 261.1, 263.20, 401, 416.3, 421.1, 421.3,
22 421.5, and 721.1 to read as follows:

23 SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR,
24 SLI AND SSO DISTRICTS.

25 The rear yard requirements established by this Section 134 shall apply to every

1 building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted
2 in Subsection (a), except those buildings which contain only single room occupancy (SRO) or
3 live/work units and except in the Bernal Heights Special Use District and Residential
4 Character Districts to the extent these provisions are inconsistent with the requirements set
5 forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed
6 Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard
7 requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR,
8 UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area
9 Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as
10 noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts.
11 These requirements are intended to assure the protection and continuation of established
12 midblock, landscaped open spaces, and maintenance of a scale of development appropriate
13 to each district, consistent with the location of adjacent buildings.

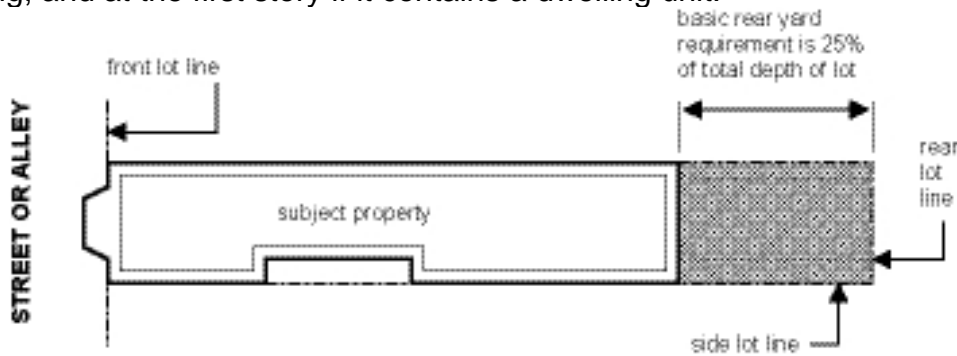
14 (a) Basic Requirements. The basic rear yard requirements shall be as follows for
15 the districts indicated:

16 (1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M,
17 MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts. The minimum rear
18 yard depth shall be equal to 25 percent of the total depth of the lot on which the building is
19 situated, but in no case less than 15 feet. For buildings containing only SRO units in the South
20 of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard
21 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
22 but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced
23 in specific situations as described in Subsection (c) below.

24 (A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, NCT-1, Inner Sunset, Outer
25 Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley, and West Portal

1 Avenue Districts. Rear yards shall be provided at grade level and at each succeeding level or
2 story of the building.

3 (B) NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper
4 Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission Districts.
5 Rear yards shall be provided at the second story, and at each succeeding story of the
6 building, and at the first story if it contains a dwelling unit.



13 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market
14 Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR,
15 MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing a
16 dwelling unit, and at each succeeding level or story of the building

17 (D) Upper Market NCT *and Upper Market NCD*. Rear yards shall be provided at the
18 grade level, and at each succeeding story of the building. For buildings in the Upper Market
19 NCT that do not contain residential uses and that do not abut adjacent lots with an existing
20 pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce
21 this rear yard requirement pursuant to the procedures of subsection (e).

22 (2) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts. The minimum rear yard
23 depth shall be equal to 45 percent of the total depth of the lot on which the building is situated,
24 except to the extent that a reduction in this requirement is permitted by Subsection (c) below.
25 Rear yards shall be provided at grade level and at each succeeding level or story of the

1 building.

2

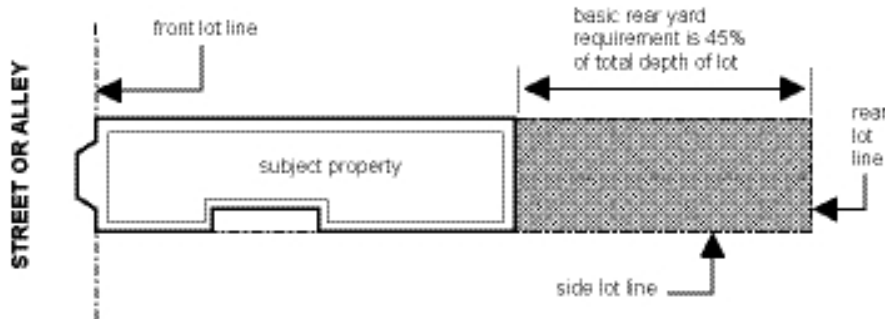
3

4

5

6

7



8

(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.

12

(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 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.

23

(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

24

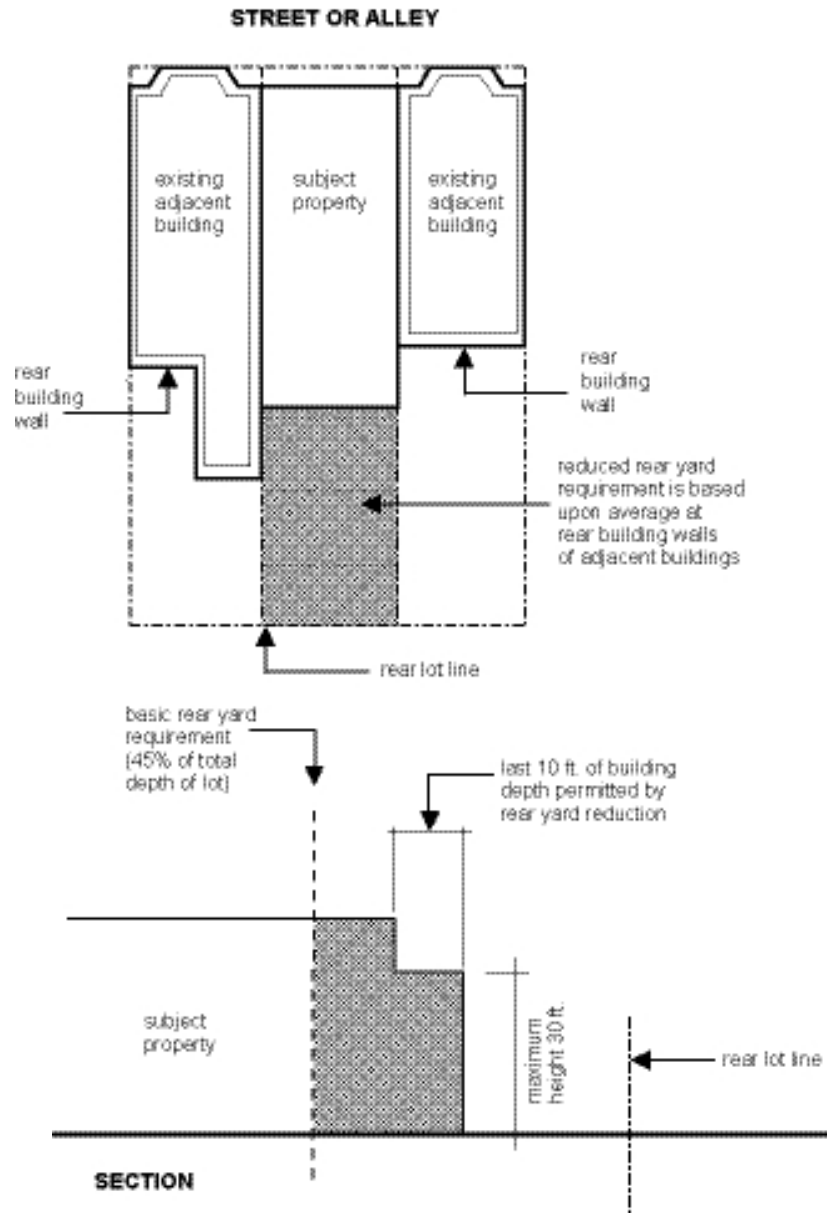
25

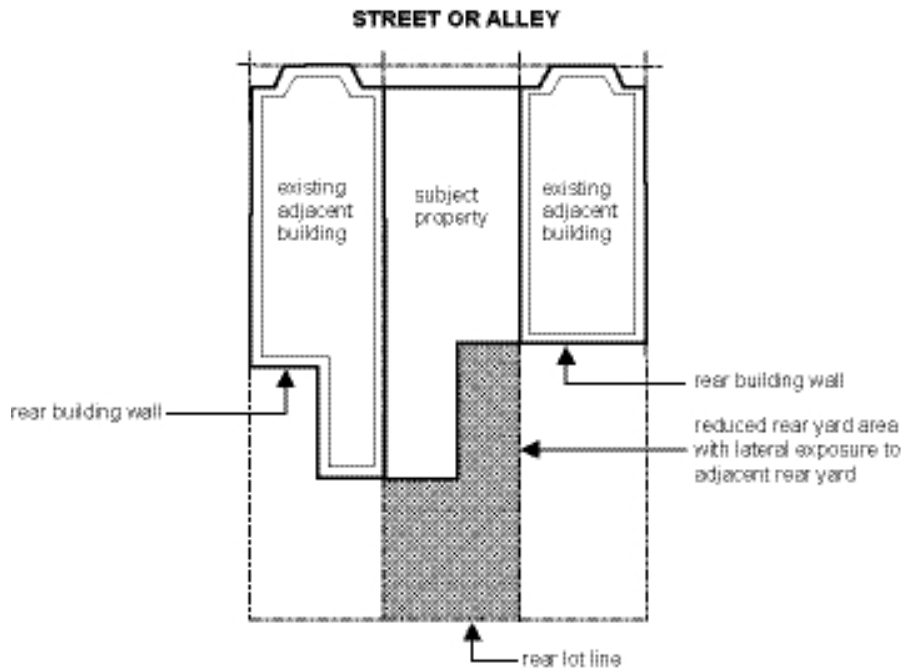
1 single room occupancy buildings in the South of Market Mixed Use Districts, in any case in
2 which a rear yard requirement is thus reduced, the last 10 feet of building depth thus
3 permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by
4 Section 260 of this Code, or to such lesser height as may be established by Section 261 of
5 this Code.

6 (2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1)
7 above, a reduction in the required rear yard is permitted, the reduction may alternatively be
8 averaged in an irregular manner; provided that the area of the resulting reduction shall be no
9 more than the product of the width of the subject lot along the line established by Paragraph
10 (c)(1) above times the reduction in depth of rear yard permitted by Paragraph (c)(1); and
11 provided further that all portions of the open area on the part of the lot to which the rear yard
12 reduction applies shall be directly exposed laterally to the open area behind the adjacent
13 building having the lesser depth of its rear building wall.

14 (3) Method of Measurement. For purposes of this Subsection (c), an "adjacent
15 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all
16 cases the location of the rear building wall of an adjacent building shall be taken as the line of
17 greatest depth of any portion of the adjacent building which occupies at least $\frac{1}{2}$ the width
18 between the side lot lines of the lot on which such adjacent building is located, and which has
19 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all
20 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining
21 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an
22 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P
23 District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be
24 considered to have an adjacent building upon it whose rear building wall is at a depth equal to
25 75 percent of the total depth of the subject lot.

1 (4) Applicability to Special Lot Situations. In the following special lot situations, the
2 general rule stated in Paragraph (c)(1) above shall be applied as provided in this Paragraph
3 (c)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so
4 indicate and if all other requirements of this Section 134 are are met.



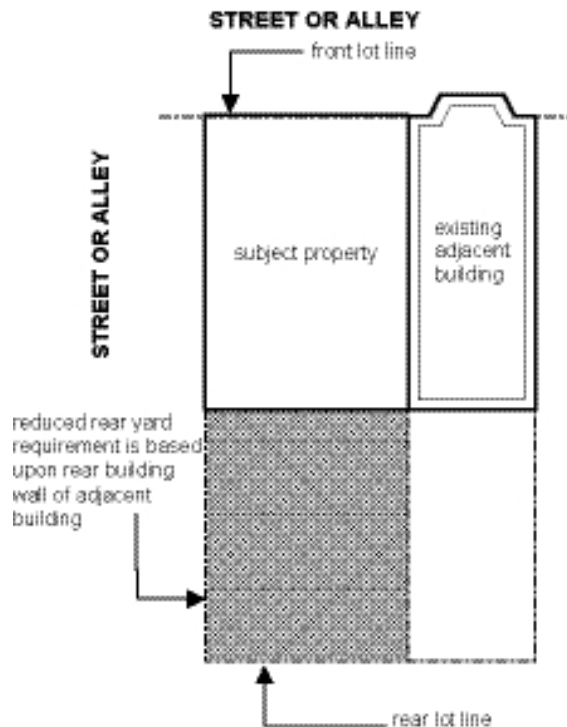


1
2
3
4
5
6
7
8
9
10 (A) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this
11 Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the
12 required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear
13 building wall of the one adjacent building.

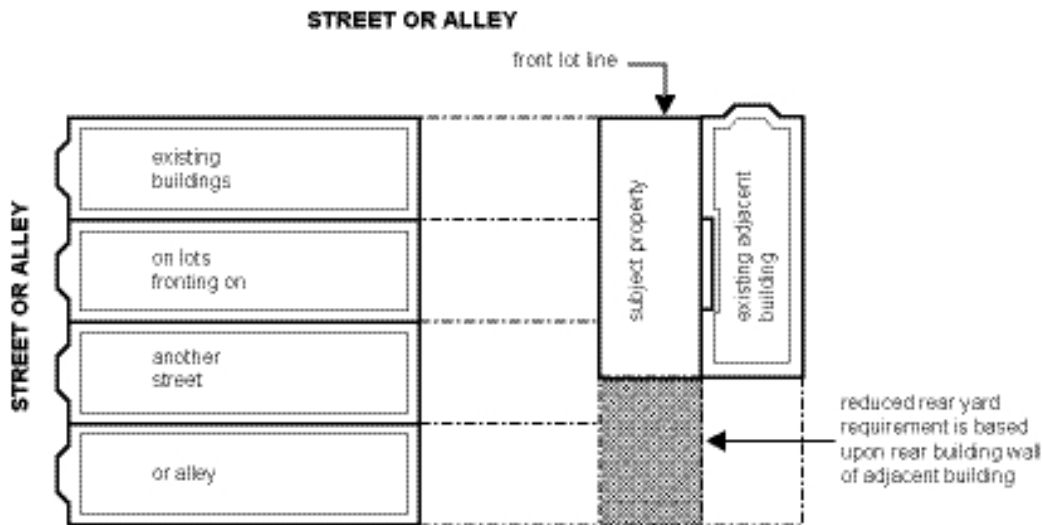
14 (B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In
15 the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts
16 on another street or alley, the lot on which it so abuts shall be disregarded, and the forward
17 edge of the required rear yard shall be reduced to a line on the subject lot which is at the
18 depth of the rear building wall of the one adjacent building fronting on the same street or alley.
19 In the case of any lot that abuts along both its side lot lines upon lots with buildings that front
20 on another street or alley, both lots on which it so abuts shall be disregarded, and the
21 minimum rear yard depth for the subject lot shall be equal to 25 percent of the total depth of
22 the subject lot, or 15 feet, whichever is greater.

23 (C) Through Lots Abutting Properties that Contain Two Buildings. Where a lot is a
24 through lot having both its front and its rear lot line along streets, alleys, or a street and an
25 alley, and both adjoining lots are also through lots, each containing two dwellings or group

1 housing structures that front at opposite ends of the lot, the subject through lot may also have
2 two buildings according to such established pattern, each fronting at one end of the lot,
3 provided all the other requirements of this Code are met. In such cases the rear yard required
4 by this Section 134 for the subject lot shall be located in the central portion of the lot, between
5 the two buildings on such lot, and the depth of the rear wall of each building from the street or
6 alley on which it fronts shall be established by the average of the depths of the rear building
7 walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the
8 total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25
9 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater.
10 Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of
11 Section 132 of this Code for front setback areas shall be applicable along both street or alley
12 frontages of the subject through lot.



1
2
3
4
5
6
7



8 (d) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the
9 rear yard requirements of this Section may be allowed, in accordance with the provisions of
10 Section 309, provided that the building location and configuration assure adequate light and
11 air to windows within the residential units and to the usable open space provided.

12

13

14

15

16

17

18

19

20

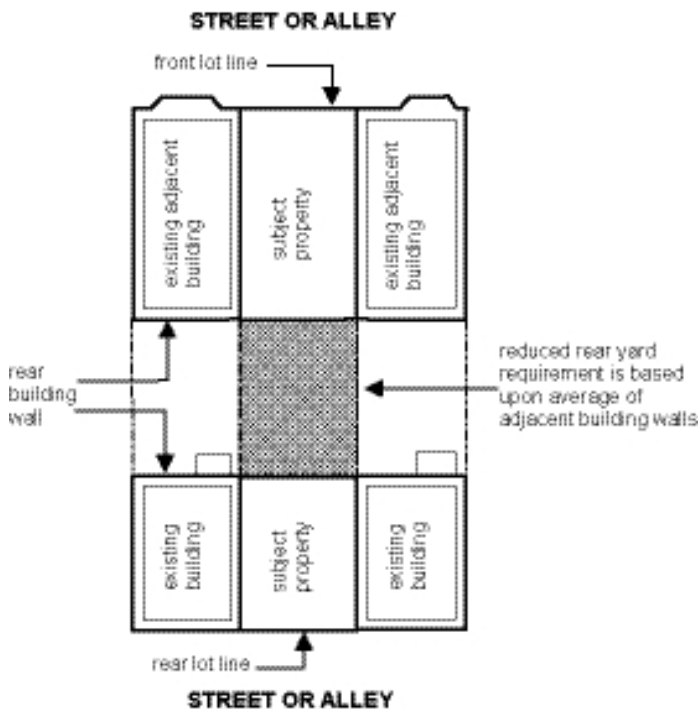
21

22

23

24

25



(e) Modification of Requirements in NC and South of Market Mixed Use Districts.

1 The rear yard requirements in NC and South of Market Mixed Use Districts may be modified
2 or waived in specific situations as described in this Subsection (e).

3 (1) General. The rear yard requirement in NC Districts may be modified or waived
4 by the Zoning Administrator pursuant to the procedures which are applicable to variances, as
5 set forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in
6 accordance with Section 307(g), in the case of South of Market Mixed Use Districts if all of the
7 following criteria are met for both NC and South of Market Mixed Use Districts:

8 (A) Residential uses are included in the new or expanding development and a
9 comparable amount of usable open space is provided elsewhere on the lot or within the
10 development where it is more accessible to the residents of the development; and

11 (B) The proposed new or expanding structure will not significantly impede the
12 access of light and air to and views from adjacent properties; and

13 (C) The proposed new or expanding structure will not adversely affect the interior
14 block open space formed by the rear yards of adjacent properties.

15 (2) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this
16 Code, or on a lot at the intersection of a street and an alley of at least 25 feet in width, the
17 required rear yard may be substituted with an open area equal to 25 percent of the lot area
18 which is located at the same levels as the required rear yard in an interior corner of the lot, an
19 open area between two or more buildings on the lot, or an inner court, as defined by this
20 Code, provided that the Zoning Administrator determines that all of the criteria described
21 below in this Paragraph are met.

22 (A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

23 (B) The open area shall be wholly or partially contiguous to the existing midblock
24 open space formed by the rear yards of adjacent properties.

25 (C) The open area will provide for the access to light and air to and views from

1 adjacent properties.

2 (D) The proposed new or expanding structure will provide for access to light and air
3 from any existing or new residential uses on the subject property.

4 The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional
5 conditions as are deemed necessary by the Zoning Administrator to further the purposes of
6 this Section.

7 (f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts.
8 The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or
9 waived by the Planning Commission pursuant to Section 329, and by the Zoning Administrator
10 pursuant to the procedures and criteria set forth in Section 307(h) for other projects, provided
11 that:

12 (1) Residential uses are included in the new or expanding development and a
13 comparable amount of readily accessible usable open space is provided elsewhere on the lot
14 or within the development;

15 (2) The proposed new or expanding structure will not significantly impede the
16 access to light and air from adjacent properties; and

17 (3) The proposed new or expanding structure will not adversely affect the interior
18 block open space formed by the rear yards of adjacent properties.

19 (g) Reduction of Requirements in the North of Market Residential Special Use
20 District. The rear yard requirement may be substituted with an equivalent amount of open
21 space situated anywhere on the site, provided that the Zoning Administrator determines that
22 all of the following criteria are met:

23 (1) The substituted open space in the proposed new or expanding structure will
24 improve the access of light and air to and views from existing abutting properties; and

25 (2) The proposed new or expanding structure will not adversely affect the interior

1 block open space formed by the rear yards of existing abutting properties.

2 This provision shall be administered pursuant to the notice and hearing procedures
3 which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.

4

5

6

7

8

9

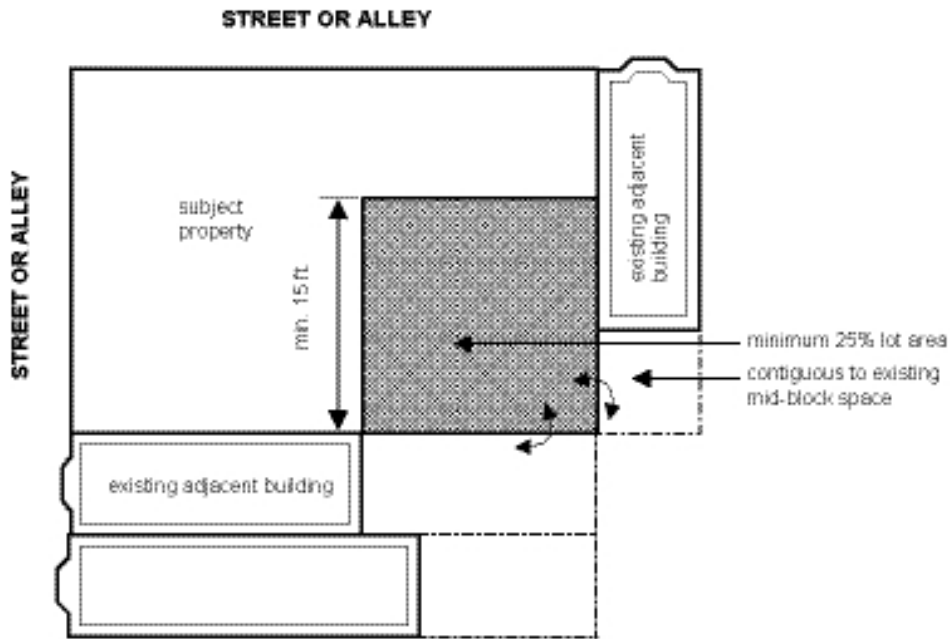
10

11

12

13

14



15

16

17

18

19

20

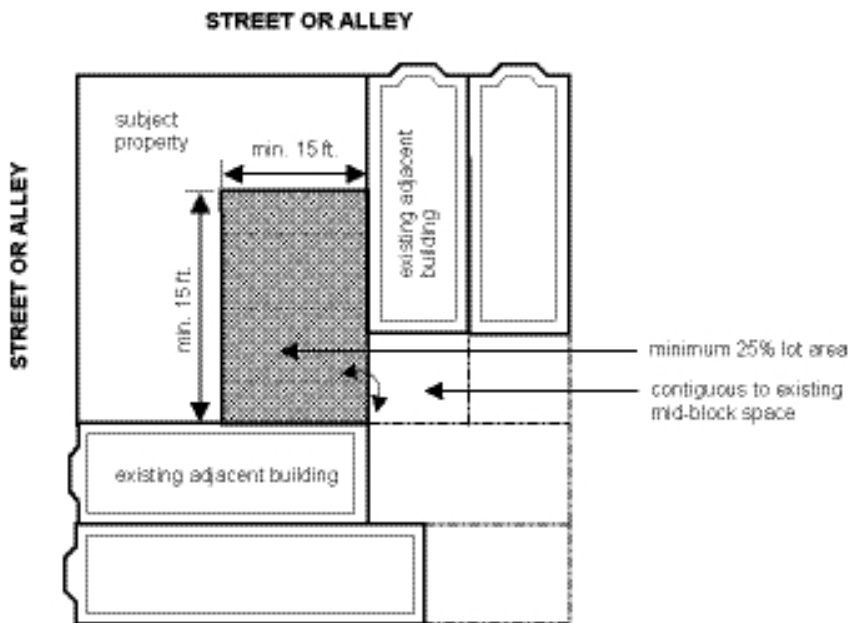
21

22

23

24

25



1 SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

2 (a) Purpose: To support active, pedestrian-oriented commercial uses on important
3 commercial streets.

4 (b) Applicability. The requirements of this Section apply to the following street
5 frontages.

6 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;

7 (2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial
8 Special Use District;

9 (3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special
10 Use District, from Fell Street to Market Street;

11 (4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown
12 Residential Special Use District;

13 (5) Market Street, for the entirety of the Van Ness and Market Downtown
14 Residential Special Use District;

15 (6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100
16 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

17 (7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;

18 (8) Hayes Street, for the entirety of the Hayes-Gough NCT;

19 (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough
20 NCT;

21 (10) Market Street, for the entirety of the NCT-3, Upper Market NCD, and Upper
22 Market NCT Districts;

23 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

24 (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2
25 District;

- 1 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT
- 2 District;
- 3 (14) Mission Street, for the entirety of the Mission Street NCT District;
- 4 (15) 24th Street, for the entirety of the 24th Street-Mission NCT;
- 5 (16) 16th Street, between Guerrero and Capp Streets;
- 6 (17) 22nd Street, between Valencia and Mission Streets;
- 7 (18) 6th Street for its entirety within the SoMa NCT District;
- 8 (19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the
- 9 north side of Ocean Avenue between Plymouth and Brighton Avenues;
- 10 (20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-2 District.

11 (c) Definitions.

12 "Active commercial uses" shall include those uses specifically identified below in Table
13 145.4, and:

14 (1) Shall not include uses oriented to motor vehicles except for automobile sale or
15 rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and
16 such sales or rental activity is entirely within an enclosed building and does not encroach on
17 surrounding sidewalks or open spaces;

18 (2) Shall include public uses except for utility installations; and

19 (3) Shall not include residential care uses as defined in Sections 790.50, 790.51,
20 and 890.50.

21 Table 145.4

Reference for Neighborhood Commercial Districts	Reference for Mixed Use Districts	Use
790.4	890.4	Amusement Game Arcade

1	790.6	890.6	Animal Hospital
2	790.12	890.13	Automobile Sale or Rental (see
3			qualification, above)
4	790.22	890.22	Bar
5	N/A	890.23	Business Goods and Equipment
6			Sales and Repair Service
7	790.34	890.34	Eating and Drinking Use
8	790.38	890.37	Entertainment, Other
9	N/A	890.39	Gift Store-Tourist Oriented
10	790.50, 790.51	890.50	Institutions, Other (see qualification,
11			above)
12	N/A	890.51	Jewelry Store
13	790.68	890.68	Neighborhood-Serving Business
14	N/A	890.69	Non-Auto Vehicle Sales or Rental
15			(see qualification, above)
16	790.80	890.80	Public Use (see qualification, above)
17	790.91	890.90	Restaurant, Fast-Food (Small)
18	790.90	890.91	Restaurant, Fast-Food (Large)
19	790.92	890.92	Restaurant, Full-Service
20	790.102	890.102	Sales and Service, Other Retail
21	790.104	890.104	Sales and Services, Retail
22	790.110	890.110	Service, Financial
23	790.112	890.112	Service, Limited Financial
24	790.114	890.114	Service, Medical
25			

1	790.116	890.116	Service, Personal
2	790.122	890.122	Take-Out Food
3	790.124	890.124	Trade Shop
4	790.140	890.140	Walk-Up Facility

5
6
7 (d) Controls.

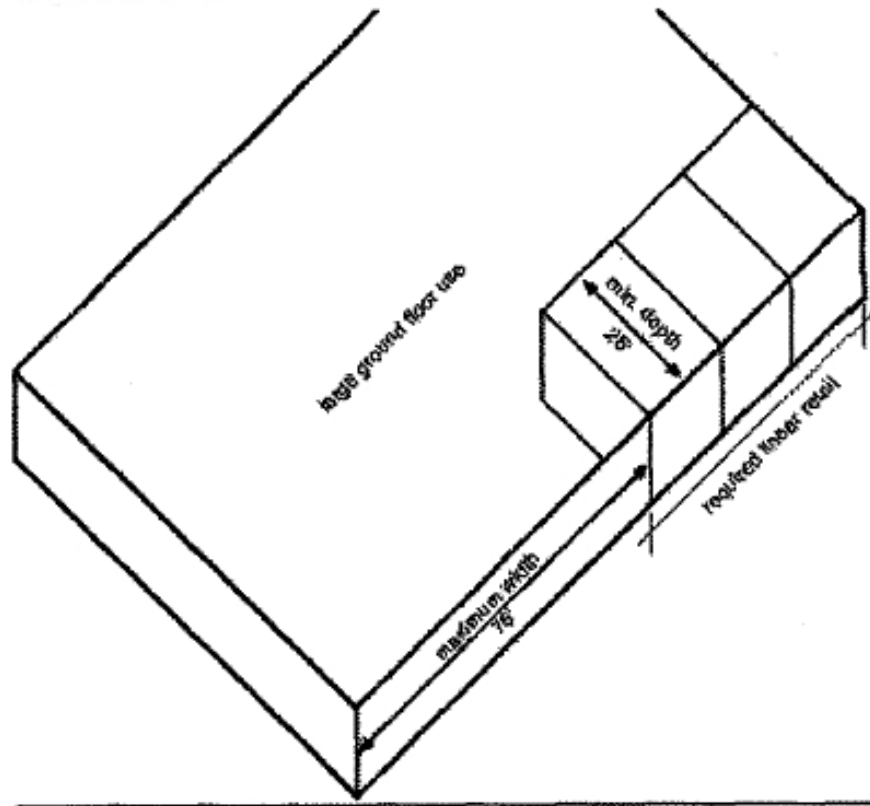
8 (1) Active commercial uses which are permitted by the specific district in which they
9 are located are required on the ground floor of all street frontages listed in Subsection (b)
10 above.

11 (2) Active commercial uses shall comply with the standards applicable to active
12 uses as set forth in Section 145.1(c)(3) and shall further be consistent with any applicable
13 design guidelines.

14 (3) On those street frontages listed in Subsection (b), an individual ground floor
15 nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of
16 depth along a street-facing facade. Separate individual storefronts shall wrap large ground
17 floor uses for the first 25 feet of depth, as illustrated in Figure 145.4.

18 Figure 145.4.
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



(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 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. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

(a) Applicability. This subsection shall apply only to DTR, NCT, Upper Market Street NCD, RTO, Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G or C-3 Districts.

1 (b) Controls. Off-street accessory parking shall not be required for any use, and the
2 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
3 off-street parking that may be provided as accessory to the uses specified. For non-residential
4 and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of
5 off-street parking that may be provided as accessory shall be no more than 50% greater than
6 that indicated in Table 151.1. Variances from accessory off-street parking limits, as described
7 in this Section, may not be granted. Where off-street parking is provided that exceeds the
8 quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall
9 be classified not as accessory parking but as either a principally permitted or conditional use,
10 depending upon the use provisions applicable to the district in which the parking is located. In
11 considering an application for a conditional use for any such parking due to the amount being
12 provided, the Planning Commission shall consider the criteria set forth in Section 157 and
13 157.1 of this Code.

14 (c) Definition. Where a number or ratio of spaces are described in Table 151.1, such
15 number or ratio shall refer to the total number of parked cars accommodated in the project
16 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by
17 mechanical means, valet, or non-independently accessible means. For the purposes of
18 determining the total number of cars parked, the area of an individual parking space, except
19 for those spaces specifically designated for persons with physical disabilities, may not exceed
20 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
21 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5
22 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a
23 parking space may be considered and counted as an off-street parking space at the discretion
24 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for
25 tandem and valet arrangements, determines that such area is likely to be used for parking a

1 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of
2 vehicular circulation to the parking or loading facilities otherwise permitted.

3 (d) Car-share parking. Any off-street parking space dedicated for use as a car-share
4 parking space, as defined in Section 166, shall not be credited toward the total parking
5 permitted as accessory in this Section.

6 Table 151.1
7 OFF-STREET PARKING 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	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	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

1	Residential Special Use	dwelling units.
2	District	
3	Dwelling units and SRO units	P up to one car for each four dwelling units; up to 0.75 cars
4	in MUG, MUR, MUO, SPD	for each dwelling unit, subject to the criteria and conditions
5	Districts, except as specified	and procedures of Section 151.1(f); NP above 0.75 cars for
6	below	each dwelling unit.
7	Dwelling units in MUG, MUR,	P up to one car for each four dwelling units; up to one car for
8	MUO, SPD Districts with at	each dwelling unit, subject to the criteria and conditions and
9	least 2 bedrooms and at	procedures of Section 151.1(f); NP above one car for each
10	least 1,000 square feet of	dwelling unit.
11	occupied floor area	
12	Dwelling units in NCT	P up to one car for each two dwelling units; C up to 0.75
13	Districts <i>and the Upper Market</i>	cars for each dwelling unit, subject to the criteria and
14	<i>Street NCD</i> , except as	procedures of Section 151.1(f); NP above 0.75 cars for each
15	specified below	dwelling unit.
16	Dwelling units in the Ocean	P up to one car for each unit; NP above.
17	Avenue NCT Districts	
18	Dwelling units in RTO	P up to three cars for each four dwelling units; C up to one
19	Districts, except as specified	car for each dwelling unit, subject to the criteria and
20	below	procedures of Section 151.1(f); NP above one car for each
21		dwelling unit.
22	Dwelling units and SRO units	P up to 0.75 cars for each dwelling unit and subject to the
23	in UMU Districts, except as	conditions of 151.1(f); NP above.
24	specified below	
25		

1	Dwelling units in UMU	P up to 1 car for each dwelling unit and subject to the
2	District with at least 2	conditions of 151.1(f); NP above.
3	bedrooms and at least 1,000	
4	square feet of occupied floor	
5	area	
6	Group housing of any kind	P up to one car for each three bedrooms or for each six
7		beds, whichever results in the greater requirement, plus one
8		for the manager's dwelling unit if any. NP above.
9	All non-residential uses in C-	Not to exceed 7% of gross floor area of such uses. See
10	3 Districts	requirements in Section 204.5.
11	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the
12		manager's dwelling unit, if any.
13	Motel	P up to one for each guest unit, plus one for the manager's
14		dwelling unit, if any.
15	Hospital or other inpatient	P up to one for each 16 guest excluding bassinets or for
16	medical institution	each 2,400 square feet of gross floor area devoted to
17		sleeping rooms, whichever results in the lesser requirement
18	Residential care facility	P up to one for each 10 residents.
19	Child care facility	P up to one for each 25 children to be accommodated at any
20		one time.
21	Elementary school	P up to one for each six classrooms.
22	Secondary school	P up to one for each two classrooms.
23	Post-secondary educational	P up to one for each two classrooms.
24	institution	
25		

1	Church or other religious	P up to one for each 20 seats.
2	institutions	
3	Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one
4		for each 10 seats in excess of 1,000.
5	Stadium or sports arena	P up to one for each 15 seats.
6	Medical or dental office or	P up to one for each 300 square feet of occupied floor area.
7	outpatient clinic	
8	All office uses in C-3, DTR,	P up to seven percent of the gross floor area of such uses
9	SPD, MUG, MUR, and MUO	and subject to the pricing conditions of Section 155(g); NP
10	Districts	above.
11	Office uses in UMU, PDR-1-	P up to one car per 1,000 square feet of gross floor area
12	D, and PDR-1-G Districts,	and subject to the pricing conditions of Section 155(g); NP
13	except as specified below	above.
14	Office uses in UMU, PDR-1-	P up to one car per 500 square feet of gross floor area; NP
15	D, and PDR-1-G Districts	above.
16	where the entire parcel is	
17	greater than 1/4-mile from	
18	Market, Mission, 3rd and 4th	
19	Streets	
20	Non-residential uses in RTO	None permitted.
21	districts permitted under	
22	Sections 209.8 (e) and 231.	
23	All non-residential uses in	For uses in Table 151 that are described as a ratio of
24	NCT districts <i>and the Upper</i>	occupied floor area, P up to 1 space per 1,500 square feet
25		

<p>1 <u>Market Street NCD</u>, except as 2 specified below 3</p>	<p>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.</p>
<p>4 Retail grocery store uses in 5 NCT districts <u>and the Upper</u> 6 <u>Market Street NCD</u> with over 7 20,000 square feet of 8 occupied floor area</p>	<p>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.</p>
<p>9 All retail in the Eastern 10 Neighborhoods Mixed Use 11 Districts where any portion of 12 the parcel is less than 1/4 13 mile from Market, Mission, 14 3rd and 4th Streets, except 15 grocery stores of over 20,000 16 gross square feet.</p>	<p>P up to one for each 1,500 square feet of gross floor area.</p>
<p>17 With the exception of 18 Eastern Neighborhoods 19 Mixed Use Districts as set 20 forth above, all other 21 restaurant, bar, nightclub, 22 pool hall, dance hall, bowling 23 alley or other similar 24 enterprise</p>	<p>P up to one for each 200 square feet of occupied floor area.</p>
<p>25 With the exception of</p>	<p>P up to one for each 1,000 square feet of occupied floor</p>

1	Eastern Neighborhoods	area.
2	Mixed Use Districts as set	
3	forth above, all other retail	
4	space devoted to the	
5	handling of bulky	
6	merchandise such as motor	
7	vehicles, machinery or	
8	furniture	
9	With the exception of	P up to one for each 4,000 square feet of occupied floor
10	Eastern Neighborhoods	area.
11	Mixed Use Districts as set	
12	forth above, all other	
13	greenhouse or plant nursery	
14	With the exception of	P up to one for each 500 square feet of gross floor area up
15	Eastern Neighborhoods	to 20,000 square feet, plus one for each 250 square feet of
16	Mixed Use Districts as set	gross floor area in excess of 20,000.
17	forth above, all other retail	
18	space	
19	Service, repair or wholesale	P up to one for each 1,000 square feet of occupied floor
20	sales space, including	area.
21	personal, home or business	
22	service space in South of	
23	Market Districts	
24	Mortuary	P up to five.
25	Storage or warehouse	P up to one for each 2,000 square feet of occupied floor

1 2 3	space, and space devoted to any use first permitted in an M-2 District	area.
4 5 6	Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
7 8	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
9 10	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
11 12	Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
13 14	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

15
16 (d) In DTR districts, any request for accessory parking in excess of what is
17 permitted by right shall be reviewed on a case-by-case basis by the Planning Commission,
18 subject to the procedures set forth in Section 309.1 of this Code. In granting approval for
19 parking accessory to residential uses above that permitted by right in Table 151.1, the
20 Commission shall make the following affirmative findings:

21 (1) All parking in excess of that allowed by right is stored and accessed by
22 mechanical means, valet, or non-independently accessible method that maximizes space
23 efficiency and discourages use of vehicles for commuting or daily errands;
24
25

1 (2) Vehicle movement on or around the project site associated with the excess
2 accessory parking does not unduly impact pedestrian spaces or movement, transit service,
3 bicycle movement, or the overall traffic movement in the district;

4 (3) Accommodating excess accessory parking does not degrade the overall urban
5 design quality of the project proposal;

6 (4) All parking in the project is set back from facades facing streets and alleys and
7 lined with active uses, and that the project sponsor is not requesting any exceptions or
8 variances requiring such treatments elsewhere in this Code; and

9 (5) Excess accessory parking does not diminish the quality and viability of existing
10 or planned streetscape enhancements.

11 (e) In C-3 Districts, any request for accessory parking in excess of what is permitted
12 by right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning
13 Commission, subject to the procedures set forth in Section 309 of this Code. In granting
14 approval for parking accessory to residential uses above that permitted by right in Table
15 151.1, the Planning Commission shall make the following affirmative findings:

16 (1) For projects with 50 units or more, all residential accessory parking in excess of
17 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical
18 stackers or lifts, valet, or other space-efficient means that allows more space above-ground
19 for housing, maximizes space efficiency and discourages use of vehicles for commuting or
20 daily errands. The Planning Commission may authorize the request for additional parking
21 notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the
22 project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing
23 buildings) in the use of space-efficient parking given the configuration of the parking floors
24 within the building and the number of independently accessible spaces above 0.5 spaces per
25 unit is de minimus and subsequent valet operation or other form of parking space

1 management could not significantly increase the capacity of the parking space above the
2 maximums in Table 151.1;

3 (2) For any project with residential accessory parking in excess of 0.375 parking
4 spaces for each dwelling unit, the project complies with the housing requirements of Sections
5 315 through 315.9 of this Code except as follows: the inclusionary housing requirements that
6 apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2)
7 shall apply to the project.

8 (3) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;

9 (4) All parking meets the active use and architectural screening requirements in
10 Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any
11 exceptions or variances requiring such treatments elsewhere in this Code.

12 (f) In RTO and NCT districts *and the Upper Market Street NCD*, any request for
13 accessory parking in excess of what is principally permitted in Table 151.1, but which does
14 not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning
15 Commission as a Conditional Use. In MUG, MUR, MUO, and SPD Districts, any project
16 subject to Section 329 and that requests residential accessory parking in excess of that which
17 is principally permitted in Table 151.1, but which does not exceed the maximum amount
18 stated in Table 151.1, shall be reviewed by the Planning Commission according to the
19 procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed
20 under the procedures detailed in subsection (g), below. In granting such Conditional Use or
21 exception per 329 for parking in excess of that principally permitted in Table 151.1, the
22 Planning Commission shall make the following affirmative findings according to the uses to
23 which the proposed parking is accessory:

24 (1) Parking for all uses

25

1 (A) Vehicle movement on or around the project does not unduly impact pedestrian
2 spaces or movement, transit service, bicycle movement, or the overall traffic movement in the
3 district;

4 (B) Accommodating excess accessory parking does not degrade the overall urban
5 design quality of the project proposal;

6 (C) All above-grade parking is architecturally screened and, where appropriate, lined
7 with active uses according to the standards of Section 145.1, and the project sponsor is not
8 requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

9 (D) Excess accessory parking does not diminish the quality and viability of existing
10 or planned streetscape enhancements.

11 (2) Parking for Residential Uses

12 (A) For projects with 50 dwelling units or more, all residential accessory parking in
13 excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts,
14 valet, or other space-efficient means that reduces space used for parking and maneuvering,
15 and maximizes other uses.

16 (3) Parking for Non-Residential Uses

17 (A) Projects that provide more than 10 spaces for non-residential uses must
18 dedicate 5% of these spaces, rounded down to the nearest whole number, to short-term,
19 transient use by vehicles from certified car sharing organizations per Section 166, vanpool,
20 rideshare, taxis, or other co-operative auto programs. These spaces shall not be used for
21 long-term storage nor satisfy the requirement of Section 166, but rather to park them during
22 trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to
23 satisfy subsection (B).

24 (B) Retail uses larger than 20,000 square feet, including but not limited to grocery,
25 hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores,

1 which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer,
2 at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service.
3 This is encouraged, but not required, for retail uses less than 20,000 square feet.

4 (C) Parking shall be limited to short-term use only.

5 (D) Parking shall be available to the general public at times when such parking is
6 not needed to serve the use or uses to which it is accessory.

7 (g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project
8 that is not subject to the requirements of Section 329 and that requests residential accessory
9 parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the
10 Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking
11 in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount
12 stated in Table 151.1, only if the Zoning Administrator determines that all of the following
13 conditions are met:

14 (A) all the conditions of subsection (f)(1) above have been met.

15 (B) parking is not accessed from any protected Transit or Pedestrian Street described
16 in Section 155(r), and

17 (C) where more than ten spaces are proposed at least half of them, rounded down
18 to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet,
19 or other space-efficient means that reduces space used for parking and maneuvering, and
20 maximizes other uses.

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

23 Required off-street parking and freight loading facilities shall meet the following
24 standards as to location and arrangement. In addition, facilities which are not required but are
25 actually provided shall meet the following standards unless such standards are stated to be

1 applicable solely to required facilities. In application of the standards of this Code for off-street
2 parking and loading, reference may be made to provisions of other portions of the Municipal
3 Code concerning off-street parking and loading facilities, and to standards of the Bureau of
4 Engineering of the Department of Public Works. Final authority for the application of such
5 standards under this Code, and for adoption of regulations and interpretations in furtherance
6 of the stated provisions of this Code shall, however, rest with the Planning Department.

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

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

11 (c) Every off-street parking or loading space shall have adequate means of ingress
12 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in
13 preference to streets, except where otherwise specified in this code.

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

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

21 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
22 G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely
23 enclosed and access from a public street or alley shall be provided by means of a private
24 service driveway, which is totally contained within the structure. Such a private service
25 driveway shall include adequate space to maneuver trucks and service vehicles into and out

1 of all provided spaces, and shall be designed so as to facilitate access to the subject property
2 while minimizing interference with street and sidewalk circulation. Any such private service
3 driveway shall be of adequate width to accommodate drive-in movement from the adjacent
4 curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if
5 an adjacent street or alley is determined by the Zoning Administrator to be primarily used for
6 building service, up to four off-street freight or loading spaces may be allowed to be
7 individually accessible directly from such a street or alley, pursuant to the provisions of
8 Section 309 in a C-3-O, C-3-R or C-3-G District, the provisions of Section 307(g) in a South of
9 Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of
10 Section 329 for projects subject to Section 329 in a MUO, MUG, or MUR District, or by
11 administrative decision of the Zoning Administrator for projects that do are not subject to
12 Section 329 in a MUO, MUG, or MUR District.

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

17 (f) In a C-3, Eastern Neighborhood Mixed Use District or South of Market Mixed
18 Use District, whenever off-street freight loading spaces are provided, freight elevators
19 immediately accessible from the loading dock shall be provided to all floors which contain
20 uses that are included in the calculation of required number of freight loading spaces. If freight
21 loading facilities are subterranean, the location and operation of freight elevators shall be
22 designed, where feasible, to discourage use of freight elevators for deliveries from the ground
23 floor. Directories of building tenants shall be provided at all freight elevators. A raised loading
24 dock or receiving area shall be provided with sufficient dimensions to provide for short-term
25 storage of goods. All required freight loading and service vehicle spaces shall be made

1 available only to those vehicles at all times, and provision shall be made to minimize
2 interference between freight loading and service operations, and garbage dumpster
3 operations and storage.

4 (g) In order to discourage long-term commuter parking, any off-street parking
5 spaces provided for a structure or use other than residential or hotel in a C-3 District, whether
6 classified as an accessory or conditional use, which are otherwise available for use for long-
7 term parking by downtown workers shall maintain a rate or fee structure for their use such that
8 the rate charge for four hours of parking duration is no more than four times the rate charge
9 for the first hour, and the rate charge for eight or more hours of parking duration is no less
10 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
11 be permitted for weekly, monthly or similar time-specific periods.

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

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

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

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

25 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and

1 egress, and shall be arranged, to the extent practical, so as to minimize the width and
2 frequency of curb cuts, to maximize the number and size of on-street parking spaces available
3 to the public, and to minimize conflicts with pedestrian and transit movements.

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

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

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

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

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

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

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

24 (2) Not permitted:
25

- 1 (A) The entire portion of Market Street from The Embarcadero to Castro Street ~~in the C-~~
2 ~~3, NCT-3 and Upper Market NCT Districts,~~
- 3 (B) Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3
4 and Upper Market NCT Districts,
- 5 (C) Van Ness Avenue from Hayes Street to Mission Street,
- 6 (D) Mission Street from 10th Street to Division Street,
- 7 (E) Octavia Street from Hayes Street to Fell Street,
- 8 (F) Embarcadero in the DTR Districts,
- 9 (G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,
- 10 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT
11 District,
- 12 (I) Mission Street for the entirety of the Mission Street NCT District,
- 13 (J) 24th Street for the entirety of the 24th Street-Mission NCT,
- 14 (K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT
15 and Mission Street NCT Districts,
- 16 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
17 Districts,
- 18 (M) 6th Street for its entirety within the SoMa NCT District,
- 19 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
20 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
21 and MUO District,
- 22 (O) Ocean Avenue within the Ocean Avenue NCT District,
- 23 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
- 24 (Q) Columbus Avenue between Washington and North Point Streets.,
- 25 (R) Broadway from the Embarcadero on the east to Polk Street on the west, and

1 (S) All alleyways in the Chinatown Mixed Use Districts.

2 (3) Not permitted except with a Conditional Use authorization:

3 (A) The entire portion of California Street, The Embarcadero, Folsom Street, Geary
4 Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,

5 (B) Grant Avenue from Market Street to Bush Street,

6 (C) Montgomery Street from Market Street to Columbus Avenue,

7 (D) Haight Street from Market Street to Webster Street,

8 (E) Church Street and 16th Street in the RTO District,

9 (F) Duboce Street from Noe Street to Market Street,

10 (G) Duboce Street from Noe Street to Market Street, and

11 (H) Octavia Street from Fell Street to Market Street.

12 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
13 loading shall be created or utilized on street frontages identified along any Transit Preferential,
14 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
15 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
16 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
17 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
18 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
19 unless the officially adopted alignment is along the left side of the street. Where an alternative
20 frontage is not available, parking or loading access along any Transit Preferential, Citywide
21 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
22 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
23 streets not listed in subsection (2) above as an exception in the manner provided in Section
24 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
25 clearly demonstrated that the final design of the parking access minimizes negative impacts to

1 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

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

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

23 (i) Where a non-accessory off-street parking garage permitted under Section
24 223(m)--(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and
25 fronts more than one street of less than 45 feet in width, a conditional use may be granted in

1 accordance with Section 303 that allows an exception to this requirement for one of the street
2 frontages. The above provision authorizing such conditional use shall sunset eight years from
3 the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

4 (C) Parking allowed above the ground-level in accordance with an exception under
5 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections
6 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that
7 accentuates ground floor retail and other uses, minimizes louvers and other mechanical
8 features and is in keeping with the overall massing and architectural vocabulary of the
9 building's lower floors. So as not to preclude conversion of parking space to other uses in the
10 future, parking allowed above the ground-level shall not be sloped and shall have a minimum
11 clear ceiling height of nine feet.

12 (2) Residential accessory parking. For residential accessory off-street parking in C-
13 3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed
14 by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted
15 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

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

23 (B) As a conditional use in accordance with the criteria set forth in Section 303 of
24 this Code, provided it can be clearly demonstrated that constructing the parking above-grade
25 instead of underground would allow the proposed housing to meet affordability levels for

1 which actual production has not met ABAG production targets as identified in the Housing
2 Element of the General Plan.

3 (3) Non-accessory off-street parking garages. For non-accessory off-street parking
4 garages in C-3 Districts permitted under Section 223(m)--(p), two additional floors of above-
5 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
6 ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections
7 155(s)(3)(A) or 155(s)(3)(B) below:

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

15 (B) As a conditional use in accordance with the criteria set forth in Section 303,
16 provided the site contains an existing non-accessory off-street surface parking lot with valid
17 permits for such parking as of the effective date of the ordinance enacting this subsection and
18 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
19 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
20 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
21 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
22 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
23 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
24 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
25 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67

1 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
2 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
3 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
4 155(s)(3)(B) shall sunset eight years from the effective date of the ordinance enacting this
5 subsection.

6 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section
7 156(h) and expansions of existing above-grade publicly accessible parking facilities are not
8 subject to the requirements of subsections 155(s)(1)--(3).

9 (5) Parking and Loading Access.

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

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

20 SEC. 207.7. RESTRICTIONS ON DEMOLITION, CONVERSION, AND MERGER OF
21 EXISTING DWELLING UNITS IN RTO, ~~AND~~ NCT, AND THE UPPER MARKET
22 NEIGHBORHOOD COMMERCIAL DISTRICTS.

23 (a) Purpose. The controls governing the RTO, ~~and~~ NCT, and the Upper Market
24 Neighborhood Commercial Districts are flexible with regard to dwelling unit density and parking,
25 and intended to foster creative infill housing of moderate to high density while maintaining the

1 character of the district. The intent of this flexibility, however, is not to encourage the
2 demolition or removal of existing housing stock, particularly units in older buildings.

3 (b) Demolition of any dwelling unit, merger of any two or more dwelling units, or
4 conversion of a dwelling unit to a non-residential use (herein all generally referred to as
5 "demolition") in an RTO, ~~or~~ NCT, or the Upper Market Neighborhood Commercial District shall be
6 permitted only with Conditional Use authorization from the Planning Commission. Under no
7 circumstance may the Commission grant a Conditional Use for demolition of a dwelling unit
8 absent consideration of a replacement Code-complying project on the same lot. In granting
9 any Conditional Use, the Commission shall consider each of the following characteristics of
10 the dwelling unit(s) proposed for demolition and of the proposed replacement project, and
11 shall approve such demolition if, on balance, the proposal meets these criteria, and serves the
12 public interest:

13 (1) the assessed value of the units proposed for demolition exceed that which is
14 affordable to households earning 100% of median income;

15 (2) the units proposed for demolition are unsound, in accord with the Planning
16 Commission's adopted definition of "unsound";

17 (3) there is no history of poor maintenance or Code violations;

18 (4) the property is not a historic resource under CEOA;

19 (5) the proposed replacement project results in a net increase in the number of units
20 on-site;

21 (6) the proposed replacement project is of superb architectural and urban design,
22 meets or exceeds all relevant design guidelines and Area Plan policies;

23 (7) the proposed replacement project preserves rental housing on site from
24 conversion to other forms of occupancy or tenure;

25

1 (8) the proposed replacement project restores rent control to equivalent number of
2 units on the site;

3 (9) the proposed replacement project features affordability at least equivalent to the
4 existing units;

5 (10) the proposed replacement project represents no net loss in the number of
6 family-sized units;

7 (11) the proposed replacement project serves as supportive housing or serves a
8 special or underserved population;

9 (12) the proposed project seeks to convert a ground-floor, street-facing residential
10 use to a commercial use in a neighborhood commercial district where such commercial uses
11 are desirable; and

12 (13) the proposed replacement project serves a public interest or public use that
13 cannot be met without the proposed demolition.

14 SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO, UPPER MARKET NCD,
15 AND NCT DISTRICTS.

16 In order to ensure an adequate supply of family-sized units in existing and new housing
17 stock, the subdivision of existing units is restricted. The division of any existing dwelling unit
18 into two or more units in RTO, Upper Market NCD, and NCT districts shall be permitted only if it
19 meets both of the following conditions:

20 (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3
21 bedrooms; and

22 (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square
23 feet in size.

24 SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT
25 FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN

1 NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER
2 AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED
3 PARCELS AND IN SPECIFIED NC DISTRICTS.

4 (a) Intent. In order to encourage generous ground floor ceiling heights for
5 commercial and other active uses, encourage additional light and air into ground floor spaces,
6 allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for
7 privacy and usability of front stoops, and create better building frontage on the public street,
8 up to an additional 5' of height is allowed along major streets in NCT districts, or in specific
9 NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor
10 ceilings for non-residential uses or ground floor residential units (that have direct walk-up
11 access from the sidewalk) raised up from sidewalk level.

12 (b) Applicability. The special height exception described in this section shall only
13 apply to projects that meet all of the following criteria:

14 (1) project is located in a 40-X or 50-X Height and Bulk District as designated on the
15 Zoning Map;

16 (2) project is located:

17 (A) in an NCT district as designated on the Zoning Map;

18 (B) in the Upper Market Street NCD; ~~or~~

19 (C) in a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue
20 to the Daly City border; or

21 (D) on a NC-1 designated parcel with a commercial use on the ground floor within
22 the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to
23 ~~Farellones~~ Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to
24 Randolph Street to Monticello Street and back to Sargent Street.

25

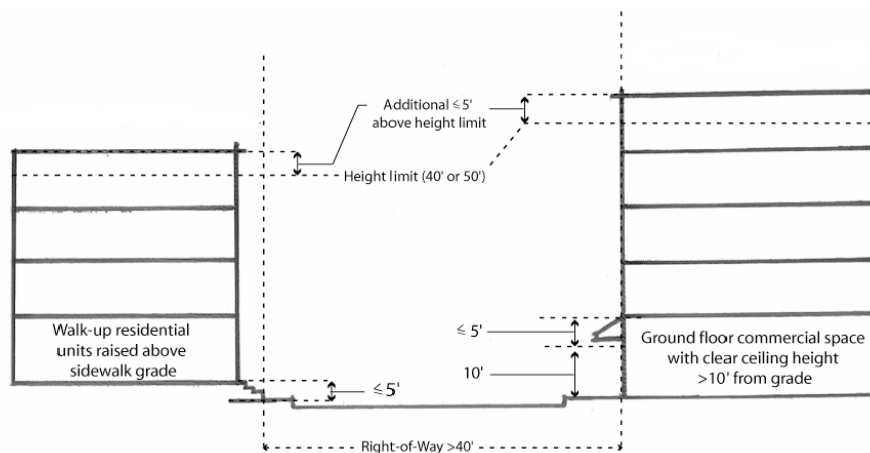
1 (3) project features ground floor commercial space or other active use as defined by
2 Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in
3 the case of residential uses, such walk-up residential units are raised up from sidewalk level;

4 (4) said ground floor commercial space, active use, or walk-up residential use is
5 primarily oriented along a right-of-way wider than 40 feet;

6 (5) said ground floor commercial space or active use occupies at least 50% of the
7 project's ground floor area; and

8 (6) except for projects located in NCT districts, the project sponsor has conclusively
9 demonstrated that the additional 5' increment allowed through Section 263.20 would not add
10 new shadow to any public open spaces.

11 (c) One additional foot of height, up to a total of five feet, shall be permitted above
12 the designated height limit for each additional foot of ground floor clear ceiling height in
13 excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit
14 is raised above sidewalk grade.



25 SEC. 401. DEFINITIONS.

1 (a) In addition to the specific definitions set forth elsewhere in this Article, the
2 following definitions shall govern interpretation of this Article:

3 ~~(1)~~ "Affordable housing project." A housing project containing units constructed to
4 satisfy the requirements of Sections 413.5, 413.8, 415.4, or 4.5.5 of this Article, or receiving
5 funds from the Citywide Affordable Housing Fund.

6 ~~(2)~~ "Affordable to a household." A purchase price that a household can afford to pay
7 based on an annual payment for all housing costs of 33 percent of the combined household
8 annual net income, a 10 percent down payment, and available financing, or a rent that a
9 household can afford to pay based on an annual payment for all housing costs of 30 percent
10 of the combined annual net income.

11 ~~(3)~~ "Affordable to qualifying households":

12 (A) With respect to owned units, the average purchase price on the initial sale of all
13 affordable owned units in an affordable housing project shall not exceed the allowable
14 average purchase price. Each unit shall be sold:

15 (i) Only to households with an annual net income equal to or less than that of a
16 household of moderate income; and

17 (ii) At or below the maximum purchase price.

18 (B) With respect to rental units in an affordable housing project, the average annual
19 rent shall not exceed the allowable average annual rent. Each unit shall be rented:

20 (i) Only to households with an annual net income equal to or less than that of a
21 household of lower income;

22 (ii) At or less than the maximum annual rent.

23 ~~(4)~~ "Allowable average purchase price":

24

25

1 (A) For all affordable one-bedroom units in a housing project, a price affordable to a
2 two-person household of median income as set forth in Title 25 of the California Code of
3 Regulations Section 6932 ("Section 6932") on January 1st of that year;

4 (B) For all affordable two-bedroom units in a housing project, a price affordable to a
5 three-person household of median income as set forth in Section 6932 on January 1st of that
6 year;

7 (C) For all affordable three-bedroom units in a housing project, a price affordable to
8 a four-person household of median income as set forth in Section 6932 on January 1st of that
9 year;

10 (D) For all affordable four-bedroom units in a housing project, a price affordable to a
11 five-person household of median income as set forth in Section 6932 on January 1st of that
12 year.

13 ~~(H)~~ "Affordable to qualifying middle income households":

14 (A) With respect to owned units, the average purchase price on the initial sale of all
15 qualifying middle income units shall not exceed the allowable average purchase price deemed
16 acceptable for households with an annual gross income equal to or less than the qualifying
17 limits for a household of middle income, adjusted for household size. This purchase price shall
18 be based on household spending of 35% of income for housing, and shall only apply to initial
19 sale, and not for the life of the unit.

20 (B) With respect to rental units, the average annual rent--including the cost of
21 utilities paid by the tenant according to the HUD utility allowance established by the San
22 Francisco Housing Authority -- for qualifying middle income units shall not exceed the
23 allowable average purchase price deemed acceptable for households with an annual gross
24 income equal to or less than the qualifying limits for a household of middle income, adjusted
25 for household size. This price restriction shall exist for the life of the unit.

1 ~~(5)~~ "Allowable average annual rent":

2 (A) For all affordable one-bedroom units in a housing project, 18 percent of the
3 median income for a household of two persons as set forth in Section 6932 on January 1st of
4 that year;

5 (B) For all affordable two-bedroom units in a housing project, 18 percent of the
6 median income for a household of three persons as set forth in Section 6932 on January 1st
7 of that year;

8 (C) For all affordable three-bedroom units in a housing project, 18 percent of the
9 median income for a household of four persons as set forth in Section 6932 on January 1st of
10 that year;

11 (D) For all affordable four-bedroom units in a housing project, 18 percent of the
12 median income for a household of five persons as set forth in Section 6932 on January 1st of
13 that year.

14 ~~(6)~~ "Annual gross income." Gross income as defined in CCR Title 25, Section 6914,
15 as amended from time to time, except that MOH may, in order to promote consistency with
16 the procedures of the San Francisco Redevelopment Agency, develop an asset test that
17 differs from the State definition if it publishes that test in the Procedures Manual.

18 ~~(7)~~ "Annual net income." Net income as defined in Title 25 of the California Code of
19 Regulations Section 6916.

20 ~~(8)~~ "Average annual rent." The total annual rent for the calendar year charged by a
21 housing project for all affordable rental units in the project of an equal number of bedrooms
22 divided by the total number of affordable units in the project with that number of bedrooms.

23 ~~(9)~~ "Average purchase price." The purchase price for all affordable owned units in
24 an affordable housing project of an equal number of bedrooms divided by the total number of
25 affordable units in the project with that number of bedrooms.

1 ~~(10)~~ "Balboa Park Community Improvements Fund." The fund into which all fee
2 revenue the City collects from the Balboa Park Impact Fee is deposited.

3 ~~(11)~~ "Balboa Park Community Improvements Program." The program intended to
4 implement the community improvements identified in the Balboa Park Area Plan, as
5 articulated in the Balboa Park Community Improvements Program Document on file with the
6 Clerk of the Board.

7 ~~(12)~~ "Balboa Park Impact Fee." The fee collected by the City to mitigate impacts of
8 new development in the Balboa Park Program Area, as described in the findings in Section
9 422.1.

10 ~~(13)~~ "Balboa Park Program Area." The Balboa Park Plan Area in Figure 1 of the
11 Balboa Park Station Area Plan of the San Francisco General Plan.

12 ~~(14)~~ "Base service standard." The relationship between revenue service hours
13 offered by the Municipal Railway and the number of automobile and transit trips estimated to
14 be generated by certain non-residential uses, expressed as a ratio where the numerator
15 equals the average daily revenue service hours offered by MUNI and the denominator equals
16 the daily automobile and transit trips generated by non-residential land uses as estimated by
17 the TIDF Study or updated under Section 411.5 of this Article.

18 ~~(15)~~ "Base service standard fee rate." The TIDF that would allow the City to recover
19 the estimated costs incurred by the Municipal Railway to meet the demand for public transit
20 resulting from new development in the economic activity categories for which the fee is
21 charged, after deducting government grants, fare revenue, and costs for non-vehicle
22 maintenance and general administration.

23 ~~(16)~~ "Board" or "Board of Supervisors." The Board of Supervisors of the City and
24 County of San Francisco.

25

1 ~~(17)~~ "Child-care facility." A child-care facility as defined in California Health and
2 Safety Code Section 1596.750.

3 ~~(18)~~ "Child-care provider." A provider as defined in California Health and Safety Code
4 Section 1596.791.

5 ~~(19)~~ "City" or "San Francisco." The City and County of San Francisco.

6 ~~(20)~~ "Commercial Space Subject to the Market and Octavia Community
7 Infrastructure Impact Fee." For each net addition of occupiable square feet within the Program
8 Area which results in an additional commercial unit or any increased commercial capacity that
9 is beyond 20 percent of the non-residential capacity at the time that requirements originally
10 became effective.

11 ~~(21)~~ "Commercial development project." Any new construction, addition, extension,
12 conversion or enlargement, or combination thereof, of an existing structure which includes any
13 occupied floor area of commercial use; provided, however, that for projects that solely
14 comprise an addition to an existing structure which would add occupied floor area in an
15 amount less than 20 percent of the occupied floor area of the existing structure, the provisions
16 of this Article shall only apply to the new occupied square footage.

17 ~~(22)~~ "Commercial use." Any structure or portion thereof intended for occupancy by
18 retail or office uses that qualify as an accessory use, as defined and regulated in Sections 204
19 through 204.5 of this Code.

20 ~~(23)~~—"Commission" or "Planning Commission." The San Francisco Planning
21 Commission.

22 ~~(24)~~—"Community apartment." As defined in San Francisco Subdivision Code Section
23 1308(b).

24 ~~(25)~~ "Community facilities." All uses as defined under Section 209.4(a) and 209.3(d)
25 of this Code.

1 ~~(26)~~ "Condition of approval" or "Conditions of approval." A condition or set of written
2 conditions imposed by the Planning Commission or another permit-approving or issuing City
3 agency or appellate body to which a project applicant agrees to adhere and fulfill when it
4 receives approval for the construction of a development project subject to this Article .

5 ~~(27)~~ "Condominium." As defined in California Civil Code Section 783.

6 ~~(28)~~ "Cultural/Institution/Education (CIE)." An economic activity category subject to
7 the TIDF that includes, but is not limited to, schools, as defined in Sections 209.3(g), (h), and
8 (i) and 217(f)-(i) of this Code; child care facilities; museums and zoos; and community facilities
9 , as defined in Sections 209.4 and 221(a)-(c) of this Code.

10 ~~(29)~~ "DBI." The San Francisco Department of Building Inspection.

11 ~~(30)~~ "Dedicated." Legally transferred to the City and County of San Francisco,
12 including all relevant legal documentation, at no cost to the City.

13 ~~(31)~~ "Dedicated site." The portion of site proposed to be legally transferred at no cost
14 to the City and County of San Francisco under the requirements of this section.

15 ~~(32)~~ "Department" or "Planning Department." The San Francisco Planning
16 Department or the Planning Department's designee, including the Mayor's Office of Housing
17 and other City agencies or departments.

18 ~~(33)~~ "Designated affordable housing zones." For the purposes of implementing the
19 Eastern Neighborhoods Public Benefits Fund, shall mean the Mission NCT defined in Section
20 736 and the Mixed Use Residential District defined in Section 841.

21 ~~(34)~~ "Development fee." Either a development impact fee or an in-lieu fee. It shall not
22 include a fee for service or any time and material charges charged for reviewing or processing
23 permit applications.

24 ~~(35)~~ "Development Fee Collection Unit" or "Unit." The Development Fee Collection
25 Unit at DBI.

1 ~~(36)~~ "Development impact fee." A fee imposed on a development project as a
2 condition of approval to mitigate the impacts of increased demand for public services, facilities
3 or housing caused by the development project that may or may not be an impact fee
4 governed by the California Mitigation Fee Act (California Government Code Section 66000 et
5 seq.).

6 ~~(37)~~ "Development impact requirement." A requirement to provide physical
7 improvements, facilities or below market rate housing units imposed on a development project
8 as a condition of approval to mitigate the impacts of increased demand for public services,
9 facilities or housing caused by the development project that may or may not be governed by
10 the California Mitigation Fee Act (California Government Code Section 66000 et seq.).

11 ~~(38)~~ "Development project." A project that is subject to a development impact or in-
12 lieu fee or development impact requirement.

13 ~~(39)~~ "Development under the TIDF." Any new construction, or addition to or
14 conversion of an existing structure under a building or site permit issued on or after
15 September 4, 2004, that results in 3,000 gross square feet or more of a covered use. In the
16 case of mixed use development that includes residential development, the term "new
17 development" shall refer to only the non-residential portion of such development. "Existing
18 structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF
19 ordinance, as well as a structure for which no TIDF was paid.

20 ~~(40)~~ "Director." The Director of Planning or his or her designee.

21 ~~(41)~~ "DPW." The Department of Public Works.

22 ~~(42)~~ "Eastern Neighborhoods Infrastructure Impact Fee." The fee collected by the
23 City to mitigate impacts of new development in the Eastern Neighborhoods Program Area, as
24 described in the Findings in Section 423.1

25

1 ~~(43)~~ "Eastern Neighborhoods Public Benefits Fund." The fund into which all fee
2 revenue collected by the City from the Eastern Neighborhoods Impact Fee is deposited.

3 ~~(44)~~ "Eastern Neighborhoods Public Benefits Program." The program intended to
4 implement the community improvements identified in the four Area Plans affiliated with the
5 Eastern Neighborhoods (Central Waterfront, East SoMa, Mission, and Showplace
6 Square/Potrero Hill), as articulated in the Eastern Neighborhoods Public Benefits Program
7 Document, on file with the Clerk of the Board in File No. 081155.)

8 ~~(45)~~ "Eastern Neighborhoods Program Area." The Eastern Neighborhoods Plan Area
9 in Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco
10 General Plan.

11 ~~(46)~~ "Economic activity category." Under the TIDF, one of the following six categories
12 of non-residential uses: Cultural/Institution/Education (CIE), Management, Information and
13 Professional Services (MIPS), Medical and Health Services, Production/Distribution/Repair
14 (PDR), Retail/Entertainment, and Visitor Services.

15 ~~(47)~~ "Entertainment development project." Any new construction, addition, extension,
16 conversion, or enlargement, or combination thereof, of an existing structure which includes
17 any gross square feet of entertainment use.

18 ~~(48)~~ "Entertainment use." Space within a structure or portion thereof intended or
19 primarily suitable for the operation of a nighttime entertainment use as defined in Section
20 102.17 of this Code, a movie theater use as defined in Sections 790.64 and 890.64 of this
21 Code, an adult theater use as defined in Sections 790.36 and 890.36 of this Code, any other
22 entertainment use as defined in Sections 790.38 and 890.37 of this Code, and,
23 notwithstanding Section 790.38 of this Code, an amusement game arcade (mechanical
24 amusement devices) use as defined in Sections 790.4 and 890.4 of this Code. Under this
25 Article, "entertainment use" shall include all office and other uses accessory to the

1 entertainment use, but excluding retail uses and office uses not accessory to the
2 entertainment use.

3 ~~(49)~~ "First certificate of occupancy." Either a temporary certificate of occupancy or a
4 Certificate of Final Completion and Occupancy as defined in San Francisco Building Code
5 Section 109A, whichever is issued first.

6 ~~(50)~~ "First construction document." As defined in Section 107A.13.1 of the San
7 Francisco Building Code.

8 ~~(51)~~ "Gross floor area." The total area of each floor within the building's exterior
9 walls, as defined in Section 102.9(b)(12) of this Code.

10 ~~(52)~~ "Gross square feet of use." With respect to the TIDF, the total square feet of
11 gross floor area in a building and/or space within or adjacent to a structure devoted to all uses
12 covered by the TIDF, including any common areas exclusively serving such uses and not
13 serving residential uses. Where a structure contains more than one use, areas common to
14 two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces
15 included in gross floor area that are not exclusively assigned to one uses shall be apportioned
16 among the two or more uses in accordance with the relative amounts of gross floor area,
17 excluding such space, in the structure or on any floor thereof directly assignable to each use.

18 ~~(53)~~ "Gross square footage." The meaning set forth in Section 102.9 of this Code.

19 ~~(54)~~ "Hotel development project." Any new construction, addition, extension,
20 conversion, or enlargement, or combination thereof, of an existing structure which includes
21 any gross square feet of hotel use.

22 ~~(55)~~ "Hotel" or "Hotel use." Space within a structure or portion thereof intended or
23 primarily suitable for rooms, or suites of two or more rooms, each of which may or may not
24 feature a bathroom and cooking facility or kitchenette and is designed to be occupied by a
25 visitor or visitors to the City who pays for accommodations on a daily or weekly basis but who

1 do not remain for more than 31 consecutive days. Under this Article "hotel use" shall include
2 all office and other uses accessory to the renting of guest rooms, but excluding retail uses and
3 office uses not accessory to the hotel use.

4 ~~(56)~~ "Household." Any person or persons who reside or intend to reside in the same
5 housing unit.

6 ~~(57)~~ "Household of lower income." A household composed of one or more persons
7 with a combined annual net income for all adult members which does not exceed the
8 qualifying limit for a lower-income family of a size equivalent to the number of persons
9 residing in such household, as set forth for the County of San Francisco in Title 25 of the
10 California Code of Regulations Section 6932.

11 ~~(58)~~ "Household of median income." A household composed of one or more persons
12 with a combined annual net income for all adult members which does not exceed the
13 qualifying limit for a median-income family of a size equivalent to the number of persons
14 residing in such household, as set forth for the County of San Francisco in Title 25 of the
15 California Code of Regulations Section 6932.

16 ~~(59)~~ "Household of moderate income." A household composed of one or more
17 persons with a combined annual net income for all adult members which does not exceed the
18 qualifying limit for a moderate-income family of a size equivalent to the number of persons
19 residing in such household, as set forth for the County of San Francisco in Title 25 of the
20 California Code of Regulations Section 6932.

21 ~~(60)~~ "Housing developer." Any business entity building housing units which receives a
22 payment from a sponsor for use in the construction of the housing units. A housing developer
23 may be (a) the same business entity as the sponsor, (b) an entity in which the sponsor is a
24 partner, joint venturor, or stockholder, or (c) an entity in which the sponsor has no control or
25 ownership.

1 ~~(61)~~ "Housing project." Any development which has residential units as defined in the
2 Planning Code, including but not limited to dwellings, group housing, independent living units,
3 and other forms of development which are intended to provide long-term housing to
4 individuals and households. "Housing project" shall not include that portion of a development
5 that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes
6 of this Program shall also include the development of live/work units as defined by Section
7 102.13 of this Code. Housing project for purposes of this Program shall mean all phases or
8 elements of a multi-phase or multiple lot residential development.

9 ~~(62)~~ "Housing unit" or "unit." A dwelling unit as defined in San Francisco Housing
10 Code Section 401.

11 ~~(63)~~ "Improvements Fund." The fund into which all revenues collected by the City for
12 each Program Area's impact fees are deposited.

13 ~~(64)~~ "In-Kind Agreement." An agreement acceptable in form and substance to the
14 City Attorney and the Director of Planning between a project sponsor and the Planning
15 Commission, subject to approval by the Planning Commission in its sole discretion, to provide
16 a specific set of community improvements at a specific phase of construction in lieu of
17 contribution to the relevant Improvements Fund. The In-Kind Agreement shall also mandate a
18 covenant of the project sponsor to reimburse all City agencies for their administrative and staff
19 costs in negotiating, drafting, and monitoring compliance with the In-Kind Agreement. The City
20 shall also require the project sponsor to provide a letter of credit or other instrument
21 acceptable in form and substance to the City Attorney and the Planning Department to secure
22 the City's right to receive payment as described in the preceding sentence.

23 ~~(65)~~ "Infrastructure." Open space and recreational facilities; public realms
24 improvements such as pedestrian improvements and streetscape improvements; public transit
25

1 facilities; and community facilities such as libraries, child care facilities, and community
2 centers.

3 ~~(66)~~ "In lieu fee." A fee paid by a project sponsor in lieu of complying with a
4 requirement of this Code and that is not a development impact fee governed by the Mitigation
5 Fee Act.

6 ~~(67)~~ "Interim Guidelines" shall mean the Office Housing Production Program Interim
7 Guidelines adopted by the City Planning Commission on January 26, 1982, as amended.

8 ~~(68)~~ "Licensed Child-care facility." A child-care facility which has been issued a valid
9 license by the California Department of Social Services pursuant to California Health and
10 Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.

11 ~~(69)~~ "Live/work project." A housing project containing more than one live/work unit.

12 ~~(70)~~ "Live/work unit" shall be as defined in Section 102.13 of this Code.

13 ~~(71)~~ "Long term housing." Housing intended for occupancy by a person or persons
14 for 32 consecutive days or longer.

15 ~~(72)~~ "Low income." For purposes of this Article, up to 80% of median family income
16 for the San Francisco PMSA, as calculated and adjusted by the United States Department of
17 Housing and Urban Development (HUD) on an annual basis, except that as applied to
18 housing-related purposes such as the construction of affordable housing and the provision of
19 rental subsidies with funds from the SOMA Stabilization Fund established in Section 418.7, it
20 shall mean up to 60% of median family income for the San Francisco PMSA, as calculated
21 and adjusted by HUD on an annual basis.

22 ~~(73)~~ "Management, Information and Professional Services (MIPS). An economic
23 activity category under the TIDF that includes, but is not limited to, office use; medical offices
24 and clinics, as defined in Section 890.114 of this Code; business services, as defined in
25

1 Section 890.111 of this Code; Integrated PDR, as defined in Section 890.49 of this Code, and
2 Small Enterprise Workspaces, as defined in Section 227(t) of this Code.

3 ~~(74)~~ "Market and Octavia Community Improvements Fund" The fund into which all
4 fee revenue collected by the City from the Market and Octavia Community Improvements Fee
5 is deposited.

6 ~~(75)~~—"Market and Octavia Community Improvements Impact Fee." The fee collected
7 by the City to mitigate impacts of new development in the Market and Octavia Program Area,
8 as described in the findings in Section 421.1.

9 ~~(76)~~ "Market and Octavia Community Improvements Program." The program
10 intended to implement the community improvements identified in the Market and Octavia Area
11 Plan, as articulated in the Market and Octavia Community Improvements Program Document
12 on file with the Clerk of the Board in File No. 071157.)

13 ~~(77)~~ "Market and Octavia Program Area." The Market and Octavia Plan Area in Map
14 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan,
15 which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few
16 parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown
17 Residential Special Use District (VMDRSUD). The Program Area also includes the Upper Market
18 NCD, which includes parcels one block west of the plan area that front Market Street.

19 ~~(78)~~ "Market rate housing." Housing constructed in the principal project that is not
20 subject to sales or rental restrictions.

21 ~~(79)~~ "Maximum annual rent." The maximum rent that a housing developer may
22 charge any tenant occupying an affordable unit for the calendar year. The maximum annual
23 rent shall be 30 percent of the annual income for a lower-income household as set forth in
24 Section 6932 on January 1st of each year for the following household sizes:

25 (A) For all one-bedroom units, for a household of two persons;

1 (B) For all two-bedroom units, for a household of three persons;

2 (C) For all three-bedroom units, for a household of four persons;

3 (D) For all four-bedroom units, for a household of five persons.

4 ~~(19)~~ "Maximum purchase price." The maximum purchase price that a household of
5 moderate income can afford to pay for an owned unit based on an annual payment for all
6 housing costs of 33 percent of the combined household annual net income, a 10 percent
7 down payment, and available financing, for the following household sizes:

8 (A) For all one-bedroom units, for a household of two persons;

9 (B) For all two-bedroom units, for a household of three persons;

10 (C) For all three-bedroom units, for a household of four persons;

11 (D) For all four-bedroom units, for a household of five persons.

12 ~~(80)~~ "Medical and Health Services." An economic activity category under the TIDF
13 that includes, but is not limited to, those non-residential uses defined in Sections 209.3(a) and
14 217(a) of this Code; animal services, as defined in Section 224(a) and (b) of this Code; and
15 social and charitable services, as defined in Sections 209.3(d) and 217(d) of this Code.

16 ~~(81)~~ "Middle Income Household." A household whose combined annual gross
17 income for all members is between 120 percent and 150 percent of the local median income
18 for the City and County of San Francisco, as calculated by the Mayor's Office of Housing
19 using data from the United States Department of Housing and Urban Development (HUD) and
20 adjusted for household size or, if data from HUD is unavailable, as calculated by the Mayor's
21 Office of Housing using other publicly available and credible data and adjusted for household
22 size.

23 ~~(82)~~ "MOCD." The Mayor's Office of Community Development.

24 ~~(83)~~ "MOH." The Mayor's Office of Housing.

25 ~~(84)~~ "MTA." The Municipal Transportation Agency.

1 ~~(85)~~ "MTA Director." The Director of MTA or his or her designee.

2 ~~(86)~~ "Municipal Railway; MUNI." The public transit system owned by the City and
3 under the jurisdiction of the MTA.

4 ~~(87)~~ "Net addition." The total amount of gross floor area defined in Planning Code
5 Section 102.9 to be occupied by a development project, less the gross floor area existing in
6 any structure demolished or retained as part of the proposed development project that had
7 been occupied by, or primarily serving, any residential, non-residential, or PDR use for five
8 years prior to the Planning Commission or Planning Department approval of a development
9 project subject to this Article, or for the life of the structure demolished or retained, whichever
10 is shorter.

11 ~~(88)~~ "Net addition of occupiable square feet of commercial use." Occupied floor area,
12 as defined in Section 102.10 of this Code, to be occupied by or primarily serving, non-
13 residential use excluding common areas such as hallways, maintenance facilities and lobbies,
14 less the occupied floor area in any structure demolished or rehabilitated as part of the
15 proposed commercial development project which occupied floor area was used primarily and
16 continuously for commercial use and was not accessory to any use other than residential use
17 for at least five years prior to Planning Department approval of a residential development
18 project subject to this Article, or for the life of the structure demolished or rehabilitated,
19 whichever is shorter.

20 ~~(89)~~ Net addition of gross square feet of entertainment space." Gross floor area as
21 defined in Section 102.9 of this Code to be occupied by, or primarily serving, entertainment
22 use, less the gross floor area in any structure demolished or rehabilitated as part of the
23 proposed entertainment development project that was used primarily and continuously for
24 entertainment, hotel, office, research and development, or retail use and was not accessory to
25 any use other than entertainment, hotel, office, research and development, or retail use, for

1 five years prior to Commission approval of an entertainment development project subject to
2 this Article, or for the life of the structure demolished or rehabilitated, whichever is shorter, so
3 long as such space was subject to Section 413.1 et seq. of this Article or the Interim
4 Guidelines.

5 ~~(90)~~ "Net addition of gross square feet of hotel space." Gross floor area as defined in
6 Section 102.9 of this Code to be occupied by, or primarily serving, hotel use, less the gross
7 floor area in any structure demolished or rehabilitated as part of the proposed hotel
8 development project space used primarily and continuously for office or hotel use and not
9 accessory to any use other than office or hotel use for five years prior to Commission approval
10 of a hotel development project subject to this Article, or for the life of the structure demolished
11 or rehabilitated, whichever is shorter.

12 ~~(91)~~ "Net addition of gross square feet of non-residential space." Gross floor area as
13 defined in Section 102.9 of this Code to be occupied by, or primarily serving, any non-
14 residential use, less the gross floor area in any structure demolished or rehabilitated as part of
15 the proposed development project space used primarily and continuously for the same non-
16 residential use within the same economic activity category. This space shall be accessory to
17 any use other than that same non-residential use for five years prior to Commission approval
18 of a development project subject to this Article, or for the life of the structure demolished or
19 rehabilitated, whichever is shorter.

20 ~~(92)~~ "Net addition of gross square feet of residential space." Gross floor area as
21 defined in Section 102.9 of this Code to be occupied by, or primarily serving, residential use,
22 less the gross floor area in any structure demolished or rehabilitated as part of the proposed
23 residential development project space used primarily and continuously for residential use and
24 not accessory to any use other than residential use for five years prior to Planning
25

1 Commission approval of a development project, subject to this Article, or for the life of the
2 structure demolished or rehabilitated, whichever is shorter.

3 ~~(93)~~ "Net addition of gross square feet of office space." Gross floor area as defined in
4 Planning Code Section 102.9 to be occupied by, or primarily serving, office use, less the gross
5 floor area in any structure demolished or rehabilitated as part of the proposed office
6 development project space used primarily and continuously for office or hotel use and not
7 accessory to any use other than office or hotel use for five years prior to Planning
8 Commission approval of an office development project subject to this Article, or for the life of
9 the structure demolished or rehabilitated, whichever is shorter.

10 ~~(94)~~ Net addition of gross square feet of research and development space." Gross
11 floor area as defined in Section 102.9 of this Code to be occupied by, or primarily serving,
12 research and development use, less the gross floor area in any structure demolished or
13 rehabilitated as part of the proposed research and development project that was used
14 primarily and continuously for entertainment, hotel, office, research and development, or retail
15 use and was not accessory to any use other than entertainment, hotel, office, research and
16 development, or retail use, for five years prior to Commission approval of a research and
17 development project subject to this Article, or for the life of the structure demolished or
18 rehabilitated, whichever is shorter.

19 ~~(95)~~ "Net addition of gross square feet of retail space." Gross floor area as defined in
20 Section 102.9 of this Code to be occupied by, or primarily serving, retail use, less the gross
21 floor area in any structure demolished or rehabilitated as part of the proposed retail
22 development project that was used primarily and continuously for entertainment, hotel, office,
23 research and development, or retail use and was not accessory to any use other than
24 entertainment, hotel, office, research and development, or retail use, for five years prior to
25

1 Planning Commission approval of a retail development project subject to this Article, or for the
2 life of the structure demolished or rehabilitated, whichever is shorter.

3 ~~(96)~~ "New development." Under the TIDF, any new construction, or addition to or
4 conversion of an existing structure under a building or site permit issued on or after
5 September 4, 2004 that results in 3,000 gross square feet or more of a use covered by the
6 TIDF. In the case of mixed use development that includes residential development, the term
7 "new development" shall refer to only the non-residential portion of such development.
8 "Existing structure" shall include a structure for which a sponsor already paid a fee under the
9 prior TIDF ordinance, as well as a structure for which no TIDF was paid.

10 ~~(97)~~ "Nonprofit child-care provider." A child-care provider that is an organization
11 organized and operated for nonprofit purposes within the provisions of California Revenue
12 and Taxation Code Sections 23701--23710, inclusive, as demonstrated by a written
13 determination from the California Franchise Tax Board exempting the organization from taxes
14 under Revenue and Taxation Code Section 23701.

15 ~~(98)~~ "Nonprofit organization." An organization organized and operated for nonprofit
16 purposes within the provisions of California Revenue and Taxation Code Sections 23701--
17 23710, inclusive, as demonstrated by a written determination from the California Franchise
18 Tax Board exempting the organization from taxes under Revenue and Taxation Code Section
19 23701.

20 ~~(99)~~ "Non-Residential development project." Any new construction, addition,
21 extension, conversion or enlargement, or combination thereof, of an existing structure that
22 includes any occupied floor area of a non-residential use; provided, however, that for projects
23 that solely comprise an addition to an existing structure that would add occupied floor area in
24 an amount less than 20 percent of the occupied floor area of the existing structure, the
25 provisions of this Article shall only apply to the new occupied square footage.

1 ~~(100)~~ "Non-Residential space subject to the Balboa Park Impact Fee." Each net
2 addition of gross square feet within the Project Area that contributes to a 20 percent increase
3 in commercial capacity of an existing structure.

4 ~~(101)~~ "Non-residential Space Subject to the Eastern Neighborhoods Infrastructure
5 Impact Fee. Each net addition of net square feet within the Eastern Neighborhoods Project
6 Area which contributes to a 20 percent increase in non-residential capacity of an existing
7 structure.

8 ~~(102)~~ "Non-residential use." Any structure or portion thereof intended for occupancy by
9 retail, office, commercial, or other non-residential uses defined in Section 209.3, 209.8, 217,
10 218, 219 of this Code, and 221; except that residential components of uses defined in Section
11 209.3(a)-(c) and (g)-(i) shall be defined as a "residential use" for purposes of this Article. For
12 the purposes of this Article, non-residential use shall not include PDR and publicly owned and
13 operated community facilities.

14 ~~(103)~~ "Notice of Special Restrictions." A document recorded with the San Francisco
15 Recorder's Office for any unit subject to this Program detailing the sale and resale or rental
16 restrictions and any restrictions on purchaser or tenant income levels included as a Condition
17 of Approval of the principal project relating to the unit.

18 ~~(104)~~ "Office development project." Any new construction, addition, extension,
19 conversion or enlargement, or combination thereof, of an existing structure which includes any
20 gross floor area of office use

21 ~~(105)~~ "Office use." Space within a structure or portion thereof intended or primarily
22 suitable for occupancy by persons or entities which perform, provide for their own benefit, or
23 provide to others at that location services including, but not limited to, the following:
24 Professional; banking; insurance; management; consulting; technical; sales; and design; and
25 the non-accessory office functions of manufacturing and warehousing businesses; all uses

1 encompassed within the definition of "office" in Section 219 of this Code; multimedia,
2 software, development, web design, electronic commerce, and information technology; all
3 uses encompassed within the definition of "administrative services" in Section 890.106 of this
4 Code; and all "professional services" as proscribed in Section 890.108 of this Code excepting
5 only those uses which are limited to the Chinatown Mixed Use District.

6 ~~(106)~~ "Off-site unit." A unit affordable to qualifying households constructed pursuant to
7 this Ordinance on a site other than the site of the principal project.

8 ~~(107)~~ "On-site unit." A unit affordable to qualifying households constructed pursuant to
9 this Article on the site of the principal project.

10 ~~(108)~~ "Owned unit." A unit affordable to qualifying households which is a
11 condominium, stock cooperative, community apartment, or detached single-family home. The
12 owner or owners of an owned unit must occupy the unit as their primary residence.

13 ~~(109)~~ "Owner." The record owner of the fee or a vendee in possession.

14 ~~(110)~~ "PDR use." Those uses contained in Sections 220, 222, 223, 224, 225, and 226
15 of this Code.

16 ~~(111)~~ "Principal project." A housing development on which a requirement to provide
17 affordable housing units is imposed.

18 ~~(112)~~ "Principal site." The total site proposed for development, including the portion of
19 site proposed to be legally transferred to the City and County of San Francisco.

20 ~~(113)~~ "Procedures Manual." The City and County of San Francisco Affordable Housing
21 Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as
22 amended.

23 ~~(114)~~ "Rent" or "rental." The total charges for rent, utilities, and related housing
24 services to each household occupying an affordable unit.

25

1 ~~(115)~~ "Rental unit." A unit affordable to qualifying households which is not a
2 condominium, stock cooperative, or community apartment.

3 ~~(116)~~ "Replacement." The total amount of gross floor area, as defined in Section 102.9
4 of this Code, to be demolished and reconstructed by a development project, provided that the
5 space demolished had been occupied by, or primarily serving, any residential, non-residential,
6 or PDR use for five years prior to Planning Commission or Planning Department approval of
7 the development project subject to this Article or for the life of the structure demolished or
8 retained, whichever is shorter.

9 ~~(117)~~ "Research and Development ("R&D") project." Any new construction, addition,
10 extension, conversion, or enlargement, or combination thereof, of an existing structure which
11 includes any gross square feet of R&D use.

12 ~~(118)~~ "Research and development use." Space within any structure or portion thereof
13 intended or primarily suitable for basic and applied research or systematic use of research
14 knowledge for the production of materials, devices, systems, information or methods,
15 including design, development and improvement of products and processing, including
16 biotechnology, which involves the integration of natural and engineering sciences and
17 advanced biological techniques using organisms, cells, and parts thereof for products and
18 services, excluding laboratories which are defined as light manufacturing uses consistent with
19 Section 226 of this Code.

20 ~~(119)~~ "Residential Space Subject to the Balboa Park Impact Fee." Each net addition of
21 gross square feet within the Balboa Park Project Area which results in a net new residential
22 unit.

23 ~~(120)~~—"Residential Space Subject to the Eastern Neighborhoods Infrastructure Impact
24 Fee." Each net addition of net square feet within the Eastern Neighborhoods Project Area
25 which results in a net new residential unit.

1 ~~(121)~~ "Residential Space Subject to the Market and Octavia Community Infrastructure
2 Impact Fee." Each net addition of occupiable square feet within the Market and Octavia
3 Program Area which results in an additional residential unit or contributes to a 20 percent
4 increase of residential space from the time that this ordinance is adopted within the Market
5 and Octavia Community Improvements Fund.

6 ~~(122)~~ "Residential use." Any structure or portion thereof intended for occupancy by
7 uses defined in Sections 209.1, 790.88, and 890.88 of this Code, as relevant for the subject
8 zoning district, or containing group housing as defined in Section 209.2(a)-(c) of this Code and
9 any residential components of institutional uses as defined in Section 209.3(a)-(c) and (g-i) of
10 this Code.

11 ~~(123)~~ "Retail development project." Any new construction, addition, extension,
12 conversion, or enlargement, or combination thereof, of an existing structure which includes
13 any gross square feet of retail use.

14 ~~(124)~~ "Retail/entertainment." An economic activity category under the TIDF that
15 includes, but is not limited to, a retail use; an entertainment use; massage establishments, as
16 defined in Section 218.1 of this Code; laundering, and cleaning and pressing, as defined in
17 Section 220 of this Code.

18 ~~(125)~~ "Retail use." Space within any structure or portion thereof intended or primarily
19 suitable for occupancy by persons or entities which supply commodities to customers on the
20 premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking
21 businesses, and the uses defined in Sections 218 and 220 through 225 of this Code, and also
22 including all space accessory to such retail use.

23 ~~(126)~~ "Revenue services hours." The number of hours that the Municipal Railway
24 provides service to the public with its entire fleet of buses, light rail (including streetcars), and
25 cable cars.

1 ~~(127)~~ "Rincon Hill Community Improvements Fund." The fund into which all fee
2 revenue collected by the City from the Rincon Hill Community Infrastructure Impact Fee is
3 deposited.

4 ~~(128)~~ "Rincon Hill Community Infrastructure Impact Fee." The fee collected by the City
5 to mitigate impacts of new development in the Rincon Hill Program Area, as described in the
6 findings in Section 418.1.

7 ~~(129)~~ "Rincon Hill Program Area." Those districts identified as the Rincon Hill
8 Downtown Residential (RH DTR) Districts in the Planning Code and on the Zoning Maps.

9 ~~(130)~~ "Section 6932." Section 6932 of Title 25 of the California Code of Regulations as
10 such section applies to the County of San Francisco.

11 ~~(75)~~ "SOMA." The area bounded by Market Street to the north, Embarcadero to the
12 east, King Street to the south, and South Van Ness and Division to the west.

13 ~~(131)~~ "SOMA Community Stabilization Fee." The fee collected by the City to mitigate
14 impacts on the residents and businesses of SOMA of new development in the Rincon Hill
15 Program Area, as described in the findings in Section 418.1.

16 ~~(132)~~ "SOMA Community Stabilization Fund." The fund into which all fee revenue
17 collected by the City from the SOMA Community Stabilization Fee is deposited.

18 ~~(133)~~ "Sponsor" or "project sponsor." An applicant seeking approval for construction of
19 a development project subject to this Article, such applicant's successor and assigns, and/or
20 any entity which controls or is under common control with such applicant.

21 ~~(134)~~ "Stock cooperative." As defined in California Business and Professions Code
22 Section 11003.2.

23 ~~(135)~~ "Student housing." A building where 100 percent of the residential uses are
24 affiliated with and operated by an accredited post-secondary educational institution. Typically,
25 student housing is for rent, not for sale. This housing shall provide lodging or both meals and

1 lodging, by prearrangement for one week or more at a time. This definition only applies in the
2 Eastern Neighborhoods Mixed Use Districts.

3 ~~(136)~~ "TIDF Study." The study commissioned by the San Francisco Planning
4 Department and performed by Nelson/Nygaard Associates entitled "Transit Impact
5 Development Fee Analysis – Final Report," dated May 2001, including all the Technical
6 Memoranda supporting the Final Report and the Nelson/Nygaard update materials contained
7 in Board of Supervisors File No. 040141.

8 ~~(137)~~ "Total developable site area." That part of the site that can be feasibly
9 developed as residential development, excluding land already substantially developed, parks,
10 required open spaces, streets, alleys, walkways or other public infrastructure.

11 ~~(138)~~ "Transit Impact Development Fee; TIDF." The development fee that is the
12 subject of Section 411.1 et seq. of this Article.

13 ~~(139)~~ "Treasurer." The Treasurer for the City and County of San Francisco.

14 ~~(140)~~ "Trip generation rate." The total number of automobile and Municipal Railway
15 trips generated for each 1,000 square feet of development in a particular economic activity
16 category as established in the TIDF Study, or pursuant to the five-year review process
17 established in Section 411.5 of this Article.

18 ~~(141)~~ "Use." The purpose for which land or a structure, or both, are legally designed,
19 constructed, arranged, or intended, or for which they are legally occupied or maintained, let or
20 leased.

21 ~~(142)~~ "Visitacion Valley." The area bounded by Carter Street and McLaren Park to the
22 west, Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard
23 to the northeast, Bayview Park to the north, Candlestick Park and Candlestick Point
24 Recreation Area to the east, the San Francisco Bay to the southeast, and the San Francisco
25 County line to the south.

1 ~~(143)~~ "Visitor services." An economic activity category under the TIDF that includes,
2 but is not limited to, hotel use; motel use, as defined in Section 216(c) and (d); and time-share
3 projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

4 ~~(144)~~ "Waiver Agreement." An agreement acceptable in form and substance to the
5 City Attorney and the Planning Department under which the City agrees to waive all or a
6 portion of the Community Improvements Impact Fee.

7 SEC. 416. MARKET AND OCTAVIA AREA PLAN AND UPPER MARKET
8 NEIGHBORHOOD COMMERCIAL DISTRICT AFFORDABLE HOUSING FEE.

9 Sections 416.1 through 416.5, hereafter referred to as Section 416.1 et seq., set forth
10 the requirements and procedures for the Market and Octavia Area Plan and Upper Market
11 Neighborhood Commercial District Affordable Housing Fee. The effective date of these
12 requirements shall be either May 30, 2008, which is the date that the requirements originally
13 became effective, or the date a subsequent modification, if any, became effective.

14 SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING REQUIREMENT. The
15 requirements of Sections 415.1 through 415.9 shall apply in the Market and Octavia Plan Area
16 and the Upper Market NCD in addition to the following additional affordable housing
17 requirement:

18 (a) Amount of Fee: All development projects that have not received Department or
19 Commission approval as of the effective date of May 30, 2008 and that are subject to the
20 Residential Inclusionary Affordable Housing Program shall pay an additional affordable
21 housing fee per square foot of Residential Space Subject to the Community Improvements
22 Impact Fee as follows; \$8.00 in the Van Ness Market Special Use District; \$4.00 in the NCT
23 District; and \$0.00 in the RTO District.

24 (b) Other Fee Provisions. This additional affordable housing fee shall be subject to
25 the inflation adjustment provisions of Section 409 and the waiver and reduction provisions of

1 Section 421.4. This additional affordable housing fee may not be met through the in-kind
2 provision of community improvements or Community Facilities (Mello Roos) financing options
3 of Sections 426.3(e) and (f).

4 (c) Exemption for Affordable Housing. A project applicant shall not pay a
5 supplemental affordable housing fee for any square foot of space designated as a below
6 market rate unit under Section 415.1 et seq., the Citywide Inclusionary Affordable Housing
7 Program, or any other residential unit that is designated as an affordable housing unit under a
8 Federal, State, or local restriction in a manner that maintains affordability for a term no less
9 than 50 years.

10 (d) Timing of Payment. The Market and Octavia Plan Area and Upper Market NCD
11 Affordable Housing Fee shall be paid before the City issues a first construction document,
12 with an option for the project sponsor to defer payment to prior to issuance of the first
13 certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section
14 107A.13.3 of the San Francisco Building Code.

15 SEC. 416.5. USE OF FUNDS. The additional affordable housing requirement specified
16 in this Section for the Market and Octavia Plan Area and the Upper Market NCD shall be paid
17 into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for.
18 MOH shall expend the funds according to the following priorities: First, to increase the supply
19 of housing affordable to qualifying households in the Market and Octavia Plan Area and the
20 Upper Market NCD; second, to increase the supply of housing affordable to qualifying
21 households within 1 mile of the boundaries of the Plan Area and the Upper Market NCD; third,
22 to increase the supply of housing affordable to qualifying households in the City and County of
23 San Francisco. The funds may also be used for monitoring and administrative expenses
24 subject to the process described in Section 415.7(c).

25 SEC. 421.1. FINDINGS.

1 A. Market and Octavia Plan Objectives. The Market and Octavia Area Plan
2 embodies the community's vision of a better neighborhood, which achieves multiple objectives
3 including creating a healthy, vibrant transit-oriented neighborhood. The Planning Department
4 coordinated development of the Area Plan objectives around the tenants of the Better
5 Neighborhood Planning process and within the larger framework of the General Plan.

6 The Market and Octavia Plan Area encompasses a variety of districts, most of which
7 are primarily residential or neighborhood commercial. The Area Plan calls for a maintenance
8 of the well-established neighborhood character in these districts with a shift to a more transit-
9 oriented type of districts. A transit-oriented district, be it neighborhood commercial or
10 residential in character, generates a unique type of infrastructure needs.

11 The overall objective of the Market and Octavia planning effort is to encourage
12 balanced growth in a centrally located section of the City that is ideal for transit oriented
13 development. The Area Plan calls for an increase in housing and retail capacity simultaneous
14 to infrastructure improvements in an effort to maintain and strengthen neighborhood
15 character.

16 B. Need for New Housing and Retail. New residential construction in San Francisco
17 is necessary to accommodate a growing population. The population of California has grown
18 by more than 11 percent since 1990 and is expected to continue increasing. The San
19 Francisco Bay Area is growing at a rate similar to the rest of the state.

20 The City should encourage new housing production in a manner that enhances existing
21 neighborhoods and creates new high-density residential and mixed-use neighborhoods. One
22 solution to the housing crisis is to encourage the construction of higher density housing in
23 areas of the City best able to accommodate such housing. Areas like the Plan Area can better
24 accommodate growth because of easy access to public transit, proximity to downtown,
25 convenience of neighborhood shops to meet daily needs, and the availability of development

1 opportunity sites. San Francisco's land constraints, as described in Section 418.1(A), limit
2 new housing construction to areas of the City not previously designated as residential areas,
3 infill sites, or areas that can absorb increased density.

4 The Market and Octavia Plan Area presents opportunity for infill development on
5 various sites, including parcels along Octavia Boulevard known as "the Central Freeway
6 parcels," some parcels along Market Street, and the SoMa West portions of the Plan Area.
7 These sites are compelling opportunities because new housing can be built within easy
8 walking distance of the downtown and Civic Center employment centers and City and regional
9 transit centers, while maintaining the comfortable residential character and reinforcing the
10 unique and exciting neighborhood qualities.

11 To respond to the identified need for housing, repair the fabric of the neighborhood,
12 and support transit-oriented development, the Market and Octavia Plan Area is zoned for the
13 appropriate residential and commercial uses. The Planning Department is adding a Van Ness
14 Market Downtown Residential Special Use District (VNMDR-SUD) in the Plan Area and
15 establishing a Residential Transit-oriented (RTO) district and several Neighborhood
16 Commercial Transit (NCT) districts. New zoning controls encourage housing and commercial
17 development appropriate to each district.

18 The plan builds on existing neighborhood character and establishes new standards for
19 amenities necessary for a transit-oriented neighborhood. A transit-oriented neighborhood
20 requires a full range of neighborhood serving businesses. New retail and office space will
21 provide both neighborhood- and City-serving businesses.

22 San Francisco is experiencing a severe shortage of housing available to people at all
23 income levels, especially to those with the lowest incomes while seeing a sharp increase in
24 housing prices. The Association of Bay Area Governments' (ABAG) Regional Housing Needs
25 Determination (RHND) forecasts that San Francisco must produce 2,716 new units of housing

1 annually to meet projected needs. At least 5,639 of these new units should be available to
2 moderate income households. New affordable units are funded through a variety of sources,
3 including inclusionary housing and in lieu fees leveraged by new market rate residential
4 development pursuant to Sections 413 and 415. The Planning Department projects that
5 approximately 1,400 new units of affordable housing will be developed as a result of the plan.
6 New Development Requires new Community Infrastructure.

7 The purpose for new development in the Plan Area is established above (Section
8 421.1(A)). New construction should not diminish the City's open space, jeopardize the City's
9 Transit First Policy, or place undue burden on the City's service systems. The new residential
10 and non-residential construction should preserve the existing neighborhood services and
11 character, as well as increase the level of service for all modes necessary to support transit-
12 oriented development. New development in the area will create additional impact on the local
13 infrastructure, thus generating a substantial need for community improvements as the
14 district's population and workforce grows.

15 The amendments to the General Plan, Planning Code, and Zoning Maps that
16 correspond to Section 421.1 et seq. will permit an increased amount of new residential and
17 commercial development. The Planning Department anticipates an increase of 5,960 units
18 within the next 20 years, and an increase of 9,875 residents, as published in the
19 environmental impact report. This new development will have an extraordinary impact on the
20 Plan Area's infrastructure *including new development in the adjacent Upper Market NCD*. As
21 described more fully in the Market and Octavia Plan Final Environmental Impact Report, on
22 file with the Clerk of the Board in File No. 071157, and the Market and Octavia Community
23 Improvements Program Document, San Francisco Planning Department, on file with the Clerk
24 of the Board in File No. 071157, new development will generate substantial new pedestrian,
25 vehicle, bicycle, and transit trips which will impact the area. The transition to a new type of

1 district is tantamount to the development of new subdivisions, or the transition of a district
2 type, in terms of the need for new infrastructure.

3 The Market and Octavia Area Plan proposes to mitigate these impacts by providing
4 extensive pedestrian, transit, traffic-calming and other streetscape improvements that will
5 encourage residents to make as many daily trips as possible on foot, by bicycle or on transit;
6 by creating new open space, greening, and recreational facilities that will provide necessary
7 public spaces; and by establishing a range of other services and programming that will meet
8 the needs of community members. A comprehensive program of new public infrastructure is
9 necessary to lessen the impacts of the proposed new development and to provide the basic
10 community improvements to the area's new community members. The Market and Octavia
11 Community Improvements Program Document provides a more detailed description of
12 proposed Community Improvements.

13 In order to enable San Francisco to provide necessary public services to new
14 residents; to maintain and improve the Market and Octavia Plan Area character *and Upper*
15 *Market NCD*; and to increase neighborhood livability and investment in the district, it is
16 necessary to upgrade existing streets and streetscaping; acquire and develop neighborhood
17 parks, recreation facilities and other community facilities to serve the new residents and
18 workers.

19 While the open space requirements imposed on individual developments address
20 minimum needs for private open space and access to light and air, such open space does not
21 provide the necessary public social and recreational opportunities as attractive public facilities
22 such as sidewalks, parks and other community facilities that are essential urban infrastructure,
23 nor does it contribute to the overall transformation of the district into a safe and enjoyable
24 transit-oriented neighborhood.

25

1 C. Program Scope. The purpose of the proposed Market and Octavia Community
2 Infrastructure Impact Fees is to provide specific public improvements, including community
3 open spaces, pedestrian and streetscape improvements and other facilities and services.
4 These improvements are described in the Market and Octavia Area Plan and Neighborhood
5 Plan and the accompanying ordinances, and are necessary to meet established City
6 standards for the provision of such facilities. The Market and Octavia Community
7 Improvements Fund and Community Infrastructure Impact Fee will create the necessary
8 financial mechanism to fund these improvements in proportion to the need generated by new
9 development.

10 National and international transportation studies (such as the Dutch Pedestrian Safety
11 Research Review. T. Hummel, SWOV Institute for Road Safety Research (Holland), and
12 University of North Carolina Highway Safety Research Center for the U.S. Department of
13 Transportation, 1999 on file with the Clerk of the Board have demonstrated that pedestrian,
14 traffic-calming and streetscape improvements of the type proposed for the Market and Octavia
15 Plan Area result in safer, more attractive pedestrian conditions. These types of improvements
16 are essential to making pedestrian activity a viable choice, thereby helping to mitigate traffic
17 impacts associated with excess automobile trips that could otherwise be generated by new
18 development.

19 The proposed Market and Octavia Community Infrastructure Impact Fee is necessary
20 to maintain progress towards relevant state and national service standards, as well as local
21 standards in the Goals and Objectives of the General Plan for open space and streetscape
22 improvements as discussed in Section 418.1(F). Additionally the fee contributes to library
23 resources and childcare facilities standards discussed below:

24 Library Resources: New residents in Plan Area will generate a substantial new need for
25 library services. The San Francisco Public Library does not anticipate adequate demand for a

1 new branch library in the Market and Octavia Plan Area at this time. However, the increase in
2 population in Plan Area will create additional demand at other libraries, primarily the Main
3 Library and the Eureka Valley Branch Library. The Market and Octavia Community
4 Infrastructure Impact Fee includes funding for library services equal to \$69.00 per new
5 resident, which is consistent with the service standards used by the San Francisco Public
6 Library for allocating resources to neighborhood branch libraries. Child Care Facilities: New
7 households in the Plan Area will generate a need for additional childcare facilities. Childcare
8 services are integral to the financial and social success of families. Nationwide, research and
9 policies are strengthening the link between childcare and residential growth, many Bay Area
10 counties are leading in efforts to finance new childcare through new development. San Mateo
11 has conducted detailed research linking housing to childcare needs. Santa Clara County has
12 developed exemplary projects that provide childcare facilities in proximity to transit stations,
13 and Santa Cruz has levied a fee on residential development to fund childcare. Similarly many
14 research efforts have illustrated that adequate childcare services are crucial in supporting a
15 healthy local economy, see research conducted by Louise Stoney, Mildred Warner, PPIC,
16 County of San Mateo, CA on file with the Clerk of the Board. MOCD's Project Connect Report
17 identified childcare as an important community service in neighboring communities. Project
18 connect did not survey the entire Market and Octavia Plan Area, it focused on low income
19 communities, including Market and Octavia's neighbors in the Mission, Western Addition, and
20 the Tenderloin. The Department of Children Youth and Their Families projects new residents
21 of Market and Octavia will generate demand for an additional 435 childcare spaces, of those
22 287 will be serviced through new child care development centers.

23 D. Programmed Improvements and Costs. Community improvements to mitigate
24 the impact of new development in the Market and Octavia Plan Area were identified through a
25 community planning process, based on proposals in the Market and Octavia Area Plan on file

1 with the Clerk of the Board in File No.071158, and on a standards based analysis, and on
2 community input during the Plan adoption process. The Planning Department developed cost
3 estimates to the extent possible for all proposed improvements. These are summarized by
4 use type in Table 1. Cost projections in Table 1 are realistic estimates made by the Planning
5 Department of the actual costs for improvements needed to support new development. More
6 information on these cost estimates is located in the Market and Octavia Community
7 Improvements Program Document. Cost estimates for some items on Table 1 are to be
8 determined through ongoing analyses conducted in coordination with implementation of the
9 Market and Octavia Plan Community Improvements Program. In many cases these projects
10 require further design work, engineering, and environmental review, which may alter the
11 nature of the improvements; the cost estimates are still reasonable approximates for the
12 eventual cost of providing necessary community improvements to respond to identified
13 community needs. The Board of Supervisors is not committing to the implementation of any
14 particular project at this time. Projects may be substituted for like projects should new
15 information from the Citizens Advisory Committee, the Interagency Plan Implementation
16 Committee, other stakeholders, or the environmental review process illustrate that substitute
17 projects should be prioritized. Cost projections will be updated at a minimum approximately
18 every five years after adoption.

19 Table 1.

20 Cost of proposed community improvements in the Market and Octavia Plan Area.

21

22 Market and Octavia	
23 Community Improvements	
24 Greening	\$58,310,000

25

1	Parks	\$6,850,000
2	Park Improvements	\$ TBD
3	Vehicle	\$49,260,000
4	Pedestrian	\$23,760,000
5	Transportation	\$81,180,000
6	Transit User	\$ TBD
7	Infrastructure	
8	Bicycle	\$1,580,000
9	Childcare	\$17,170,000
10	Library Materials	\$690,000
11	Recreational	\$15,060,000
12	Facilities	
13	Future Studies	\$460,000
14	Program Administration	\$4,730,000
15	Total	\$258,900,000

18 Provision of affordable housing needs are addressed in Sections 413 and 415 of this
19 Code. Additionally subsidized affordable housing may be granted a waiver from the Market
20 and Octavia Community Improvement Fee as provided for in Section 406 of this Article. This
21 waiver may be leveraged as a local funding 'match' to Federal and State affordable housing
22 subsidies enabling affordable housing developers to capture greater subsidies for projects in
23 the Plan Area.

24 E. Sharing the Burden. As detailed above, new development in the Plan Area will
25 clearly generate new infrastructure demands.

1 To fund such community infrastructure and amenities, new development in the district
2 shall be assessed development impact fees proportionate to the increased demand for such
3 infrastructure and amenities. The City will use the proceeds of the fee to build new
4 infrastructure and enhance existing infrastructure, as described in preceding sections. A
5 Community Infrastructure Impact Fee shall be established for the Van Ness and Market
6 Downtown Residential Special Use District (VNMDR-SUD), and the Neighborhood
7 Commercial Transit (NCT) and the Upper Market Neighborhood Commercial District and
8 Residential Transit Oriented (RTO) Districts as set forth herein.

9 Many counties, cities and towns have one standardized impact fee schedule that
10 covers the entire municipality. Although this type of impact fee structure works well for some
11 types of infrastructure, such as affordable housing and basic transportation needs, it cannot
12 account for the specific improvements needed in a neighborhood to accommodate specific
13 growth. A localized impact fee gives currency to the community planning process and
14 encourages a strong nexus between development and infrastructure improvements.

15 Development impact fees are an effective approach to achieve neighborhood
16 mitigations and associate the costs with new residents, workers, and a new kind of
17 development. The proposed Market and Octavia Community Infrastructure Impact Fee would
18 be dedicated to infrastructure improvements in the Plan Area and the Upper Market NCD,
19 directing benefits of the fund clearly to those who pay into the fund, by providing necessary
20 infrastructure improvements, needed to serve new development. The net increases in
21 individual property values in these areas due to the enhanced neighborhood amenities
22 financed with the proceeds of the fee are expected to exceed the payments of fees by project
23 sponsors.

24 The fee rate has been calculated by the Planning Department based on accepted
25 professional methods for the calculation of such fees. The Market and Octavia Community

1 Improvements Program Document contains a full discussion of impact fee calculation. Cost
2 estimates are based on an assessment of the potential cost to the City of providing the
3 specific improvements described in the Market and Octavia Plan Area. The Department
4 assigned a weighted value to new construction based on projected population increases in
5 relation to the total population.

6 The proposed fee would cover less than 80% of the estimated costs of the community
7 improvements calculated as necessary to mitigate the impacts of new development. By
8 charging developers less than the maximum amount of the justified impact fee, the City avoids
9 any need to refund money to developers if the fees collected exceed costs. The proposed
10 fees only cover impacts caused by new development and are not intended to remedy existing
11 deficiencies; those costs will be paid for by public, community, and other private sources.

12 The Market and Octavia community improvements program relies on public, private,
13 and community capital. Since 2000, when the Market and Octavia planning process was
14 initiated, the area has seen upwards of \$100 million in public investment, including the
15 development of Octavia Boulevard, the new Central freeway ramp, Patricia's Green in Hayes
16 Valley and related projects. Additionally private entities have invested in the area by improving
17 private property and creating new commercial establishments. Community members have
18 invested by creating a Community Benefits District in the adjacent Castro neighborhood,
19 organizing design competitions, and lobbying for community programming such as a rotating
20 arts program on Patricia's Green in Hayes Valley. Project sponsor contributions to the Market
21 and Octavia Community Improvements Fund will help leverage additional public and
22 community investment.

23 As a result of this new development, projected to occur over a 20-year period, property
24 tax revenue is projected to increase by as much as \$28 million annually when projected
25 housing production is complete. Sixteen million dollars of this new revenue will be diverted

1 directly to San Francisco (see the Market and Octavia Community Improvements Program
2 Document for a complete discussion of increased property tax revenue). These revenues will
3 fund improvements and expansions to general City services, including police, fire, emergency,
4 and other services needed to partially meet increased demand associated with new
5 development. New development's local impact on community infrastructure will be greater in
6 the Market and Octavia Plan Area, relative to those typically funded by City government
7 through property tax revenues. Increased property taxes will contribute to continued
8 maintenance and service delivery of new infrastructure and amenities. The City should pursue
9 State enabling legislation that directs growth related increases in property tax directly to the
10 neighborhood where growth is happening, similar to the redevelopment agencies' Tax
11 Increment Financing tool. If such a revenue dedication tool does become available, the
12 Planning Department should pursue an ordinance to adopt and apply a tax increment district
13 to the Market and Octavia Plan Area even if the Plan is already adopted by the Board of
14 Supervisors and in effect. The relative cost of capital improvements, along with the reduced
15 role of State and Federal funding sources, increases the necessity for development impact
16 fees to cover these costs. Residential and commercial impact fees are one of the many
17 revenue sources necessary to mitigate the impacts of new development in the Market and
18 Octavia Plan Area.

19 SEC. 421.3 APPLICATION OF COMMUNITY INFRASTRUCTURE IMPACT FEE.

20 (a) Application. Section 421.1 et seq. shall apply to any development project located
21 in the Market and Octavia *Infrastructure* Program Area, ~~which includes properties identified as~~
22 ~~part of the Market and Octavia Plan Area in Map 1 (Land Use Plan) of the Market and Octavia Area~~
23 ~~Plan of the San Francisco General Plan.~~

24

25

1 (b) Amount of Market and Octavia Community Infrastructure Impact Fees; Timing of
2 Payment. The sponsor shall pay Market and Octavia Community Infrastructure Impact Fees of
3 the following amounts:

4 (1) Unless a Waiver Agreement has been executed, prior to the issuance by DBI of
5 the first construction document for a residential development project, or residential component
6 of a mixed use project within the Program Area, a \$10.00 Community Infrastructure Impact
7 Fee in the Market and Octavia Plan Area, as described in (a) above, for the Market and
8 Octavia Community Improvements Fund, for each net addition of occupiable square feet
9 which results in an additional residential unit or contributes to a 20 percent increase of
10 residential space from the time that Section 421.1 et seq. is adopted.

11 (2) Unless a Waiver Agreement has been executed, prior to the issuance by DBI of
12 the first construction document for a non-residential development project, or non-residential
13 component of a mixed use project within the Program Area, a \$4.00 Community Improvement
14 Impact Fee in the Market and Octavia Plan Area, as described in (a) above, for the Market
15 and Octavia Community Improvements Fund for each net addition of occupiable square feet
16 which results in an additional non-residential capacity that is beyond 20 percent of the non-
17 residential capacity at the time that Section 421.1 et seq. is adopted.

18 (c) Fee Adjustments.

19 (1) Inflation Adjustments. The Controller may make annual adjustments of the
20 development fees for inflation in accordance with Section 409 of this Article. The Market and
21 Octavia Community Infrastructure Impact Fee adjustments should be based on the following
22 factors: (a) the percentage increase or decrease in the cost to acquire real property for public
23 park and open space use in the area and (b) the percentage increase or decrease in the
24 construction cost of providing these and other improvements listed in Section 421.1(E).
25 Fluctuations in the construction market can be gauged by indexes such as the Engineering

1 News Record or a like index. Revision of the fee should be done in coordination with revision
2 to other like fees, such as those detailed in Sections 247, 414, 414, 415, 418, and 419 of this
3 Code. The Planning Department shall provide notice of any fee adjustment including the
4 formula used to calculate the adjustment, on its website and to any interested party who has
5 requested such notice at least 30 days prior to the adjustment taking effect.

6 (2) Program Adjustments. Upon Planning Commission and Board approval
7 adjustments may be made to the fee to reflect changes to (a) the list of planned community
8 improvements listed in Section 421.1(D); (b) re-evaluation of the nexus based on new
9 conditions; or (c) further planning work which recommends a change in the scope of the
10 community improvements program. Changes may not be made to mitigate temporary market
11 conditions. Notwithstanding the foregoing, it is the intent of the Board of Supervisors that it is
12 not committing to the implementation of any particular project at this time and changes to,
13 additions, and substitutions of individual projects listed in the related program document can
14 be made without adjustment to the fee rate or Section 421.1 et seq. as those individual
15 projects are placeholders that require further public deliberation and environmental review.

16 (3) Unless and until an adjustment has been made, the schedule set forth in this
17 Section 421.1 et seq. shall be deemed to be the current and appropriate schedule of
18 development impact fees.

19 (d) Option for In-Kind Provision of Community Infrastructure and Fee Credits. The
20 Planning Commission may reduce the Market and Octavia Community Infrastructure Impact
21 Fee owed for specific development projects in cases where a project sponsor has entered into
22 an In-Kind Agreement with the City to provide In-Kind improvements in the form of
23 streetscaping, sidewalk widening, neighborhood open space, community center, and other
24 improvements that result in new public infrastructure and facilities described in Section
25 421.1(E)(a) or similar substitutes. For the purposes of calculating the total value of In-Kind

1 community improvements, the project sponsor shall provide the Department with a cost
2 estimate for the proposed In-Kind community improvements from two independent contractors
3 or, if relevant, real estate appraisers. If the City has completed a detailed site specific cost
4 estimate for a planned community improvement this may serve as one of the cost estimates,
5 required by this clause; if such an estimate is used it must be indexed to current cost of
6 construction. Based on these estimates, the Director shall determine their appropriate value
7 and the Commission may reduce the Community Infrastructure Impact Fee assessed to that
8 project proportionally. Approved In-Kind improvements should generally respond to priorities
9 of the community, or fall within the guidelines of approved procedures for prioritizing projects
10 in the Market and Octavia Community Improvements Program. Open space or streetscape
11 improvements, including off-site improvements per the provisions of this Special Use District,
12 proposed to satisfy the usable open space requirements of Section 135 and 138 of this Code
13 are not eligible for credit toward the contribution as In-Kind improvements. No credit toward
14 the contribution may be made for land value unless ownership of the land is transferred to the
15 City or a permanent public easement is granted, the acceptance of which is at the sole
16 discretion of the City. A permanent easement shall be valued at no more than 50% of
17 appraised fee simple land value, and may be valued at a lower percentage as determined by
18 the Director of Planning in his or her sole discretion. Any proposal for contribution of property
19 for public open space use shall follow the procedures of Subsection (6)(D) below. The
20 Commission may reject In-Kind improvements if they do not fit with the priorities identified in
21 the plan, by the Interagency Plan Implementation Committee (see Section 36 of the
22 Administrative Code), the Market and Octavia Citizens Advisory Committee (Section 341.5) or
23 other prioritization processes related to Market and Octavia Community Improvements
24 Programming.

25

1 (e) Option for Financing of Community Improvements or Payment of the Market and
2 Octavia Community Infrastructure Impact Fee via a Mello Roos Community Facilities District
3 ("CFD").

4 Applicants who finance In-Kind Community Improvements or payment of the Market
5 and Octavia Community Infrastructure Impact Fee through the formation of a CFD shall be
6 responsible for any additional time and materials costs associated with annexation or
7 formation of the CFD, including, Planning Department staff, City Attorney time, and other
8 costs associated with annexation or formation of the CFD. These costs shall be paid in
9 addition to the In-Kind Community Improvements obligation and billed no later than
10 expenditure of CFD bond funds promptly following satisfaction of the In-Kind Agreement or
11 payment of the Market and Octavia Community Infrastructure Impact Fee.

12 ~~(f)~~ Applicants that are subject to the downtown parks fee, Section 139, can reduce
13 their contribution to the Market and Octavia Community Improvements Fund by one dollar for
14 every dollar that they contribute to the downtown parks fund, the total fee waiver or reduction
15 granted through this clause shall not exceed 8.2 percent of calculated contribution for
16 residential development or 13.8 percent for commercial development.

17 SEC. 421.5. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

18 (a) There is hereby established a separate fund set aside for a special purpose
19 entitled the Market and Octavia Community Improvements Fund ("Fund"). All monies
20 collected by DBI pursuant to Section 421.3(b) shall be deposited in a special fund maintained
21 by the Controller. The receipts in the Fund to be used solely to fund community improvements
22 subject to the conditions of this Section.

23 (b) The Fund shall be administered by the Board of Supervisors.

24 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and
25 develop and improve neighborhood open spaces, pedestrian and streetscape improvements,

1 community facilities, childcare facilities, and other improvements that result in new publicly-
2 accessible facilities and related resources within the Market and Octavia Plan Area or within
3 250 feet of the Plan Area and within the Upper Market Street Neighborhood Commercial District
4 which is outside the plan area. Funds may be used for childcare facilities that are not publicly
5 owned or "publicly-accessible". Funds generated for 'library resources' should be used for
6 materials at the Main Library, the Eureka Valley Library, or other library facilities that directly
7 service Market and Octavia Residents. Funds may be used for additional studies and fund
8 administration as detailed in the Market and Octavia Community Improvements Program
9 Document. These improvements shall be consistent with the Market and Octavia Civic Streets
10 and Open Space System as described in Map 4 of the Market and Octavia Area Plan of the
11 General Plan, and any Market and Octavia Improvements Plan. Monies from the Fund may be
12 used by the Planning Commission to commission economic analyses for the purpose of
13 revising the fee pursuant to Section 421.3(c) above, to complete an updated nexus study to
14 demonstrate the relationship between development and the need for public facilities if this is
15 deemed necessary.

16 (2) No portion of the Fund may be used, by way of loan or otherwise, to pay any
17 administrative, general overhead, or similar expense of any public entity, except for the
18 purposes of administering this fund. Administration of this fund includes time and materials
19 associated with reporting requirements, facilitating the Market and Octavia Citizens Advisory
20 Committee meetings, and maintenance of the fund. Total expenses associated with
21 administration of the fund shall not exceed the proportion calculated in Table 2 3 (above). All
22 interest earned on this account shall be credited to the Market and Octavia Community
23 Improvements Fund.

24 (c) With full participation by the Planning Department and related implementing
25 agencies the Controller's Office shall file an annual report with the Board of Supervisors

1 beginning 180 days after the last day of the fiscal year of the effective date of Section 421.1 et
2 seq., which shall include the following elements: (1) a description of the type of fee in each
3 account or fund; (2) Amount of the fee; (3) Beginning and ending balance of the accounts or
4 funds including any bond funds held by an outside trustee; (4) Amount of fees collected and
5 interest earned; (5) Identification of each public improvement on which fees or bond funds
6 were expended and amount of each expenditure; (6) An identification of the approximate date
7 by which the construction of public improvements will commence; (7) A description of any
8 inter-fund transfer or loan and the public improvement on which the transferred funds will be
9 expended; and (8) Amount of refunds made and any allocations of unexpended fees that are
10 not refunded.

11 (d) A public hearing shall be held by the Recreation and Parks Commissions to elicit
12 public comment on proposals for the acquisition of property using monies in the Fund in the
13 Fund or through agreements for financing In-Kind ~~or~~ Community Improvements via a Mello-
14 Roos Community Facilities District that will ultimately be maintained by the Department of
15 Recreation and Parks. Notice of public hearings shall be published in an official newspaper at
16 least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and
17 purpose of the hearing. The Parks Commissions may vote to recommend to the Board of
18 Supervisors that it appropriate money from the Fund for acquisition of property for park use
19 and for development of property acquired for park use.

20 (e) The Planning Commission shall work with other City agencies and commissions,
21 specifically the Department of Recreation and Parks, DPW , and the Metropolitan
22 Transportation Agency, to develop agreements related to the administration of the
23 improvements to existing and development of new public facilities within public rights-of-way
24 or on any acquired property designed for park use, using such monies as have been allocated
25 for that purpose at a hearing of the Board of Supervisors.

1 (f) The Director of Planning shall have the authority to prescribe rules and
2 regulations governing the Fund, which are consistent with this Section 421.1 et seq. The
3 Director shall make recommendations to the Board regarding allocation of funds.

4 SEC. 721.1 UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT

5 The Upper Market Street Neighborhood Commercial District, on Market Street from
6 Church to Castro, and on side streets off Market, is situated at the border of the Eureka
7 Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-
8 purpose commercial district that provides limited convenience goods to adjacent
9 neighborhoods, but also serves as a shopping street for a broader trade area. A large number
10 of offices are located on Market Street within easy transit access to downtown. The width of
11 Market Street and its use as a major arterial diminish the perception of the Upper Market
12 Street District as a single commercial district. The street appears as a collection of dispersed
13 centers of commercial activity, concentrated at the intersections of Market Street with
14 secondary streets.

15 *This district is well served by transit and is anchored by the Castro Street Station of the Market*
16 *Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar lines traverse the*
17 *district, and the Castro Station serves as a transfer point between light rail and crosstown and*
18 *neighborhood bus lines. Additionally, Market Street is a primary bicycle corridor. Residential parking*
19 *is not required and generally limited. Commercial establishments are discouraged or prohibited from*
20 *building accessory off-street parking in order to preserve the pedestrian-oriented character of the*
21 *district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage*
22 *entries) to off-street parking and loading on Market Street to preserve and enhance the pedestrian-*
23 *oriented character and transit function.*

24 The Upper Market Street district controls are designed to promote moderate-scale
25 development which contributes to the definition of Market Street's design and character. They

1 are also intended to preserve the existing mix of commercial uses and maintain the livability of
2 the district and its surrounding residential areas. Large-lot and use development is reviewed
3 for consistency with existing development patterns. Rear yards are protected at residential
4 levels. To promote mixed-use buildings, most commercial uses are permitted with some
5 limitations above the second story. In order to maintain continuous retail frontage and
6 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
7 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
8 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

9 Housing development in new buildings is encouraged above the second story. Existing
10 upper-story residential units are protected by limitations on demolitions and upper-story
11 conversions.

12 SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
13 ZONING CONTROL TABLE

			Upper Market Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
721.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, <u>261.1</u> , <u>263.20</u> , 270, 271	40 X, 50 X, 65 B, 80 B <i>Varies</i> See Zoning Map
721.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
721.12	Rear Yard	§§ 130, 134, 136	<i>Required at residential levels only</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

			<i>§ 134(a)(e)</i> <i>Required from grade level and above § 134(a)(e)</i>
721.13	Street Frontage		Required § 145.1
<i>721.13a</i>	<i>Street Frontage, Above-Grade Parking Setback and Active Uses</i>		<i>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1(c), (e)</i>
<i>721.13b</i>	<i>Street Frontage, Required Ground Floor Commercial</i>		<i>Market Street § 145.4</i>
<i>721.13c</i>	<i>Street Frontage, Parking and Loading access restrictions</i>		<i>§ 155(r)</i> <i>NP: Market Street</i>
721.14	Awning	§ 790.20	P § 136.1(a)
721.15	Canopy	§ 790.26	P § 136.1(b)
721.16	Marquee	§ 790.58	P § 136.1(c)
721.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
721.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

			§ 124(a) (b)
721.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
721.22	Off-Street Parking, Commercial/Institution al	§§ 150, 153—157, 159— 160, 204.5	<i>Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g) None required. For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions of Section 151.1(f); NP above. For retail grocery stores larger than 20,000 square feet, P up to 1:500, C up to 1:250 for space in excess of 20,000 s.f. subject to conditions of 151.1(f); NP above. For all other uses, P up to the quantity specified in Table 151, and</i>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

			<i>subject to the conditions of Section 151.1(f); NP above. §§ 151.1, 166, 145.1</i>
721.23	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)
721.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
721.25	Drive-Up Facility	§ 790.30	
721.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
721.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
721.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
721.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)2
721.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
721.38	Residential Conversion	§ 790.84	P	C	
721.39	Residential Demolition	§ 790.86	P	C	C
<u>721.39a</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
721.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
721.41	Bar	§ 790.22	C		
721.42	Full-Service Restaurant	§ 790.92	C		
721.43	Large Fast Food Restaurant	§ 790.90			
721.44	Small Self-Service	§ 790.91	C		

1		Restaurant				
2	721.45	Liquor Store	§ 790.55	C		
3	721.46	Movie Theater	§ 790.64	P		
4	721.47	Adult	§ 790.36			
5		Entertainment				
6	721.48	Other	§ 790.38	C#		
7		Entertainment				
8	721.49	Financial	§ 790.110	C	C	
9		Service				
10	721.50	Limited	§ 790.112	P		
11		Financial				
12		Service				
13	721.51	Medical	§ 790.114	P	P	C
14		Service				
15	721.52	Personal	§ 790.116	P	P	C
16		Service				
17	721.53	Business or	§ 790.108	P	P	C
18		Professional				
19		Service				
20	721.54	Massage	§ 790.60,	C	C	
21		Establishment	§ 1900			
22			Health Code			
23	721.55	Tourist Hotel	§ 790.46	C	C	C
24	721.56	Automobile	§§ 790.8, 156, 160	C	C	C
25						

1		Parking				
2	721.57	Automotive	§ 790.14			
3		Gas Station				
4	721.58	Automotive	§ 790.17			
5		Service				
6		Station				
7	721.59	Automotive	§ 790.15	C		
8		Repair				
9	721.60	Automotive	§ 790.18			
10		Wash				
11	721.61	Automobile	§ 790.12			
12		Sale or Rental				
13	721.62	Animal	§ 790.6	C		
14		Hospital				
15	721.63	Ambulance	§ 790.2			
16		Service				
17	721.64	Mortuary	§ 790.62			
18	721.65	Trade Shop	§ 790.124	P	C	
19	721.66	Storage	§ 790.117			
20	721.67	Video Store	§ 790.135	C	C	
21	721.68	Fringe	§ 790.111			
22		Financial				
23		Service				
24	721.69	Tobacco	§ 790.123	C		
25						

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

	Paraphernalia Establishment s				
721.69A	Self-Service Specialty Food	§ 790.93	C		
721.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
721.70	Administrativ e Service	§ 790.106			
721.80	Hospital or Medical Center	§ 790.44			
721.81	Other Institutions, Large	§ 790.50	P	C	C
721.82	Other Institutions, Small	§ 790.51	P	P	P
721.83	Public Use	§ 790.80	C	C	C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

721.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
721.90	Residential Use	§ 790.88	<i>P, except C for frontages listed in 145.4</i>	P	P
721.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
721.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
721.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft. if private, or 80 sq. ft. if common 135(d)		
721.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	<i>None required. P up to 0.5; C up to .75.</i> <i>Not permitted above .75 cars for each dwelling unit. § 151.1</i> <i>Generally, 1 space for each dwelling unit</i>		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

			§§ 151, 161(a)(g)		
721.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR UPPER MARKET STREET
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 721.31 § 721.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Upper Market Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 721.48		Boundaries: Applicable for the Upper Market Street NCD. Controls: Existing bars in the Upper Market Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		<p>in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.</p>
--	--	---

§ 721.48		<p>Boundaries: Applicable for the Upper Market Street NCD.</p> <p>Controls: Existing bars in the Upper Market Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a</p>
----------	--	---

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

		conditional use was denied within 12 months prior to the effective date of this ordinance.
--	--	---

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney



SAN FRANCISCO PLANNING DEPARTMENT

Draft Historic Preservation Commission Resolution Planning Code Text Change HEARING DATE: OCTOBER 20, 2010

Project Name: Amendments relating to the Upper Market NCD
Case Number: 2010.0833T [Board File No. pending]
Initiated by: Planning Commission
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: Approve Amendments

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND VARIOUS SECTIONS OF THE PLANNING CODE TO ACHIEVE THE FOLLOWING: 1) ENSURE COMMERCIAL AND RESIDENTIAL DEVELOPMENT IN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT (UPPER MARKET NCD) IS CONSISTENT WITH EXISTING DEVELOPMENT PATTERNS; 2) PROVIDE RELIEF FROM PARKING REQUIREMENTS AND ENCOURAGE MORE TRANSIT-ORIENTED DEVELOPMENT IN THE UPPER MARKET NCD; AND 3) ENSURE NEW DEVELOPMENT IN THE UPPER MARKET NCD PROVIDES COMMUNITY BENEFITS TO OFFSET NEW IMPACTS TO INFRASTRUCTURE DUE TO NEW DEVELOPMENT.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Department shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the Planning Code.

The San Francisco Planning Commission is proposing to amend the Planning Code to amend the Upper Market Neighborhood Commercial District to update the Planning Code regulations governing this area per a citizen request that is consistent with recent planning work.

After three successful community workshops, the Upper Market neighbors have developed a community vision and design guidelines. These documents were endorsed by the Planning Commission on October 23, 2008.

A draft ordinance, attached hereto, has been drafted in order to make revisions to the Planning Code to amend the Upper Market Street NCD to be more consistent with the community vision articulated in the Upper Market Community Plan amending Planning Code Sections by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416 et seq., 421.1, 421.3, 421.5, 721, and 721.1 as the sections relate to the Upper Market Street Neighborhood Commercial District (Upper Market NCD) and to extend the Market and Octavia Area Plan Impact Fees area to include the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area. The City Attorney's Office has reviewed the draft ordinance and approved it as to form; and

The proposed legislation is intended to resolve the aforementioned issues; and

Pursuant to Planning Code Section 302(b), the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to initiate the proposed Ordinance on September 30, 2010 at which the Commission approved scheduling an adoption hearing on or after November 4, 2010 ; and

Whereas, the proposed zoning changes will be reviewed under the California Environmental Quality Act and CEQA findings will be developed prior to approval actions by either the Historic Preservation Commission and the Planning Commission; and

Whereas, pursuant to Charter Section 4.135, any proposed ordinance concerning historic preservation issues must be submitted to the Historic Preservation Commission ("HPC") for review and recommendation to the Board of Supervisors;

Whereas, the Historic Preservation Commission (hereinafter the "HPC") has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the HPC has reviewed the proposed Ordinance; and

MOVED, that the HPC hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

FINDINGS

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

1. The proposed Ordinance responds to requests from residents and property owners within the Upper Market Area have raised the issue of adjusting the zoning controls for this area at several Planning Commission hearings in 2010;

2. The Planning Commission requested that the Planning Department explore the citizen request and staff analysis of the citizen proposal found the citizen request to be in line with recent planning work by the Department;
3. The Department met with a coalition of people representing neighborhood and local advocacy groups including the Duboce Triangle Neighborhood Association, the Eureka Valley Neighborhood Association, the Castro Business Improvement District and Livable City;
4. At this meeting it was decided that the Department would conduct the required public notice and advertisements while the community coalition would spearhead a neighborhood meeting and supplemental outreach.
5. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. AIR QUALITY ELEMENT

OBJECTIVE 3:

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

II. TRANSPORTATION ELEMENT

POLICY 1.1

Involve citizens in planning and developing transportation facilities and services, and in further defining objectives and policies as they relate to district plans and specific projects.

III. COMMERCE & INDUSTRY ELEMENT

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

6. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced through the addition of more attractive landscaping.
The proposed Ordinance contains regulations that would preserve existing uses and help maintain generous ground floor retail space conducive to retail uses.
 - B) The existing housing and neighborhood character will not be adversely impacted by the proposed Ordinance.

The proposed Ordinance contains regulations that would preserve existing uses and help maintain generous ground floor retail space conducive to retail uses.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance strengthens the existing controls to preserve existing housing by placing new controls on mergers, demolitions, and subdivisions. Additionally, the application of affordable housing impact fees governed by Section 416 et. seq. will help enhance future projects.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies, including the CEQA provisions afforded to projects within an area that is eligible for inclusion in a historic district as is this area.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 20, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 20, 2010

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION DISTRICT RECORD	Primary# _____
	HRI # _____
	Trinomial _____

Page 1 of 10 *NRHP Status Code 3CD – appears eligible as a CA Register eligible district through survey eval.

*Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District

D1. Historic Name Market Street D2. Common Name: Upper Market Street

***D3. Detailed Description** (Discuss overall coherence of the district, its setting, visual characteristics, and minor features. List all elements of district.):

The Upper Market Street Commercial Historic District is an approximately two block long stretch of Market Street in San Francisco. This section of Market Street is bordered by the Duboce Triangle neighborhood to the north and the Castro/Eureka Valley neighborhood to the south. The district is located near the geographic center of the city, and constitutes the southwest end of Market Street, which is one of the city's primary thoroughfares. Market Street passes over generally flat terrain, though it slopes gently downward to the east from the relatively steep slopes of Twin Peaks. Though the Market Street Commercial Historic District extends only as far west as Church Street, Market Street continues on a straight path to San Francisco's downtown and ultimately to the Ferry Building on the shore of San Francisco Bay. (continued, p. 2)

***D4. Boundary Description** (Describe limits of district and attach map showing boundary and district elements.):

The boundaries of the Upper Market Commercial Historic District comprise those properties fronting on Market Street, between its intersections with Church Street and 14th Street. More specifically, the boundaries commence at the northern corner of block 3543. The boundary line runs east, across Market Street to the northeast corner of parcel 3544067. (continued, p. 3)

***D5. Boundary Justification:**

The boundaries for the Upper Market Street Commercial Historic District are defined by the geographic limits of the blocks between the intersections of 14th and Market streets and Noe and Market streets, as well as the property lines of those parcels that front on Market Street between those points. The southwest boundary was established at Noe Street, because it coincides with the western boundary of the Market & Octavia Survey Area. (Note: the area beyond Noe Street was not evaluated by this survey effort; however, it will be evaluated by an expanded scope and this district record should be updated accordingly.) The northeast boundary was established at 14th Street, because that point marks a shift between what can be considered the downtown commercial area and the smaller scale of the commercial (continued, p. 3)

D6. **Significance: Theme** Commercial Development **Area** Upper Market Street, San Francisco, CA
Period of Significance 1886-1958, 1970-1979 **Applicable Criteria** 1

(Discuss district's importance in terms of its historical context as defined by theme, period of significance, and geographic scope. Also address the integrity of the district as a whole.)

California Register Criterion: 1 – Associated with events that have made a significant contribution to the broad patterns of our history (represents an important trend in development patterns in San Francisco.) Note: The San Francisco Planning Code allows the San Francisco Landmarks Preservation Advisory Board to establish policies to implement the Code. In 2000, the Landmarks Board adopted the National Register Criteria for evaluating properties. San Francisco has various levels of recognition: Landmarks, Landmark Districts, Structures of Merit, Conservation Districts, Residential Character Districts, and adopted surveys. Properties evaluated for local significance, like the Upper Market Street Commercial Historic District, are considered eligible for at least one category of recognition.

The historic themes of the Upper Market Street Historic District significance are derived from the historic trends that influenced the development of the surrounding neighborhoods. The most influential trend, which sparked the initial development period in the Upper Market area, was the advent of public transportation routes into the area, providing a connection with the city's downtown core and encouraging residential development in the outlying neighborhoods such as Duboce Triangle and Eureka Valley. This, in turn, influenced the establishment of businesses along Upper Market Street, which echoed the commercial development further east on Market Street, and served the surrounding residential neighborhoods. (continued, p. 5)

***D7. References** (Give full citations including the names and addresses of any informants, where possible.):
(see page 10)

*D8. Evaluator:	Caitlin Harvey	Date:	June 2007
Affiliation and Address	Page & Turnbull, Inc.		
	724 Pine Street, San Francisco, CA. 94108		

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____
	HRI # _____
	Trinomial _____

Page 3 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

D3. Detailed Description (continued)

Within the district boundaries, Market Street is a wide, two-way, paved traffic artery. It is two lanes wide in each direction, with space for curbside parking. As well as automobile and bus traffic, street car lines run along metal rails set into the asphalt surface. The street is divided by a median that separates eastbound lanes from westbound lanes, and is landscaped with large palm trees. Small traffic-calming islands are also located between lanes, near intersections. The sidewalks that border Market Street are wide and are landscaped with small deciduous street trees. Although Market Street runs diagonally, from northeast to southwest, intersecting streets that cross Market Street within the district generally conform to the city grid. This results in multiple, sharp, 45-degree angled street corners at most intersections. Exceptions to this rule are found at the intersections of Sanchez and Market streets and Church and Market streets, where the southeastern corners are truncated by Market Street, creating short block faces interspersed by the two longer block faces that make up the rest of the district. Extended and rounded gore points delineate the street corners at the intersection of Market and Noe streets.

The neighborhoods flanking the Upper Market Street corridor are primarily residential, with mixed use and commercial buildings located closer to Market Street. This results in the properties fronting on Market Street being almost entirely commercial. Buildings in the district are typically one to four stories in height, or between approximately 15 and 55 feet tall, with the majority being three-story structures about 40 feet tall. Those four story structures that are present are primarily grouped together near the center of the northwest block face of Market Street between Church Street and Sanchez Street. Nearly all of the buildings are of wood frame construction and clad in wood or stucco siding. A few examples of concrete construction and one brick masonry building are present. Victorian-era and commercial oriented architectural styles are the most widely represented, with the Classical Revival style most prevalent. Examples of later modern styles, such as International, Art Deco, and Art Moderne, are also present and help to illustrate the continual commerce-driven development of parcels along the prominent traffic corridor. In keeping with commercial stylistic conventions, rectangular, flat roofed structures are prevalent. Bay windows and facades organized into multiple bays are common features throughout the district.

The Upper Market Street Commercial Historic District is made up of 33 contributing properties. There are relatively few intrusions, consisting primarily of small parking lots; which, considering the commercial nature of the district, can be considered minor. Only six non-contributing resources are located within the boundaries, giving the district a notably high concentration of significance and integrity. The non-contributing resources (all commercial) are classified as such due to their relatively recent construction (ranging in date from 1980 to 2002) or their lack of physical integrity. Two of these properties are located near the southwestern end of the district, while the remaining four are clustered around the Market and Sanchez streets intersection. One religious building and one hotel/motel contribute to the district, while the rest of the contributing buildings are categorized as commercial, multiple-family residences, or a combination of the two (mixed use). Construction dates for the contributing resources within the district range from 1886 to 1975.

The following list shows all contributing resources within the Upper Market Street Commercial Historic District:

APN	From St. #	To St. #	Street
3542004	2120	2122	Market St.
3542005	2124	2126	Market St.
3542006	2128	2130	Market St.
3542007	2134	2136	Market St.
3542008	2140	2140	Market St.
3542011	2148	2150	Market St.
3542012	2152	2154	Market St.
3542013	2156	2158	Market St.
3542014	2160	2160	Market St.
3542015	2162	2164	Market St.
3542016	2166	2166	Market St.
3542017	2168	2174	Market St.
3542041	2100	2114	Market St.
3543001	210	210	Church St.

State of California & The Resources Agency	Primary# _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 4 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

APN	From St. #	To St. #	Street
3543003A	2135	2135	Market St.
3543012	2117	2123	Market St.
3544065	2087	2099	Market St.
3544067	2075	2083	Market St.
3558036	201	207	Sanchez St.
3559002	230	240	Sanchez St.
3559013A	2279	2281	Market St.
3559014	2283	2297	Market St.
3559015	2267	2269	Market St.
3559016	2261	2265	Market St.
3559017	2253	2257	Market St.
3559018	2251	2251	Market St.
3559019	2243	2243	Market St.
3560007, 008	2248	2250	Market St.
3560009	2256	2258	Market St.
3560010	2260	2262	Market St.
3560011	2264	2268	Market St.
3560012	2270	2270	Market St.
3560031	2222	2222	Market St.

D4. Boundary Description (continued)

From this point, the boundary turns southwest and runs along the eastern property lines of that parcel. It then turns southwest and runs along the rear property lines of parcels 3544067 and 3544065. At the southern property line of the latter parcel, the boundary turns west, following the southern property line until it meets Church Street. The district boundary then crosses Church Street to the northeast corner of parcel 3542001. The boundary turns south and runs to the southern boundary of that parcel, where it turns generally southwest and follows the rear (southeast) property lines of the parcels that front onto Market Street. At the northern edge of 15th Street, the boundary line turns west and runs to the southwest corner of the block. Turning south, it crosses 15th Street and runs along the eastern and southern property lines of lots 3558036 and 3558140-152, before crossing Sanchez Street to the northeast corner of block 3559. The boundary turns south and runs along the west side of Sanchez Street to the southern property line of lot 3559002, where it turns west and then south west to follow the rear property lines of the parcels that front onto Market Street. The boundary turns south to follow the northeast property line of lot 3559013 and stops at the north side of 16th Street. Here, the boundary turns west and runs to the southwestern corner of block 3559. The boundary then crosses Market Street to the south corner of block 3560. It runs north to the property line between parcels 3560013 and 3560032-034. From this point, the boundary turns generally northeast and runs along the rear property lines of those parcels that front on Market Street. At the southern edge of 15th Street, the boundary turns east and runs to the northeastern edge of block 3560. It then crosses to the southwestern corner of block 3542 and again runs generally northeast along the rear property lines, still including only those properties that front on Market Street. At the northeastern corner of the block, the boundary line crosses Church and Market Streets, running east, and meets the point of beginning on the northern edge of block 3544. (see map on page 4)

D5. Boundary Justification (continued)

area within the district. Also, to the northeast of the 14th and Market streets intersection is a large block dominated by Safeway and what is known as Mint Hill, where the New Mint is located. These two elements create a division in the continuity of the building stock along the Market Street Corridor and provide further reason for the northeastern boundary being established at 14th Street.

The commercial buildings within the district are more indicative of a “streetcar suburb” environment, which is largely residential and of a relatively small scale in comparison to the denser and more urban downtown. Contributing resources within the district are primarily one to three stories in height and exhibit mixed commercial and residential uses, with the residential uses represented

State of California & The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary# _____

HRI # _____

Trinomial _____

Page 5 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
 *Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

primarily by flats and single resident occupancy unit buildings. East of the Market and 14th streets intersection there is a marked gap in resources, where multiple large expanses of parking lots create a physical demarcation. Buildings tend to become larger in scale too; not only taller, but in many cases, having larger footprints and occupying larger parcels. The use of buildings also changes, with commercial uses becoming separate from residential uses, and residential buildings taking the form of large, multiple-unit apartment buildings.



*Left: City of San Francisco map with location of Upper Market Street Commercial Historic District indicated by star.
 Right: Map of Upper Market Street Commercial Historic District, with contributing properties shaded.*

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____
	HRI # _____
	Trinomial _____

Page 6 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

D6. Significance (continued)

Further developments in transportation, such as the growing popularity of automobiles in the 1920s, resulted in a westward shift in population and were an additional reason for development in the Upper Market area. Small periods of stagnation correspond with historic events like the World Wars and the Depression; however, these simply illustrate the rising and falling patterns in development that occurred throughout the country. Particular to the Upper Market area, however, was a lengthy period of stagnation that occurred from 1960 to 1970. After a small post-World war II building boom, the construction of the Central Freeway and various Redevelopment Agency undertakings were catalysts for neighborhood decline and subsequent lack of new construction. For this reason and a corresponding lack of resources dating to that period, the 1960s are excerpted from the district’s period of significance. A second period of significance begins in 1970, when issues of minority identity (specifically that of the Lesbian, Gay, Bisexual, and Transgender community) became influential topics in the area and movement toward the eventual demolition of the Central Freeway began to stimulate renewed development and construction along Market Street. This sparked the revitalization of the area and influenced the types of businesses that came to be established in new and existing buildings.

In relation to the historic themes identified, the periods of historic significance for the Upper Market Street Commercial Historic District are established as 1886 to 1958 and 1970 to 1979. The first period spans from the construction date of the earliest extant resource, which was a product of the first public transportation routes to the Upper Market area, through the time when the effects of post-war public works projects resulted in shifting demographics and economics and subsequent neighborhood decline. The second period of significance captures the decade of the 1970s, which was characterized by revitalization and the strong influences of the LGBT (Lesbian, Gay, Bisexual, and Transgender) community that inhabited the surrounding neighborhoods. The LGBT context has been identified as a theme of exceptional significance despite having occurred more recently than the historic period. Due to this influence, the neighborhood essentially took on its current cultural and social identity. The year 1979 has been identified as the end of the LGBT period of significance by “Sexing the City”, the LGBT context statement, and is therefore used as the end date for the same context as related to this district. It marks the “consolidation and nationalization of the GLBT [LGBT] identity movement that began in San Francisco”¹ and represents the time when that identity was firmly established in the area surrounding Upper Market Street. Together, the periods of significance encompass patterns of development and revitalization that have shaped Upper Market Street.

The Upper Market Street area is unusual for the number of extant historic structures remain from various time periods, which have evolved, but successfully resisted major redevelopment and responded to a number of historic trends. The contributory buildings to the Upper Market Street Commercial Historic District were all constructed during the period of significance, and all exhibit use patterns significant to the district. Due to extensive development that occurred during certain historic periods, much of the physical fabric of the district is diverse, yet cohesive in its demonstration of neighborhood evolution; comprising a grouping of styles, uses, building types and methods of construction that represent the range of historic trends in one geographic area. A building from the area’s period of initial development is located within the district, as are many from the post-Earthquake reconstruction period. Still others have provenance in the age of automobile popularity, which increased access to the Upper Market area and beyond, while others exhibit the more modest characteristics of the post-World War II era. Resources from the second period of significance, including contemporary buildings and rehabilitated older buildings, show the effects of a neighborhood revitalized by the coming of new demographic groups.

Early Development (1886 – 1906)

One of the first marks that American rule left on San Francisco was the O’Farrell survey, published in 1847 as the “Official and Authentic Plan of San Francisco.” It departed from an earlier attempt at establishing a gridiron pattern in one important gesture. Anticipating the need for a direct route from Yerba Buena to Mission Dolores, O’Farrell laid out a one-hundred-foot-wide thoroughfare running southwest from the pueblo to the vicinity of the mission. Due to the relative position of both settlements, combined with the need to avoid the marshlands in what is now the South of Market Area, O’Farrell laid out the new street on a diagonal. The name Market Street may have been borrowed from Philadelphia’s main street.

Though Market Street had always existed on maps to its full extent, from the shore of the bay to the base of Twin Peaks, development was slow to reach its westernmost extent because it remained inaccessible. Market Street was only graded west of Dolores Street in the 1870s, but was still hard to reach due to its distance from downtown San Francisco. Following the invention of the cable car in 1873, new cable lines gradually replaced the horse-drawn omnibuses and streetcars that served downtown.

¹ Damon Scott, “Sexing the City: The Development of Sexual Identity Based Subcultures in San Francisco, 1933-1979,” 2004.

State of California & The Resources Agency	Primary# _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 7 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

Gradually, by the mid-to-late-1880s, cable car lines run by the Market Street Cable Railway Co. had begun serving Valencia, Hayes, and Haight streets as branches of its main Market Street line. This provided reliable, scheduled car service between Downtown and what was then the suburban frontier. The area was finally made fully accessible with the extension of the Market Street Cable Railway from Market and Valencia to Castro Street in 1886.²

Greater accessibility to the Upper Market Street area, and the possibility of an easy commute via transportation lines, encouraged the residential settlement of neighborhoods like Duboce Triangle and Eureka Valley. The development of commercial uses on Upper Market Street then came about as a response to the presence of residential neighborhoods in the vicinity. As residential settlement spread out from the city center, demand for convenient goods and services increased. As an extension of the city's main artery, Upper Market Street was the natural location for such businesses.

Sanborn maps show that commercial development along Upper Market Street had occurred by at least 1893. Two drug stores are shown on the opposing corners at Noe and Market streets, while other shops are clustered on the south side of Market Street, between Noe and Sanchez streets, and on the north side of Market Street, between Sanchez and Church streets. Most of the buildings are simply labeled as shops, though two bear identification as paint and plumbing shops. Dwellings and flats are also present, as well as a large amount of vacant land; however, it is likely that Market Street was already a commercial corridor at that time and perhaps had been for at least a decade previously, based on the amount of commercial development present and the fact that the area had been made truly accessible in the 1880s.

One resource within the Upper Market Street Commercial Historic District dates from the earliest era of development. Constructed in 1886, 2251 Market Street is a mixed-use, residential over commercial, building. Its construction date directly corresponds to the establishment of the Market and Castro Street cable rail line that was established the same year. That line terminated just one block southwest of the location of 2251 Market Street, meaning that this resource truly represents the period of earliest development in the city's westernmost reaches.

Other contributory buildings constructed in the district during the early development period of 1886 to 1906 are: 2134-2136 Market Street, 2270 Market Street, 2261-2265 Market Street, 2279-2281 Market Street, 2256-2258 Market Street, and 2267-2269 Market Street.

Post-Earthquake Growth (1906 – 1914)

Much of the Market Street Corridor was destroyed during the 1906 Earthquake and Fire, although some remnants of nineteenth-century San Francisco remained west of Octavia Street (north of Market Street) and Dolores Street (south of Market Street). The Upper Market Commercial Historic District is therefore unusual in comparison to other stretches of Market Street, due to the fact that a number of pre-1906 buildings still exist there. The five extant resources from this period are scattered throughout the two block long district area, which is located only one block southwest of what was the Dolores Street fire line.

Though Upper Market Street did not experience major destruction, it was influenced by the Earthquake and Fire nonetheless. As relatively unscathed areas of the city, neighboring Duboce Triangle and Eureka Valley experienced a huge influx of new residents and a subsequent boom in residential development. Correspondingly, the commercial development along Upper Market Street swelled to match. In the Upper Market Street Commercial Historic District, over a third of the contributing buildings were constructed within three years following the earthquake. This amounts for the largest construction boom in the history of the district area. The small section of Eureka Valley included in the Market and Octavia Survey Area was almost exclusively residential, with only a handful of commercial buildings beyond Market Street. A similar case appears to be true of the Duboce Triangle neighborhood.

Quite common along Market Street were single-story retail buildings typically built after the 1906 Earthquake, presumably with the proceeds of insurance settlements. Based on the simple construction techniques and lack of architectural detailing, it is apparent that many of these buildings were erected quickly in order to establish a commercial presence on a given lot without a substantial outlay of funds. Called "taxpayer blocks" on the East Coast, this building type was designed to generate revenue as quickly as possible. Many were demolished and replaced with larger, more permanent buildings with office or residential floors above. Others were clearly designed to accommodate extra floors in anticipation of future expansion. Several good examples exist along Market Street, such as the Huston Building, at 2283 Market Street, and the one-story, utilitarian frame building at 2140 Market Street that

² Joe Thompson, *Market Street Cable Railway*, <http://www.cable-car-guy.com/html/ccsfmsr.html> (accessed January 17, 2007).

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____
	HRI # _____
	Trinomial _____

Page 8 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

housed a fraternal organization called the Woodmen of the World (now the Lucky Thirteen bar.) Post-earthquake population displacement was also a catalyst for the popularity of mixed-used buildings within the Upper Market Street area, which satisfied a need for greater neighborhood density. The majority of the commercial buildings found within the district are actually mixed-use buildings, with commercial space on the first floor and residential units above. Based on information from Sanborn maps, many smaller single-family residences that appeared on the 1899 Sanborn map of the area were torn down and replaced with larger flats and apartment buildings. The convention of creating buildings with commercial space on the ground floor and residential units above also allowed for greater density. Since most business focused strongly on the presence of the retail storefront, space above street level could most efficiently be used as residential units. With some exceptions, most commercial buildings were designed with flexibility in mind, allowing subsequent owners and tenants to make only minimal changes to accommodate a new business.

Other contributory buildings constructed in the district during the post-earthquake reconstruction era of 1906-1914 include: 2243 Market Street, 2117-2123 Market Street, 2264-2268 Market Street, 2166 Market Street, 201-207 Sanchez Street, 2099 Market Street, 2148-2150 Market Street, 2152-2154 Market Street, 2156-2158 Market Street, 2168-2174 Market Street, 230-240 Sanchez Street, 2120-2122 Market Street, and 2075-2083 Market Street.

Transportation-Related Growth in the Early Twentieth-Century (1914 – 1929)

The neighborhoods flanking Upper Market Street experienced a sharp upturn in building activity due to the construction of the Twin Peaks Tunnel in 1914. This opened up the area west of Twin Peaks to development and encouraged more growth in the neighborhoods around Upper Market Street. With the eastern portal of the tunnel located at Market and Castro streets, the Duboce Triangle and Eureka Valley/Castro neighborhoods were no longer considered the outer reaches of the city. The Upper Market commercial corridor responded accordingly. Two extant resources in the district date to 1914, creating a small peak in building activities at the tail end of the post-earthquake reconstruction period. One of these resources, a commercial building at 2275 Market Street, has been remodeled, however; and is therefore not considered to be a contributor to the district due to lack of integrity. The other resource (2075 – 2083 Market Street) functioned as an apartment building with shops on the ground floor.

The construction of the Twin Peaks Tunnel marked the end of the reconstruction period in the area and generally coincides with the date (1915) that San Francisco, as a whole, was considered to have been fully recovered. After this time, building in the residential neighborhoods surrounding Upper Market Street slowed. As evidenced by a comparison of 1913 and 1950 Sanborn maps, the Duboce Triangle and Eureka Valley/ Castro neighborhoods were relatively unchanged during that time, with no major alterations in the configuration of building footprints, or much new construction aside from the occasional residential infill built on empty lots. Following the same patterns observed previously, construction along Upper Market Street also came to a halt. Accordingly, there are no extant resources within the district that were constructed between 1915 and 1920. This may have had some correlation to the events of World War I, the effects of which were felt economically in the United States during the wartime period.

Similar to, and in conjunction with, the construction of the Twin Peaks Tunnel, which provided a new route to the western regions of the city, the availability of automobiles facilitated the movement of population to and through the Upper Market area in the 1920s. This era was marked by a definite shift from the public transportation that had originally influenced development, toward the popularity of the private automobile. By this time, automobiles had been widely accepted by the general population and were no longer thought of as being exclusively for the wealthy. This was encouraged by the advent of affordable cars by makers like Hudson, Buick, Dodge, and Ford. Ford's production line methods were particularly influential in producing inexpensive cars at an efficient rate, which essentially made the automobile an attainable goal for the common man. Coupled with facilitated access to the western areas of San Francisco, the auto age prompted the next period of growth along Upper Market Street.

As late as the 1920s, some empty lots remained on Upper Market Street, but were readily developed in the decade between 1920 and 1930, accounting for the second largest building boom in the district area's history. Five extant resources in the district were constructed at that time. A good example of 1920s-era construction in the district is the three-story mixed-use building at 2253 Market Street, built in 1925. Originally known as Schubert's Apartments, a bakery and jewelry store were housed in the first floor commercial spaces until the 1940s, when other businesses took their places. This particular building is a good example of the mixed-use nature of buildings that were constructed on Upper Market Street during this and other phases of development. No longer extant, but also notable of the 1920s building boom was the construction of the Finnilla sauna building in 1928. Finnish immigrants Matti and Sandra Finnilla built a one-story brick commercial building on a vacant lot at the 2500 block of Market, just east of Noe Street. It housed a Finnish style sauna, as well as several storefronts and a residence for the Finnilla family. It stood

State of California & The Resources Agency	Primary# _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 9 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

until 1986 when it was torn down and replaced by the concrete Market/Noe Center (non-contributing).³

Other contributory buildings constructed in the district during the early Twentieth-Century, from 1914 to 1929, include: 210 Church Street, 2254 Market Street, and 2160 Market Street. The building at 2141-2145 Market Street was constructed during this era as well, but does not contribute to the district due to lack of integrity.

The Depression and War-Era Stagnation (1929 – 1946)

Though residential development in Duboce Triangle and Eureka Valley had slowed as early as the 1910s and 1920s, the commercial corridor along Upper Market Street did not begin to become stagnant until the 1930s, coinciding with the Great Depression and World War II. The economic distress of the Depression resulted in a lack of new construction, and indeed, no extant resources in the district were constructed between 1929 and 1939, with the exception of one contributory building, 2128-2130 Market Street that was constructed in 1938. This is an Art Deco apartment building, the construction of which might be interpreted as an early indicator of the Depression's end. Economic up-turn was not fully realized or long lasting, however. The aforementioned apartment building is a relative anomaly within the district area, as a dearth of construction continued until 1946. World War II marked major changes in the area as established ethnic and socio-economic groups, namely middle-class Scandinavian and other European groups, left the surrounding neighborhoods to be replaced by a large population of war-workers. Businesses along Upper Market Street continued to serve the surrounding community, but materials shortages made new construction nearly impossible.

Post-War Boom (1946 – 1960)

The end of World War II resulted in a period of prosperity throughout the country; the effects of which were seen in both economic, population, and productivity booms. In San Francisco, many returning veterans decided to take advantage of Federal Housing Administration loans and moved over the San Miguel hills (Twin Peaks) to purchase homes in the Sunset District. In residential terms, this led to eventual stagnation in the neighborhoods surrounding the district area; however, the Upper Market Street commercial corridor continued to prosper for fifteen years before the surrounding decline caught up with it. This may be due in part to its location, which was still readily accessible both by transit lines from downtown and to the new population of the Sunset neighborhood by way of the Twin Peaks Tunnel. During this period, five of the extant resources in the district were constructed (including one that is not considered to contribute to the district due to lack of integrity) and one of the existing buildings was added on to. Two other buildings were known to have been constructed during this period as well, but have since been demolished. Construction trends also illustrated a slight shift away from the typical mixed-use buildings that had been constructed in the district area previously. In 1946, a church was constructed at 2135 Market Street; in 1950 and 1955, a restaurant was built at 2100 Market Street; and in 1958, a large motel was constructed at 2222 Market Street.

Other contributory buildings constructed in the district during the post-War boom, from 1946 to 1960, include: 2100-2114 Market Street and 2222 Market Street. The building at 2200 Market Street was constructed during this era as well, but does not contribute to the district due to lack of integrity.

The Central Freeway and Neighborhood Decline (1960 – 1970)

By 1960, a new period of stagnation had begun in the district area that would last for an entire decade. Though significant events occurred to cause such decline, the results were a total lack of construction or growth along Upper Market Street. This essentially meant that no physical marks now exist to define this decade in the Upper Market Commercial Historic District and for this reason the 1960s are excluded from the district's period of significance.

As noted earlier, the financial benefits granted to returning World War II veterans, as well as the prosperity of the professional middle-class, resulted in a pronounced population shift toward the western neighborhoods and other Bay Area suburbs. The inhabitants of the Castro/Eureka Valley and Duboce Triangle neighborhoods that stayed behind were often older residents without children. Absentee owners were also common, their properties leased to renters. Neighborhoods that were dominated by residents who did not own property led to a decline in the area's general prosperity and pride; business along Market Street responded, as it always had, to the vitality of the surrounding community. Some long-time Scandinavian-American property owners remained, as evidenced by the continuing presence of institutions like the Swedish-American Hall, Café du Nord, and the Scandinavian Seamen's Institute, at 2174 Market Street; the Finnila's Sauna and Bathhouse, at the northeast corner of Market and Noe; and a

³ Dennis Richards, "Market Noe Center History".

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____
	HRI # _____
	Trinomial _____

Page 10 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

handful of Scandinavian businesses, including a delicatessen.⁴ Commerce was not what it had once been, however; and a subsequent lack of new construction was the result. The decline of the Upper Market area was also encouraged by the construction of the Central Freeway. When it was first proposed in the mid-1950s, this cross-city highway was seen as the solution for commuters to reach downtown San Francisco from suburbs throughout the Bay Area – specifically those coming from the East Bay or cities on the peninsula on the Bayshore Freeway. Focused only on conveying the suburban population to their jobs downtown, the Central Freeway project did not take into account the effects of bypassing the older San Francisco neighborhoods in its route across Market Street. The construction of the Central Freeway occurred during the late-1950s. The viaduct was built across Market Street in 1958 and reached its most northern extent at Turk Street in 1959. Once in use, the fact that traffic, and subsequently consumers, had no reason to travel on the surface streets around Market Street or stop at local businesses, meant that the Upper Market Street commercial corridor became further depressed.

As these conditions persisted, the City’s Redevelopment Agency considered demolishing portions of Duboce Triangle, which was considered to be a blighted neighborhood. When no new buildings had been constructed in the neighborhood since the completion of the San Francisco Fire Department’s Engine Co. No. 27 in 1950, the stagnation was obvious. Meanwhile, Eureka Valley simply maintained status quo as a cohesive, but depressed community. These neighborhoods were further impacted by the activities of the Redevelopment Agency, which tried to correct the blight by instituting federally-subsidized development programs. In the early 1960s, these programs involved the wholesale demolition of entire blocks throughout the Western Addition and the construction of modern residential complexes and commercial facilities. While none of these projects occurred within the district area, the general perception of the area as a slum was widespread.

Revitalization (1970 – 1979)

Though the Central Freeway was not demolished until the late 1990s, the Upper Market area began to emerge from its decade of decline in the 1970s. Earlier trends in demographics led to this improvement, just as they had led to decline in the late 1950s. Notably, it was the arrival of a prominent Lesbian, Gay, Bisexual, and Transgender (LGBT) population in the Castro and Duboce Triangle neighborhoods that lead to the revitalization of the Upper Market Street commercial corridor.

The concentration of LGBT population in the surrounding neighborhoods was a result of San Francisco becoming recognized as “the capital of the gay world.”⁵ Such recognition encouraged the relocation of LGBT community members to San Francisco from around the country. Though other enclaves in the city had been recognized as LGBT-centric prior to 1970, the post-war outmigration of the middle-class that had left a poor and aging community in the Upper Market Street area, had also created an opportunity for the then marginalized LGBT community to move in. In the 1970s, as the LGBT community gained commercial, political, and social strength and recognition, they defined the character of the Castro and nearby Upper Market Street corridor. Because the LGBT community valued public gathering places and businesses focused on and owned by LGBT community members, the Upper Market Street corridor was naturally revitalized to serve such needs, creating an “urban village” with a strong LGBT identity. Cafes and restaurants with outdoor gathering spaces, such as Café Flor at 2298 Market Street, were products of this trend.

The 1970s witnessed the construction of new buildings on the Upper Market Street commercial corridor as well as the remodeling of existing buildings; evidence that revitalization efforts in the surrounding neighborhoods had an effect. Three extant resources in the district area were constructed during the 1970s (though one is not considered to be contributing due to lack of associated significance.) Still other existing buildings were remodeled during this time, illustrating not only an increase in new development, but an effort to rehabilitate resources that were already standing. The LGBT context statement, “Sexing the City”, identifies all of the blocks in the district area, with the exception of block 3543, as having had an LGBT presence established between 1978 and 1985. The context statement also proposes the idea of a historic district in the Castro, which overlaps the southwestern end of the Upper Market Street Commercial Historic District. This shows a distinct link between the Upper Market Street area and the significant LGBT community nearby.

In whole, large-scale urban renewal was avoided in the Upper Market Street area and subsequently, many historic buildings

⁴ Alexander S. Bodi, *Duboce Triangle of San Francisco: A Study of a Community* (San Francisco: unpublished Master’s Thesis in Anthropology at San Francisco State, 1983), 22.

⁵ So described in LIFE magazine, 1964. Cited by Damon Scott, “Sexing the City: The Development of Sexual Identity Based Subcultures in San Francisco, 1933-1979,” 2004.

State of California & The Resources Agency

Primary# _____

DEPARTMENT OF PARKS AND RECREATION

HRI # _____

CONTINUATION SHEET

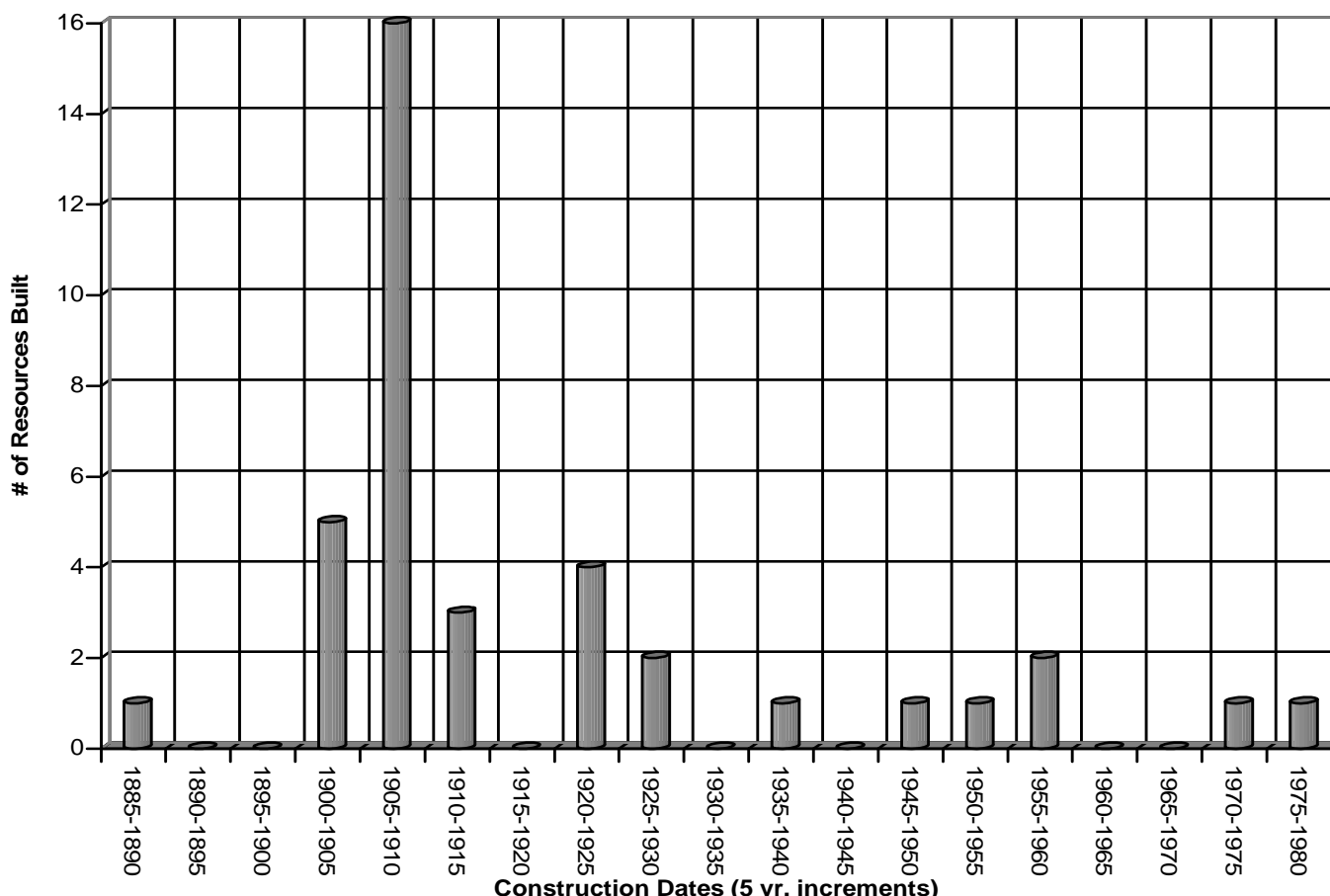
Trinomial _____

Page 11 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
 *Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

ranging in date from the area's earliest development to its recent resurgence now stand to illustrate that lengthy history. Because of events like the 1906 fire, lack of transportation routes and inaccessibility, urban renewal, etc., most other areas of the city that might have potentially exhibited such a broad range of development trends do not, thus making the Upper Market Street Commercial Historic District a unique area.

Construction Trends in the Upper Market District

(Based on extant resources only)



D7. References (continued)

Bodi, Alexander S., *Duboce Triangle of San Francisco: A Study of a Community* (San Francisco: unpublished Master's Thesis in Anthropology at San Francisco State, 1983)
 Page & Turnbull. "Draft Historic Context Statement, Market & Octavia Neighborhood Plan Area." San Francisco, 2007.
 Richards, Dennis, "Market Noe Center History."
 Scott, Damon, "Sexing the City: The Development of Sexual Identity Based Subcultures in San Francisco, 1933-1979," 2004.

State of California & The Resources Agency

Primary# _____

DEPARTMENT OF PARKS AND RECREATION

HRI # _____

CONTINUATION SHEET

Trinomial _____

Page 12 of 12 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date June 2007 Continuation Update

Thompson, Joe, *Market Street Cable Railway*, <http://www.cable-car-guy.com/html/ccsfmsr.html> (accessed January 17, 2007).

State of California & The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary# _____
	HRI # _____
	Trinomial _____

Page 1 of 5 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date October 2007 Continuation Update

The Upper Market Street Commercial Historic District was proposed as a potential district in June 2007 as part of work undertaken for the Market & Octavia Neighborhood Plan Historic Resources Survey. In the subject area, the western boundary of the Market & Octavia Survey Area was established at Noe Street, therefore the proposed district extended only as far west as that street. Additional survey work in the area west of Noe Street, undertaken as an addendum to the Market & Octavia Survey, has identified additional resources that contribute to the Upper Market Street Commercial Historic District, however. This update form documents the historic resources along the additional one block stretch of Upper Market Street that may contribute to the proposed district.

Description:

The area appended to the Upper Market Street Commercial Historic District consists of those properties that front on Market Street along the block between Noe and Castro streets, southwest of the original district. Like the Upper Market Street Commercial Historic District, this section of Market Street is bordered by the Duboce Triangle neighborhood to the north and the Castro/Eureka Valley neighborhood to the south. The physical characteristics of the area, such as terrain, environment, building heights and uses, etc., are generally homogenous with those of the original district. The contributing resources are primarily one to four-story, mixed-use buildings. Construction is primarily of wood frame and the buildings exhibit a variety of styles that represent architectural trends throughout the district's period of significance.

A total of 18 resources within the appended area have been identified as contributors to the Upper Market Street Commercial Historic District. There are no intrusions (empty lots, parking lots, etc.) and only five non-contributing resources are located within the extended boundary. The non-contributing resources are classified as such due to their relatively recent construction (in the 1980s) or the fact that they were not built within the district's period of significance (i.e. during the 1960s, which is excluded from the original district's period of significance). One of these properties is located on the southwest corner of the Market and Noe streets intersection, while the other four are located along the north side of Market Street. The addresses of the non-contributing resources include: 2301 Market Street, 2324 Market Street, 2352-2356 Market Street, 2358-2360 Market Street, and 2370 Market Street.

All of the contributing resources can be classified as either commercial or mixed-use (residential over commercial). Construction dates for the contributing resources within the appended district area range from circa 1890 to 1950. Many appear to have been remodeled within the period of significance, thus retaining integrity relative to that period.

The following list shows the resources within the appended one block segment of the Upper Market Street corridor that would potentially contribute to the proposed historic district:

APN	From St. #	To St. #	Street
3563044	2355	2355	Market St.
3563026	2351	2351	Market St.
3563027	2347	2349	Market St.
3563028	2341	2345	Market St.
3563029	2337	2339	Market St.
3563030	2335	2335	Market St.
3563036	2361	2361	Market St.
3563036	2369	2375	Market St.
3562001	2300	2312	Market St.
3562003	2330	2334	Market St.
3562006	2336	2338	Market St.
3562007	2342	2348	Market St.
3562008	2350	2350	Market St.
3562011	2362	2362	Market St.
3562014	2378	2380	Market St.

State of California & The Resources Agency

Primary# _____

DEPARTMENT OF PARKS AND RECREATION

HRI # _____

CONTINUATION SHEET

Trinomial _____

Page 2 of 5 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District

*Recorded by: Caitlin Harvey, Page & Turnbull

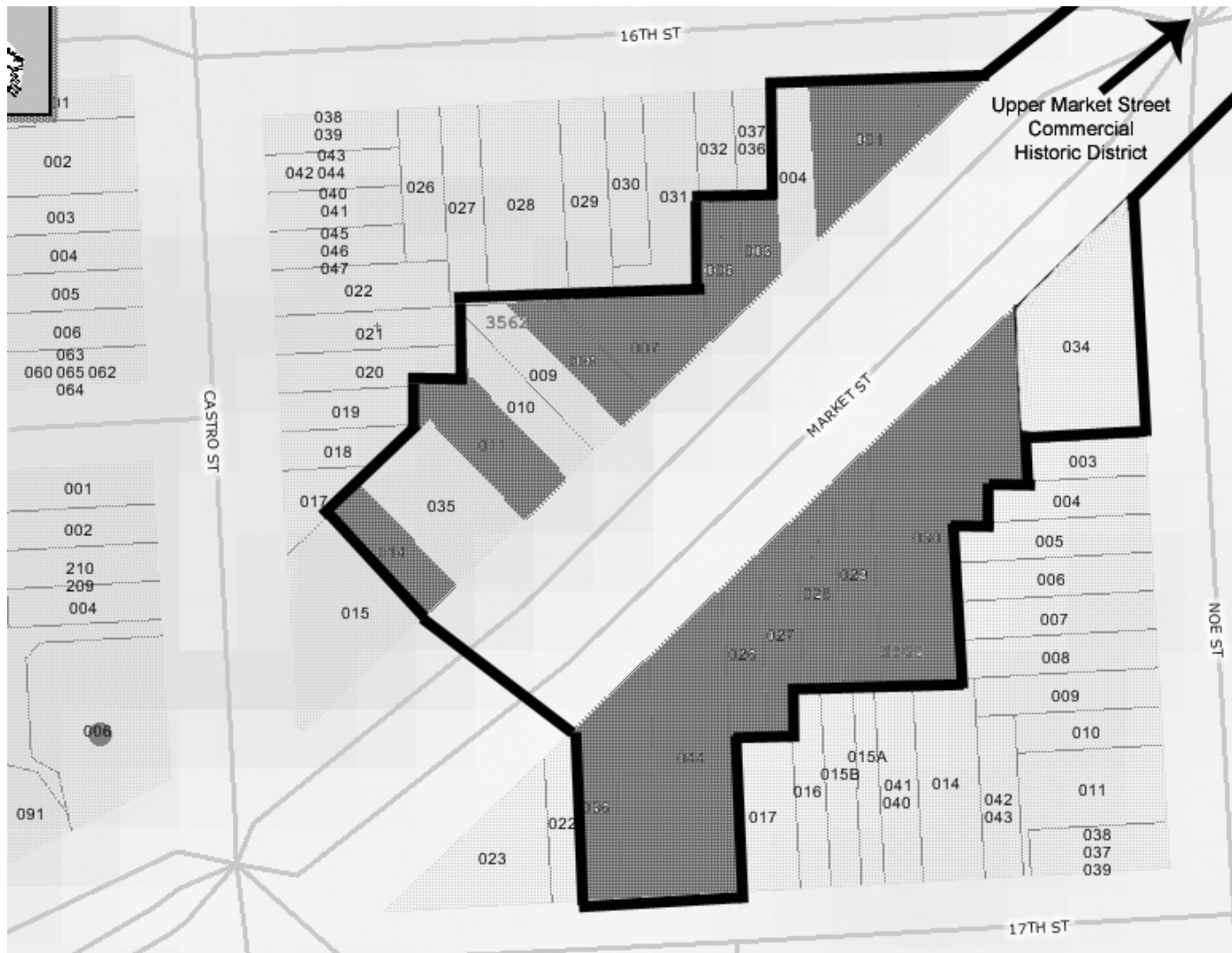
*Date October 2007

Continuation

Update

Boundaries:

From the southwest end of the original Upper Market Street Commercial Historic District area, the boundary would cross Noe Street to the northeast corners of blocks 3562 and 3563. The boundary lines would run along the rear property lines of the parcels fronting on Market Street. Between lots 3562014 and 3562015, and lots 3563022/023 and 3563036, the boundary lines would cut in toward Market Street, and would meet at this point, excluding the last properties at the southwest corners of the blocks. (see following map.)



Upper Market Street Commercial Historic Districted appended area. Contributing properties shaded.

The boundary includes only those properties that face Market Street and excludes the last properties at the southwest end of the blocks due to lack of association with themes important to the district's significance. The building at 2395-2399 Market Street was constructed in 1958, but as a chain gasoline and service station establishment that has possibly been remodeled since its original construction, it has minimal association with the historic themes identified in the district's statement of significance.

State of California & The Resources Agency

Primary# _____

DEPARTMENT OF PARKS AND RECREATION

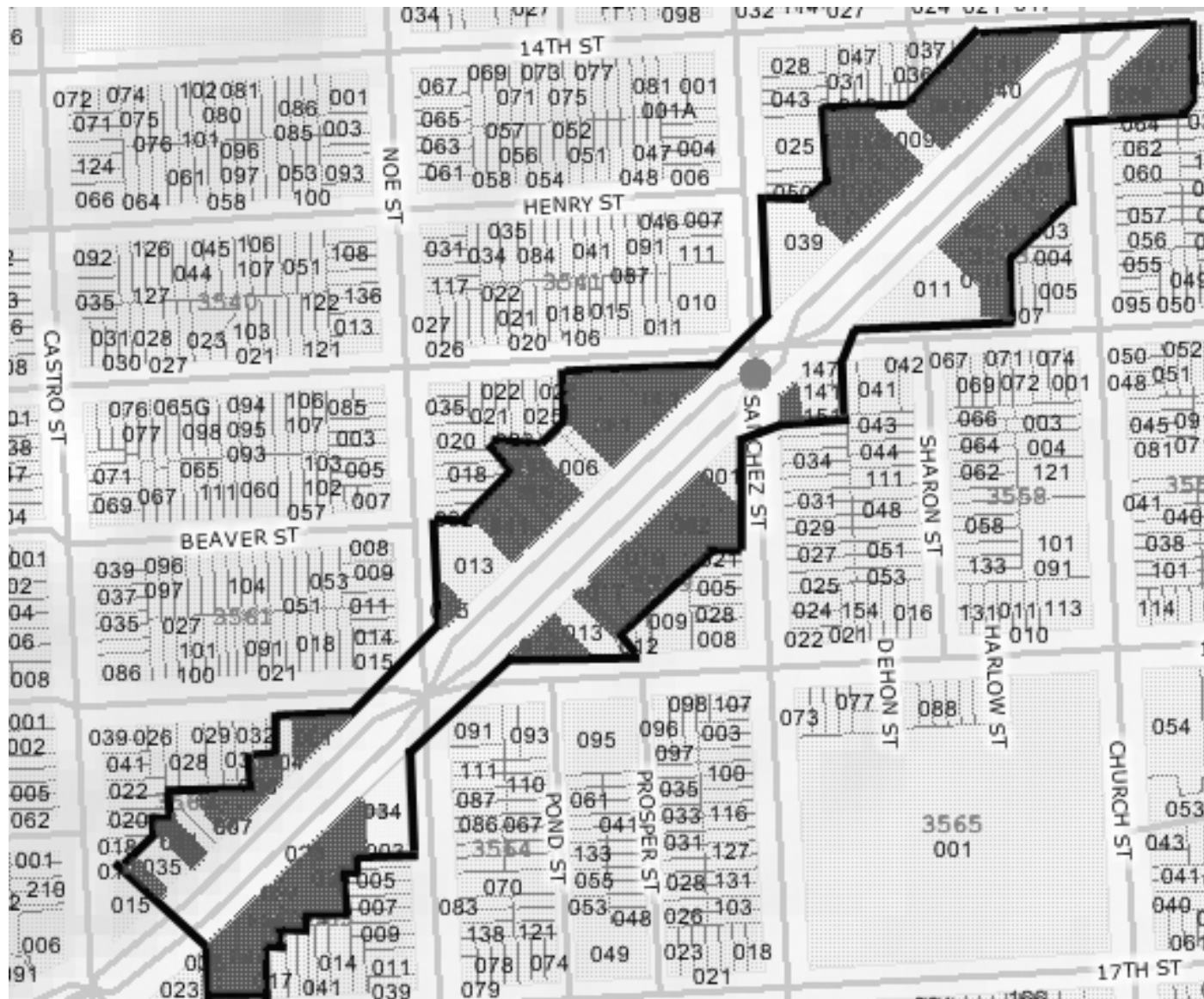
HRI # _____

CONTINUATION SHEET

Trinomial _____

Page 3 of 5 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District

*Recorded by: Caitlin Harvey, Page & Turnbull *Date October 2007 Continuation Update



Upper Market Street Commercial Historic District in entirety. Contributing properties shaded.

Significance:

The appended district area appears to echo the same themes and trends of the original Upper Market Street Commercial Historic District. It is significant as an area that exhibits construction trends spanning from the late 1800s through the 1970s, including those influenced by broad patterns of local, state, and national history. Three buildings, 2378-2380, 2350 and 2351 Market Street, were constructed in the late-1880s and 1890s as part of the steady growth that characterized the area after the opening of public transportation lines to the Upper Market Street area. A majority of resources built between 1906 and 1915 also echo the construction trends that were a result of the 1906 earthquake, subsequent reconstruction, and a population boom in the relatively undamaged Upper Market Street neighborhood. These include the buildings at 2362, 2342-2348, 2330-2334, 2300-2312, 2335, 2337-2339, 2347-2349, and 2355 Market Street. Also illustrated are the peaks in construction that occurred in the late-1910s and 1920s, as transportation routes like the Twin Peaks Tunnel were opened and private automobiles became increasingly popular. 22367-2375 and 2341-2345 Market Street were constructed at that time. A dearth of extant resources that were constructed between 1925 and 1950 illustrate the trends caused by the Great Depression and World War II; a trend in lack of construction that is also seen in the original district area. One resource in the appended area, 2336-2338 Market Street, was constructed in 1950, possibly as a response to post-war prosperity. Another was constructed in 1963, which has been identified as a time of stagnation

State of California & The Resources Agency

Primary# _____

DEPARTMENT OF PARKS AND RECREATION

HRI # _____

CONTINUATION SHEET

Trinomial _____

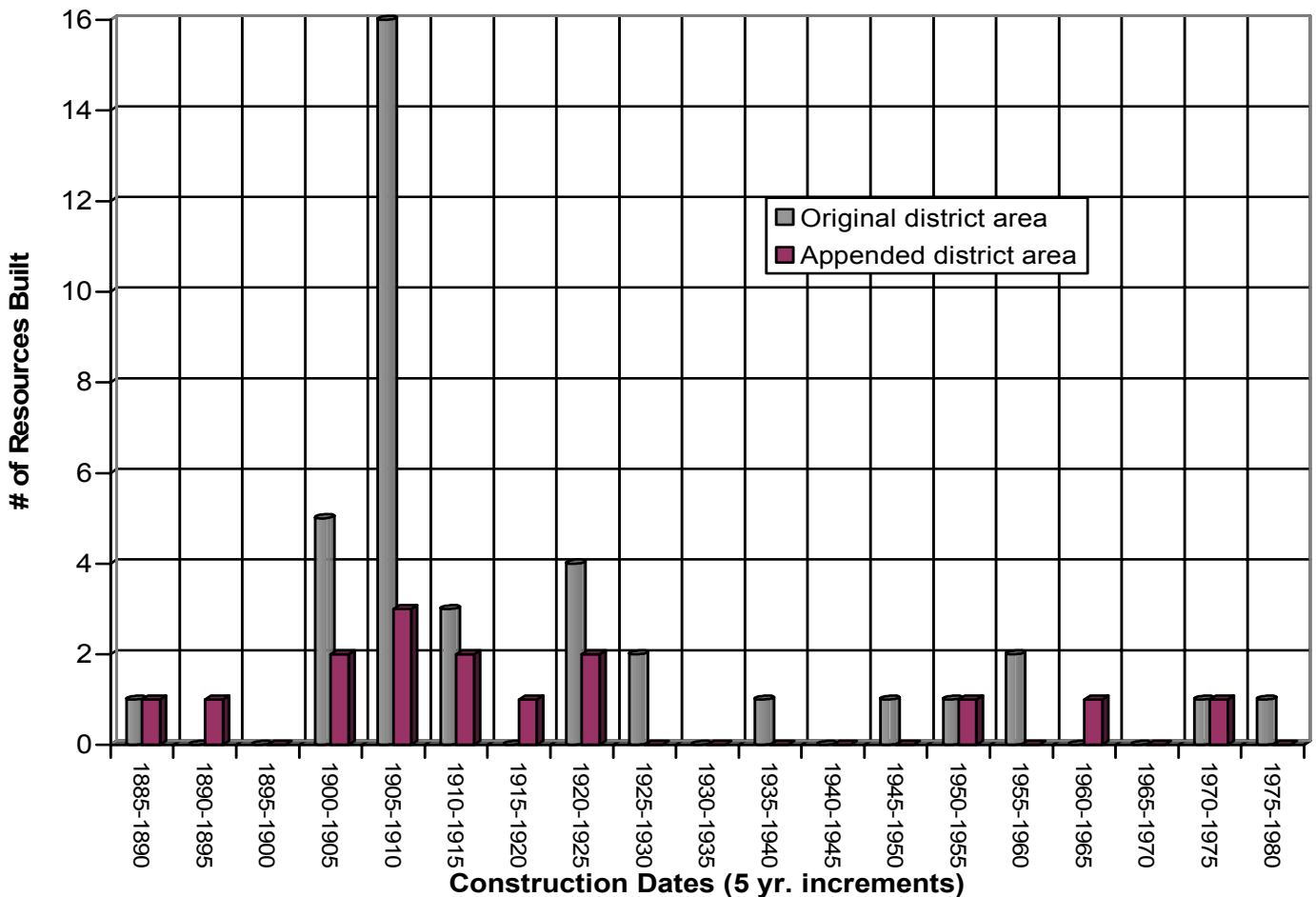
Page 4 of 5 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District

*Recorded by: Caitlin Harvey, Page & Turnbull *Date October 2007 Continuation Update

and decline in the district area due to changes in property ownership, demographics, and the construction of the Central Freeway. Because of these events, the 1960s were excluded from the original district's period of significance. The building at 2301 Market Street appears to be an anomaly and is therefore not considered to be a contributor to the district. The most recently constructed extant property, 2324 Market Street, was built in 1972 and though it was not surveyed (see Recommendations for Additional Research and Evaluation), appears to mesh with the significant themes and the period of significance identified for the district. If the resource does qualify as a contributor, it would be due to the fact that it represents the era of revitalization, when demographics in the surrounding neighborhoods shifted once again and the presence of a prominent LGBT community resulted in new construction as well as the remodeling of older buildings. In fact, many of the older resources identified as district contributors within the appended area appear to have been remodeled, which may be a result of this period of revitalization that occurred in the 1970s.

The following chart illustrates construction trends in the appended district area, which generally tend to follow those previously charted for the original district:

Construction Trends in the Upper Market District
(Based on extant resources only)



State of California & The Resources Agency	Primary# _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
CONTINUATION SHEET	Trinomial _____

Page 5 of 5 *Resource Name or # (Assigned by recorder) Upper Market Street Commercial Historic District
*Recorded by: Caitlin Harvey, Page & Turnbull *Date October 2007 Continuation Update

Recommendations for Additional Research and Evaluation:

The significance of the Upper Market Street Commercial Historic District might be further strengthened with additional research and documentation. It is recommended that the following points be addressed should additional work be undertaken:

- Analysis of Castro Street corridor as potential historic district: Due to the proximity of Castro Street to the subject district (the section in question extends south from its intersection with Market Street at the southwest end of the district) and Castro Street's connection to the LGBT community, which is significant to the Upper Market Street Commercial Historic District, it is recommended that the Castro Street corridor be evaluated for historic significance. It seems quite possible that the Castro Street corridor could be considered significant and eligible as a historic district in its own right. It is recommended that a survey of Castro Street, south of Market Street, be undertaken, along with intensive level research of the area to determine the presence of a potential historic district.
- Evaluation for Individual Eligibility: During the survey of the Upper Market Street Commercial Historic District area, two resources stood out as possibly being eligible for individual designation. The two properties in question are 2300 Market Street (a large and architecturally noteworthy apartment building) and 2351 Market Street (one of the oldest commercial buildings in the district). It is recommended that property specific research and California Department of Parks and Recreation 523 B forms (Building, Structure, Object Records) be completed for these resources in order to determine their eligibility status.
- Additional Survey Work: During the survey that was conducted to update the Upper Market Street Commercial Historic District additional resources not included within the scope of the survey were identified as potential contributors to the district. The first is a small ancillary building on parcel 3562007. This building is located behind the primary building on the lot and is not visible from the street (it was identified from aerial photos). The building may function as a residence, but is otherwise undocumented. More research should be done to verify the use, construction date, etc. of the building, as well its potential eligibility as a contributor to the district. The building at 2324 Market Street should also be surveyed and documented. It was not evaluated due to that fact that it is less than 45 years old (constructed in 1972) and is currently listed as a non-contributing resource. However, as the period of significance for the Upper Market Street Historic District includes the period of 1970 to 1979, a time known to be significant for revitalization in the area and the strong influence of the LGBT community, this resource may still qualify as a contributor to the district.