

1 [General Plan Amendment - 542-550 Howard Street - Transbay Parcel F Project]

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3 **Ordinance amending the General Plan by revising the height and bulk designations for**
 4 **portions of the 542-550 Howard Street project site, Assessor's Parcel Block No. 3721,**
 5 **Lot Nos. 016, 135, 136, and 138, also known as Transbay Parcel F, and revising the use**
 6 **designations and height and bulk designations of the Downtown Area Plan for this site;**
 7 **adopting findings under the California Environmental Quality Act; making findings of**
 8 **consistency with the General Plan, as proposed for amendment, and the eight priority**
 9 **policies of Planning Code, Section 101.1; and adopting findings of public necessity,**
 10 **convenience, and welfare under Planning Code, Section 340.**

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

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

19 Section 1. Findings and Environmental Findings.

20 (a) The 542-550 Howard Street project, also known as Transbay Parcel F (Assessor's
 21 Parcel Block No. 3721, Lots 016, 135, 136, and 138), referred to herein as the ("Project"), is
 22 planned for an approximately 0.74 acre site extending from the north side of Howard Street
 23 extending to the south side of Natoma Street in the block between First and Second Streets in
 24 the Transit Center District Plan Area. The Project site includes an underground train box to
 25 accommodate future rail service to the Transbay Transit Center.

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1 (b) The Project would construct a new 61-story, mixed-use high-rise tower with
2 approximately 240,000 gross square feet (gsf) of hotel uses (189 tourist guest rooms);
3 approximately 434,000 gsf of residential uses (165 dwelling units); approximately 274,000 gsf
4 of office uses; approximately 8,700 gsf of retail space; approximately 20,000 gsf of open
5 space; and four below-grade levels that would accommodate up to 183 vehicle parking
6 spaces. The Project also would construct a pedestrian bridge providing public access to
7 Salesforce Park located on the roof of the Transbay Transit Center.

8 (c) On May 24, 2012, the Planning Commission, in Motion No. 18628, certified the
9 Final Environmental Impact Report for the Transit Center District Plan ("FEIR") and related
10 actions as in compliance with the California Environmental Quality Act ("CEQA") (Public
11 Resources Code Sections 21000 et seq.).

12 (d) On that same date, the Planning Commission conducted a duly noticed public
13 hearing and, by Motion No. 18629, adopted findings pursuant to CEQA for the Transit Center
14 District Plan and related actions. In Ordinance No. 181-12, the Board of Supervisors adopted
15 the Planning Commission's environmental findings as its own and relies on these same
16 findings for purposes of this ordinance. Copies of Planning Commission Motion Nos. 18628
17 and 18629 and Ordinance No. 181-12 are on file with the Clerk of the Board of Supervisors in
18 File No. 120665 and incorporated herein by reference.

19 (e) On August 27, 2019, the Planning Department issued a Community Plan
20 Exemption Determination ("CPE") determining that the environmental effects of the Project,
21 including the actions contemplated in this ordinance, were adequately analyzed in the FEIR
22 and that no further environmental review is required in accordance with CEQA and
23 Administrative Code Chapter 31. A copy of the CPE and related documents, including
24 applicable mitigation measures, are on file with the Clerk of the Board of Supervisors in File
25 No. 200058 and are incorporated herein by reference. In addition, other documents, reports,

1 and records related to the CPE and Project approvals are on file with the Planning
2 Department custodian of records, located at 1650 Mission Street, Fourth Floor, San
3 Francisco, California 94103. The Board of Supervisors treats these additional Planning
4 Department records as part of its own administrative record and incorporates such materials
5 herein by reference.

6 (f) In accordance with the actions contemplated in this ordinance, this Board relies on
7 its environmental findings in Ordinance No. 181-12 and the Planning Department's
8 determination that the environmental effects of the Project were adequately analyzed in the
9 FEIR and CPE and that no further environmental review is required.

10 (g) This ordinance is companion legislation to an ordinance that amends the Planning
11 Code to modify Zoning Map ZN1 to rezone a portion of the Project site from the P (Public)
12 district to the C-3-O(SD) Downtown Office Special Development District, to modify Zoning
13 Map HT1 to reclassify the height and bulk district designations for a portion of the project site;
14 to modify the application of Planning Code Section 248(d)(2) to permit the footprint of the
15 portion of the Project site dedicated to dwellings to exceed 15,000 square feet; and to modify
16 the application of Planning Code Section 249.28(b)(6)(B) to permit the Project's required
17 inclusionary affordable housing units to be provided off-site within the Transbay
18 Redevelopment Project Area subject to specified conditions. This companion ordinance is on
19 file with the Clerk of the Board of Supervisors in File No. 191259.

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21 Section 2. General Plan and Planning Code Section 340 Findings.

22 (a) Section 4.105 of the Charter provides that the Planning Commission shall
23 periodically recommend to the Board of Supervisors, for approval or rejection, proposed
24 amendments to the General Plan.

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1 (b) Planning Code Section 340 provides that the Planning Commission may initiate an
2 amendment to the General Plan by a resolution of intention, which refers to, and incorporates
3 by reference, the proposed General Plan amendments. Section 340 further provides that the
4 Planning Commission shall adopt the proposed General Plan amendments after a public
5 hearing if it finds from the facts presented that the public necessity, convenience, and general
6 welfare require the proposed amendment or any part thereof. If adopted by the Commission
7 in whole or in part, the proposed amendments shall be presented to the Board of Supervisors,
8 which may approve or reject the amendments by a majority vote.

9 (c) After a duly noticed public hearing on December 5, 2019 in Resolution No. 20586,
10 the Planning Commission initiated amendments to the General Plan (“Plan Amendments”).
11 Said Motion is on file with the Clerk of the Board of Supervisors in File No. 200058 and
12 incorporated herein by reference.

13 (d) On January 9, 2020, the Planning Commission, in Resolution No. 20614, adopted
14 findings regarding the City’s General Plan, eight priority policies of Planning Code Section
15 101.1, and Planning Code Section 340. A copy of said Resolution is on file with the Clerk of
16 the Board of Supervisors in File No. 200058 and is incorporated herein by reference.

17 (e) Section 4.105 of the City Charter further provides that if the Board of Supervisors
18 fails to act within 90 days of receipt of the proposed Plan Amendments, then the Plan
19 Amendments shall be deemed approved.

20 (f) The Board of Supervisors finds that the Plan Amendments are, on balance, in
21 conformity with the General Plan, as it is proposed for amendment by this ordinance, and the
22 eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning
23 Commission Resolution No. 20614. The Board hereby adopts these Planning Commission
24 findings as its own.

1 (g) The Board of Supervisors finds, pursuant to Planning Code Section 340, that the
 2 Plan Amendments set forth in this ordinance and in documents on file with the Clerk of the
 3 Board in File No. 200058 will serve the public necessity, convenience and general welfare for
 4 the reasons set forth in Planning Commission Resolution No. 20614. The Board hereby
 5 adopts these Planning Commission findings as its own.

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 7 Section 3. Amendments to the Downtown Area Plan and Transit Transit Center District
 8 Subarea Plan to Reclassify Heights.

9 (a) The General Plan is hereby amended by revising the height and bulk designations
 10 of the Downtown Area Plan and Transit Center District Subarea Plan as follows.

11 (b) As described in the chart below, Map 5 of the Downtown Area Plan and Figure 1 of
 12 the Transit Center District Subarea Plan shall reclassify the height limits for:

- 13 (1) the western 15 feet of Assessor’s Block 3721, Lot 016 from 450’ to 750’,
- 14 (2) a 3’-5” wide area located 111’-7” west of the eastern edge of Assessor’s
 15 Parcel Block No. 3721, Lot 136 from 450’ to 750’; and
- 16 (3) an area measuring 109’ by 69’ of the northwest corner of Assessor’s Parcel
 17 Block No. 3721, Lot 138 from 750’ to 450’:

Description of Property	Height/Bulk Districts to be Superseded
Assessor’s Parcel Block No. 3721, Lot 016 (western 15 feet)	450’
Assessor’s Parcel Block No. 3721, Lot 136 (3’-5” wide area located 111’-7” west of the eastern edge of Lot 136)	450’

1	Assessor's Parcel Block No. 3721, Lot 138	750'
2	(area measuring 109' by 69' of the	
3	northwest corner of Lot 138)	
4	Description of Property	Height/Bulk Districts Hereby Approved
5	Assessor's Parcel Block No. 3721, Lot 016	750'
6	(western 15 feet)	
7	Assessor's Parcel Block No. 3721, Lot 136	750'
8	(3'-5" wide area located 111'-7" west of the	
9	eastern edge of Lot 136)	
10	Assessor's Parcel Block No. 3721, Lot 138	450'
11	(area measuring 109' by 69' of the	
12	northwest corner of Lot 138)	

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14 Section 4. Amendments to the Downtown Area Plan to Reclassify Land Use

15 Designation. The General Plan is hereby amended by revising the Downtown Area Plan Map

16 1 to reclassify the land use designation of the Assessor's Block and Lots as described below:

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18	Description of Property	Land Use Designation to be
19		Superseded
20	Assessor's Parcel Block No. 3721, Lots	Downtown Service C-3-O(SD); and
21	016, 135, 136, and 138	unzoned

23	Description of Property	Land Use Designation Hereby
24		Approved

Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138	Downtown Office C-3-O(SD)
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Section 5. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative on its effective date or on the effective date of the General Plan Amendment, enacted by the ordinance in Board of Supervisors File No. 200058, whichever date occurs later; provided, that this ordinance shall not become operative if the ordinance regarding the General Plan Amendment is not approved.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the General Plan that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: _____
JOHN D. MALAMUT
Deputy City Attorney
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