

File No. 150128

Committee Item No. _____

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date February 10, 2015

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|----------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>FOS File No. 140877</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: John Carroll Date February 5, 2015

Completed by: _____ Date _____

1 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance (File No.
2 140877) Amending the Downtown Support Special Use District; Fees in Lieu of On-Site Open
3 Space]

4 **Resolution extending by 90-days the prescribed time within which the Planning**
5 **Commission may render its decision on an Ordinance (File No. 140877) amending the**
6 **Planning Code, Section 247, to allow the Planning Commission to authorize a monetary**
7 **contribution to satisfy on-site open space requirements; to exclude certain features**
8 **from floor area ratio and gross floor area calculations; to establish a fund to accept the**
9 **monetary contributions and provide that the monies deposited shall be used for**
10 **recreation and open space in the South of Market (SoMa) area; to provide that the**
11 **SoMa Community Stabilization Fund Community Advisory Committee shall advise on**
12 **the administration of the fund; affirming the Planning Department's California**
13 **Environmental Quality Act determination; and making findings consistency with the**
14 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

15
16 WHEREAS, On June 29, 2014, Supervisor Kim introduced legislation amending the
17 San Francisco Planning Code that would amend Section 247 to 1) allow the Planning
18 Commission to authorize a monetary contribution to satisfy on-site open space requirements;
19 2) exclude certain features from floor area ratio and gross floor area calculations; 3) establish
20 a fund to accept the monetary contributions and provide that the monies deposited shall be
21 used for recreation and open space in the South of Market (SOMA) area; 4) provide that the
22 SOMA Community Stabilization Fund Community Advisory Committee shall advise on the
23 administration of the fund; affirming the Planning Department's California Environmental
24 Quality Act determination; and making findings consistency with the General Plan, and the
25 eight priority policies of Planning Code, Section 101.1. A copy of said legislation is on file with

1 the Clerk of the Board of Supervisors in File No. 140877 and is incorporated herein by
2 reference; and

3 WHEREAS, On or about August 14, 2014, the Clerk of the Board of Supervisors
4 referred the proposed ordinance to the Planning Commission, which currently is reviewing the
5 proposed ordinance; and

6 WHEREAS, The Board, in accordance with Planning Code Section 306.4(d) may, by
7 Resolution, extend the prescribed time within which the Planning Commission is to render its
8 decision on proposed amendments to the Planning Code that the Board of Supervisors
9 initiates; and

10 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
11 Commission additional time to review the proposed Ordinance and render its decision; now,
12 therefore, be it

13 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
14 within which the Planning Commission may render its decision on the proposed Ordinance for
15 approximately 90 additional days, until May 14, 2015.

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[Planning Code - Amending the Downtown Support Special Use District; Fees in Lieu of On-Site Open Space]

Ordinance amending the Downtown Support Special Use District to allow the Planning Commission to authorize a monetary contribution to satisfy on-site open space requirements, exclude certain features from floor area ratio and gross floor area calculations, establish a fund to accept the monetary contributions and provide that the monies deposited shall be used for recreation and open space in the South of Market (SOMA) area, provide that the SOMA Community Stabilization Fund Community Advisory Committee shall advise on the administration of the fund, affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Findings.

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

1 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 Section 2. The Planning Code is hereby amended by revising Section 247, to read as
7 follows:

8 **SEC. 247. DOWNTOWN SUPPORT OPEN SPACE DEMONSTRATION SPECIAL USE**
9 **DISTRICT.**

10 (a) **Purpose.** In order to provide that a certain area within the C-3-S District be able
11 to be developed for hotel use with an increased basic floor area ratio of 7.5 to 1, there shall be
12 a "Downtown Support Special Use District" (also referred to as the "C-3-S (SU) District") as
13 designated on Zoning Sectional Map ± SU01 of the Zoning Map. Development at densities above the
14 basic floor area ratio of 7.5:1 in this special use district will not be permitted.

15 (b) **Requirements.**

16 (1) **Floor Area Ratio.** The basic and maximum floor area ratio of the C-3-S (SU)
17 District, after purchase of all market-rate, available TDR within the C-3-S District, shall be
18 7.5:1. Development at densities above the basic floor area ratio of 7.5:1 in this special use district will
19 not be permitted. Roof eaves, cornices, or belt courses which project no more than two feet from the
20 face of the building wall shall be excluded from the FAR calculation.

21 Where there are fewer square feet of TDR within the C-3-S District available than the
22 Planning Commission determines is required for a project, the Planning Commission may, as
23 part of a Section 309 review, authorize a project sponsor to make a monetary contribution
24 towards the preservation of a Landmark building within the C-3 area in an amount to be
25 determined by the Commission. For purposes of this Section 247, the C-3 area shall include

1 any C-3 District and any P District adjacent thereto. All other provisions of this Code
2 applicable to the C-3-S District shall apply in the C-3-S (SU) District.

3 (2) Gross Floor Area Calculation. Notwithstanding the requirements of Section
4 102.9(b) of this Code, balconies, porches, roof decks, terraces, courts, and similar features shall be
5 excluded from gross floor area if they are fully open to the sky, even if covered by retractable canopies
6 and associated support structures; however, the gross floor area, as defined in Section 102.9(b), shall
7 be used to calculate any fees that are due.

8 (3) Privately-Owned Public Open Space Requirements. If the Planning Commission
9 determines, as part of a Section 309 review, that the project sponsor of an existing project is unable to
10 satisfy the on-site open space requirements of Section 138, the Downtown Guidelines for Open Space,
11 or other applicable section of this Code due to one or more of the following reasons, the Commission
12 may authorize a project sponsor to make a monetary contribution towards the creation of a new
13 publicly- or privately-owned open space or the improvement of an existing publicly-owned open space
14 within ½ mile of the project site in lieu of complying with the requirements for on-site open space:

15 (i) the development site has physical constraints;

16 (ii) an existing open space has proven to be little-used;

17 (iii) the project cannot provide safe, convenient access to the public;

18 (iv) the square footage of open space is not sufficient to provide a usable open
19 space; or

20 (v) such additional reasons as the Commission may determine.

21 The amount of the monetary contribution shall be each square foot of gross floor area required
22 by Section 138 of this Code that is waived multiplied by \$87.84.

23 (c) SOMA Recreation and Open Space Fund. All monies collected pursuant to Section
24 247(b)(3) of this Code shall be deposited into a special fund to be maintained by the Controller and
25

1 appropriated in accordance with law to be used solely to provide recreation and open space in the
2 South of Market Area (SOMA).

3 (d) SOMA Community Stabilization Fund Community Advisory Committee. The SOMA
4 Community Stabilization Fund Community Advisory Committee (CAC) established in Section 418.7(d)
5 of this Code shall be the community advisory body charged with providing input to City agencies and
6 decision makers with regard to the appropriate prioritization of projects to receive monies from the
7 Fund.

8 Section 3. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 JUDITH A. BOYAJIAN
Deputy City Attorney

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Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2015 FEB 2 PM 2:14
 Time stamp
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Kim

Subject:

Approval of a 90-Day Extension for Planning Commission Review of Amending the Downtown Support Special Use District; Fees in Lieu of On-Site Open Space (File No. 140877)]

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: