

### Summary of Planning Code Revisions

This document conveys a summary of revisions as part of the Market and Octavia Area Plan Amendment legislative package.

#	Section	Change	Rationale
<b>Clarify the intent of the Van Ness and Market Special Use District (SUD)</b>			
1	249.33 + other various locations (145.4, 424.3, etc)	Update the purpose of the SUD and clarify the intent is to serve neighborhood residents and businesses. neighborhood serving. While the underling zoning is C-3-G, the provisions in the SUD are intended to support neighborhood serving uses. Remove “Downtown” from the name of the SUD, to read as Van Ness and Market Residential SUD ( <i>note: name amendment occurs in other applicable code areas</i> ). Add clause that the zoning provisions outlined in the 1629 Market Street Special Use District and 1500 Mission Special Use District shall prevail.	Per MO Policy 1.1.4, As Soma West or the “Hub” area evolves into a high-density mixed-use neighborhood, encourage the concurrent development of neighborhood serving uses to support an increasing residential population. The name of the SUD is amended to reflect this intention.
2	249.33 + 207.6	Extend NTC-3 dwelling unit mix requirements to the entire Van Ness and Market SUD. Allow an exception through Section 309 if projects cannot meet this requirement. Amend Section 207.6 to reference the Van Ness and Market SUD.	Carry forward this control from the NCT-3 zoning district. This is to ensure an adequate supply of family-sized units in new housing stock.
3	424.3	Amend the code with the revised name for the Special Use District (SUD). No other changes proposed.	Remove the word ‘downtown’ in the name of the Van Ness and Market Residential SUD to better reflect the purpose of the SUD. Provide consistent terminology for amended name of the SUD.
<b>Parking + Loading</b>			
4	151.1	Amend the code to establish a maximum of up to 0.25 cars per dwelling unit. Remove the option to apply for a conditional use authorization for additional parking up to .50 cars per swelling unit.	Per MO Policy 2.2.3, Eliminate residential parking requirements and introduce a maximum parking cap.
5	249.33	Amend the code to allow projects that provide 25% on site affordable housing to have the accessory non-residential parking be used as accessory residential parking for dwelling units within the same project. Maximum of .40 spaces per DU.	Allow some flexibility for residential parking for projects that provide additional affordable housing on-site. The total number of parking spaces that are permitted for both residential and non-residential uses would not increase.
6	155	Amend the code to require a Driveway and Loading Operations Plan (DLOP) for projects of a certain size. This was added after the 2/13/2020 Initiation hearing.	The purpose of a DLOP is to reduce potential conflicts between driveway and loading operations, including passenger and freight loading activities, and pedestrians, bicycles, and vehicles, to maximize reliance of on-site loading spaces to accommodate new loading demand, and to ensure that off-site loading activity is considered in the design of new buildings.

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<b>Non-Residential Controls</b>			
7	249.33	Amend the code to allow non-residential uses above the 4th floor. Amend the code to have a 3:1 required ratio of residential to non-residential uses. Public Facilities, Art Activities, and replacement of existing office uses would be exempt.	Per MO objective 7.1, create a vibrant new mixed-use neighborhood in SoMa West.
8	249.33	Amend the code to add a new section requiring a Conditional Use Authorization for Formula Retail uses.	Carry forward this control from the NCT-3 zoning district. Maintain existing controls for formula retail for parcels currently zoned NCT-3. Parcels east of Van Ness and South Van Ness would not be subject to this requirement, as is the case today.
9	249.33	Amend the code to add a new section requiring a Conditional Use Authorization for retail use sizes that exceed 6,000 gross sq. ft.	Carry forward this control from the NCT-3 zoning district. Provide some restrictions to ensure that a proposed use, at the size and intensity contemplated is necessary, desirable and compatible for the neighborhood.
10	249.33	Amend the code to add a new section requiring Micro Retail for every 20,000 square feet of lot area. Allow an exception through Section 309 if projects cannot meet this requirement.	Support affordability and diversity of retail by requiring smaller spaces in large development. Exceptions could be granted for any project providing ground floor uses defined as Arts Activities, Child Care Facility, Social Service, Community Facility, Public Facility or Legacy Business.
11	249.33	Amend the code to ensure that all cannabis related uses comply with Planning Code Section 752.	Carry forward this control from the NCT-3 zoning district. Provide some restrictions to ensure more neighborhood serving uses.
12	249.33	Arts Activities and Institutional Community Uses are considered “active use of section 145.4 of the Planning Code. This was added after the 2/13/2020 Initiation hearing.	Ensure that Arts Activities and Institutional Uses are considered Active Uses for all frontages that are subject to Planning Code 145.4
<b>Affordable Housing</b>			
13	249.33	Amend the code to allow development projects that utilize 80/20 financing to be exempt from the AMI percentages specified in Planning Code Section 415.6 (a) (2) and 20% of the units constructed on-site shall be affordable to low-income households. This was added after the 2/13/2020 Initiation hearing.	Allows project sponsor to provide more deeply affordable units while also unlocking alternative funding sources.
14	249.33	Amend the code to allow development projects to meet their inclusionary housing requirements through a land dedication option. This was added after the 2/13/2020 Initiation hearing.	Provide additional affordable housing in the neighborhoods adjacent to the Hub.
<b>Sustainability</b>			
15	249.33	Expand the requirement for living roofs to 30% of the roof area and provide 15% solar for certain sites. Allow a waiver through Section 309 if projects cannot meet this requirement. The ratio was adjusted prior to the	Per MOAP Objective 3.2: Enhance environmental sustainability through building design.

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		2/13/2020 Initiation hearing and the ordinance was not updated.	
<b>Building Mass</b>			
16	249.33	Amend the code to update lot coverage controls	To ensure residential projects provide some open space and are not full lot coverage.
17	261.1	Amend the code to retain the height controls for properties adjacent to narrow street and alleys	Carry forward this control from the NCT-3 zoning district. Limit heights along alleys in order to provide ample sunlight and air in accordance with the plan principles that relate building heights to street widths. Per MOAP Policy 1.2.3, limit height along alleys.
18	263.19	Amend the code to make this section applicable for all R Bulk Districts and to clarify the expression of maximum height controls for podiums and towers in the R-2 Bulk District and the Van Ness and Market Residential SUD.	Amendment reflects the height proposal and conforms with urban design element supporting slender towers.
19	270	Amend the code to define the podium height	Technical amendment to clarify language pertaining to tower separation by defining the term podium.
20	270	Amend the code to allow the following exceptions to the R2 bulk district. <ul style="list-style-type: none"> <li>• Buildings up to 350 feet in height may not exceed an average floor area of 10,000 square foot</li> <li>• Buildings taller than 350 feet in height may not exceed an average floor area 12,000 square feet, maximum plan length of 150 feet, and maximum diagonal dimension of 190 feet.</li> <li>• Towers taller than 550 feet in height districts of 590 feet and greater may not exceed an average floor area of 18,500 feet between a podium height of 140 170 feet. Building mass above 140 feet shall be set back at least 10 feet from property line for a minimum ratio</li> <li>• Tower sculpting allowed up to certain limits</li> </ul>	Amendment reflects the height proposal and conforms with urban design element supporting slender towers. In addition, per MOAP Policy 1.2.8, encourage slender residential towers.
21	270.2	Remove the upper story setback adjacent to mid-block alleys for certain projects in the Van Ness Market SUD. Allow for an exception to the requirement that 60% of the alley has to be open to the sky under certain conditions.	Amendment reflects the height proposal and provides some design flexibility.
<b>Use of Impact Fees + Community Participation</b>			
22	341.5	Amend the code to limit the Market and Octavia CAC to nine members to reflect the existing ratios for members to be appointed (2/3 Board and 1/3 Mayor) and expand the criteria to allow two members to live or work in the plan area or within 1,250' of the plan area This was added after the 2/13/2020 Initiation hearing.	Broaden the membership of the Market and Octavia CAC to get a more diverse representation.

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23	416.3	Amend the code to allow projects to receive in-kind credit for the area plan affordable housing impact fees through additional provision of on-site units if they choose to exceed the required amount.	Encourage the provision of more on-site affordable units.
24	421.5	Amend the code to expand the area in which impact fees from the Market and Octavia Infrastructure Fund can be spent from 250' from the Market and Octavia Area Plan boundary to 1,250'. Add reference to the Market Octavia Area Plan- Hub Public Benefits Document.	Provides more flexibility for spending impact fee money on infrastructure projects including open space, transit, streets, childcare. Expands public benefits to adjacent neighborhoods.
25	424.1	Amend the code to incorporate the proposed open space and streetscape projects from the Hub Public Realm Plan.	To reflect public benefits package and projects identified during the community planning process.
26	424.4	Amend the code to add priorities for the use of the Van Ness and Market Affordable Housing fees. The following priorities would apply; 1. Within the Van Ness and Market Residential Special Use District; 2. within 1 mile from the Market Octavia Area Plan; and 3. within the City and County of San Francisco.	The current code does not include priorities for the use of this impact fee. Add priorities for the use of the SUD affordable housing fee to clarify how the funds should be prioritized.
27	424.5	Amend the code to expand the area in which impact fees from the Van Ness and Market Residential Special Use District Infrastructure Fund can be spent from within the Market and Octavia Area Plan boundary to 1,250. Add a reference to the Market Octavia Area Plan-Hub Public Benefits Document.	Provides more flexibility for spending impact fee money on infrastructure projects including open space, transit, streets, childcare. Expands public benefits to adjacent neighborhoods.
28	249.33 + 411A.5	Amend the code to allow projects the option of providing in-kind improvements and receiving a fee-wavier for the Transportation Sustainability Fee (TSF) from the MTA Board.	Per MO Area Plan Objective 5.1 – Improve public transit to make it more reliable, attractive, convenient, and responsive to increasing demand. This allows the option for an in-kind provision to meet an identified public transportation need.
<b>Exceptions</b>			
29	309	Amend the code to allow for an exception to the micro-retail requirements as permitted in Section 249.11.	Exemptions include any projects providing ground floor uses that are larger than 1,000 gross square feet and defined as Arts Activities, Child Care Facility, Community Facility, Instructional Service, Public Facility, or Social Service. (This language was slightly modified after the 2/13/2020 Initiation hearing)
30	309	Amend the code to allow projects to receive additional height and bulk as studied in the Hub EIR through an exception.	To provide certainty about urban form. Also to encourage ground floor uses that serve a range of income levels and enrich the social landscape (This language was slightly

#	Section	Change	Rationale
			modified after the 2/13/2020 Initiation hearing)
31	309	Amend the code to allow for exceptions to the dwelling unit mix.	Allow exceptions if a project has demonstrated a need or mission to serve unique populations or if the project site features a physical constraint that makes it unreasonable to fulfill the requirement.
32	309	Amend the code to allow for exceptions to the percent coverage requirements.	Allow exceptions only if the Planning Commission finds that percent coverage does not negatively affect the usefulness and intent of the mid-block alley.
33	309	Amend the code to allow for exceptions to the permitted obstructions requirements in Section 136. The Planning Commission shall only grant such an exception if the Planning Commission finds that the proposed obstructions assist the proposed development to meet the requirements of Section 148, or otherwise reduce wind speeds at the ground-level or at upper level open spaces. This was added after the 2/13/2020 Initiation hearing	Allows projects to seek an exception for a larger wind canopy if necessary for compliance with Section 148 and to minimize wind impacts. Design-based review is more appropriate for Planning Commission consideration under Section 309 approval than it is for consideration as a variance.
<b>Definitions</b>			
34	401	Definition of “Market and Octavia Community Improvements Program” expanded to include the revised “Market and Octavia Community Improvements Program Document” (Appendix C)	To reflect the Market Octavia Area Plan-Hub Public Benefits Document.