

BOARD of SUPERVISORS



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October 27, 2015

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 20, 2015, Supervisor Kim introduced the following legislation:

File No. 151063

Ordinance amending the Planning Code regarding bulk limits and exceptions to the tower separation requirements on 525 Harrison Street, Assessor's Block No. 3764, Lot No. 063; and amending the Zoning Map to redesignate a portion of Assessor's Block No. 3764, Lot No. 063, from a 65/400-R height and bulk district to a 65/250-R height and bulk district; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in blue ink that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

1 [Planning Code, Zoning Map - 525 Harrison Street]

2
3 **Ordinance amending the Planning Code regarding bulk limits and exceptions to the**
4 **tower separation requirements on 525 Harrison Street, Assessor's Block No. 3764, Lot**
5 **No. 063; and amending the Zoning Map to redesignate a portion of Assessor's Block**
6 **No. 3764, Lot No. 063, from a 65/400-R height and bulk district to a 65/250-R height and**
7 **bulk district; affirming the Planning Department's determination under the California**
8 **Environmental Quality Act; and making findings of consistency with the General Plan,**
9 **and the eight priority policies of Planning Code, Section 101.1, and findings under**
10 **Planning Code, Section 302.**

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 ~~*italics Times New Roman font*~~.
14 **Board amendment additions** are in Arial font.
15 **Board amendment deletions** are in ~~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.

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

25 (b) Pursuant to Planning Code Section 302, this Board finds that the actions
contemplated in this ordinance will serve the public necessity, convenience, and welfare for

1 the reasons set forth in Planning Commission Resolution No. _____ and the Board
2 incorporates such reasons herein by reference. A copy of the Planning Commission
3 Resolution No. _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

4 (c) On _____, 2015, the Planning Commission, in Resolution No. _____, adopted
5 findings that the actions contemplated in this ordinance are consistent, on balance, with the
6 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
7 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
8 Board of Supervisors in File No. _____, and is incorporated herein by reference.

9
10 Section 2. The Planning Code is hereby amended by revising Section 270 to read as
11 follows:

12 **SEC. 270. BULK LIMITS: MEASUREMENT.**

13 * * * *

14 (e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach
15 DTR Districts), bulk limitations are as follows:

16 (1) There are no bulk limits below the podium height as described in Section
17 263.19, except for the lot coverage limitations and setback requirements described in
18 Sections 825 and 827.

19 (2) **Tower Bulk and Spacing.** All portions of structures above the podium
20 height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in
21 Chart C.

22 (A) Buildings between the podium height limit and 240 feet in height may
23 not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

1 (B) Buildings between 241 and 300 feet in height may not exceed a plan
2 length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum
3 average floor area of 8,500 gross square feet.

4 (C) Buildings between 301 and 350 feet in height may not exceed a plan
5 length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum
6 average floor area of 9,000 gross square feet.

7 (D) Buildings between 351 and 550 feet in height may not exceed a plan
8 length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum
9 average floor area of 10,000 gross square feet.

10 (E) To allow variety in the articulation of towers, the floor plates of
11 individual floors may exceed the maximums described above by as much as 5 percent,
12 provided the maximum average floor plate is met.

13 (F) To encourage tower sculpting, the gross floor area of the top one-
14 third of the tower shall be reduced by 10 percent from the maximum floor plates described in
15 (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

16 (G) In order to provide adequate sunlight and air to streets and open
17 spaces, a minimum distance of 115 feet must be preserved between all structures above 110
18 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally
19 from the outside surface of the exterior wall of the subject building to the nearest point on the
20 closest structure above 110 feet in height. Any project that is permitted pursuant to the
21 exception described in Section 270(e)(3) shall not be considered for the purposes of
22 measuring tower spacing pursuant to this Section.

23 (H) The procedures for granting special exceptions to bulk limits
24 described in Section 271 shall not apply; exceptions may be granted pursuant to Sections
25 270(e)(3) and 270(e)(4).

1 (I) Additional setback, lot coverage, and design requirements for the
2 DTR Districts are described in Sections 825, ~~and~~ 827, 828 and 829.

3 (3) **Exceptions to tower spacing and upper tower sculpting requirements**
4 **in Rincon Hill DTR.** An exception to the 115 feet tower spacing requirement and the upper
5 tower sculpting requirement described in (e)(2)(F) and (G) above may be granted to a project
6 only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006,
7 pursuant to the procedures described in 309.1 of this Code provided that projects meet the
8 following criteria:

9 (A) Applications for environmental review and conditional use related to
10 a building above 85 feet in height on the subject lot have been filed with the Department prior
11 to March 1, 2003 and February 1, 2005, respectively;

12 (B) Given the 115 tower spacing requirement described in (~~F~~G) above,
13 the existence of an adjacent building greater than 85 feet in height precludes the development
14 of a tower on the subject lot;

15 (C) The subject lot has a total area of no less than 35,000 square feet;

16 (D) The proposed project is primarily residential and has an area of no
17 more than 528,000 gross square feet;

18 (E) The proposed project conforms to all other controls described or
19 referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR
20 District.

21 (F) For the purposes of subsection (~~iv~~D) above, the term "gross square
22 feet" shall be the sum of the gross areas of all floors of a building or buildings above street
23 grade measured from the exterior faces of exterior walls or from the center lines of walls
24 separating two buildings, excluding area below street grade. Where columns are outside and
25 separated from an exterior wall (curtain wall) which encloses the building space or are

1 otherwise so arranged that the curtain wall is clearly separated from the structural members,
2 the exterior face of the curtain wall shall be the line of measurement, and the area of the
3 columns themselves at each floor shall also be counted.

4 **(4) Allowance for limited reduction in spacing from existing towers in**
5 **Rincon Hill DTR.** To allow limited variation in tower placement from towers for which a
6 certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower
7 spacing described in (e)(2)(G) above may be granted pursuant to the procedures described in
8 309.1 of this Code if all the following criteria are met:

9 (A) For every percent reduction from the maximum average floor area
10 as described in (2) above, an equal percent reduction in tower separation may be granted
11 subject to the following limits:

12 (i) Up to a height of one-and-one-half times the maximum
13 permitted podium height, tower spacing described in (e)(2)(G) above may be reduced by not
14 more than 15 percent;

15 (ii) up to a height of 180 feet, tower spacing described in (e)(2)(G)
16 above may be reduced by not more than 10 percent; and

17 (iii) all floors above 180 feet achieve the full 115-foot minimum
18 tower spacing requirement described in (e)(2)(G) above. A project may average the tower
19 separation of all floors below 180 feet so long as the requirements of (ii) and (iii) herein are
20 satisfied.

21 * * * *

22 **(5) Exceptions to Tower Bulk, Upper Tower Sculpting and Tower Spacing**
23 **Requirements on Block 3764. Exceptions to the tower bulk, upper tower sculpting and tower spacing**
24 **requirements described in Subsections (e)(2)(A), (F) and (G) above may be granted to a project only on**
25

1 Block 3764, Lot 063, pursuant to the procedures described in Section 309.1 of this Code, provided that
2 the project meets all of the following criteria:

3 (A) Within 115 feet of Block 3764, Lot 063, there is a tower greater than 85 feet
4 in height as part of a building that has received a First Construction Document;

5 (B) The project involves the construction of, or alteration to, a tower of no more
6 than 250 feet in height;

7 (C) The subject lot has a total area of no more than 15,000 square feet;

8 (D) A minimum distance of 82 feet is preserved between any structures on the
9 parcel and any other structure on or off the parcel above 110 feet in height at all levels above 110 feet
10 in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of
11 structures, which shall include those features described in Planning Code Section 136(c)(2) and (3);
12 and

13 (E) The project is primarily residential and contains no more than 250,000
14 gross square feet.

15
16 Section 3. The Planning Code is hereby amended by revising Section 309.1 to
17 read as follows:

18 **SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

19 The provisions and procedures set forth in this Section shall govern the review of project
20 authorization and building and site permit applications for the construction or substantial
21 alteration of structures in Downtown Residential districts, the granting of exceptions to
22 requirements of this Code, and the imposition of modifications necessary to achieve the
23 objectives and policies of the General Plan and the purposes of this Code as provided for in
24 Section 825 and elsewhere. When any action authorized by this Section is taken, any
25

1 determination with respect to the proposed project required or authorized pursuant to CEQA
2 may also be considered.

3 * * * *

4 (b) **Exceptions.**

5 (1) Exceptions to the following provisions of this Code may be granted as provided for
6 below:

7 (A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the
8 criteria described in Section ~~s~~ 270(e)(3), ~~and~~ 270(e)(4) and 270(e)(5).

9 (B) Provision for exceeding an accessory residential parking ratio principally permitted
10 and up to the maximum permitted by Table 151.1.

11 (C) Exceptions to the lot coverage requirements of Section 825(b)(2) for conversions of
12 existing non-residential structures to residential use.

13 (D) Reductions in the dwelling unit exposure requirements of Section 140.

14 (E) Allowing parking access from Folsom Street, pursuant to 827(a)(8)(A)(ii) and
15 155(r).

16 (F) Reduction of required on-site residential open space of 36 square feet per unit
17 described in Section 827(a)(9) to create additional off-site publicly-accessible open space and
18 superior building design.

19 (G) Design, location, and size of publicly-accessible open space as allowed by Section
20 827(a)(9) and equivalence of proposed publicly-accessible open space in size and quality with
21 required on-site open space.

22 (H) Modifications to the required upper story setback above a height of 45 feet on the
23 north side of mid-block pedestrian pathways as allowed in Section 827(a)(5)(C)(i).

24 (I) On development lots larger than ½-acre, minor deviations from the provisions for
25 measurement of height in Section ~~s~~ 260 of the Code as otherwise provided in Section

1 304(d)(6), in cases where the Planning Commission finds that such minor measurement
2 modification is necessary for a project of outstanding overall design, complementary to the
3 design of the surrounding area, and necessary to meet the intent and policies of the relevant
4 area plan of the General Plan.

5 * * * *

6
7 Section 4. Sheet HT01 of the Zoning Map of the City and County of San Francisco is
8 hereby amended as follows:

9

<u>Description of Property</u>	<u>Height and Bulk District</u> <u>Superseded</u>	<u>Height and Bulk District</u> <u>Approved</u>
Assessor's Block/Lot: 3764/063	65-X; 65/400-R	65-X; 65/250-R

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16 Section 5. Effective Date and Operative Date.


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

21 (b) This ordinance shall become operative upon its effective date or upon the effective
22 date of the related General Plan Amendment contained in Board of Supervisors File No.
23 _____, whichever occurs later. If the effective date of the related General Plan
24 Amendment does not occur within 90 days of the effective date of this ordinance, this
25 ordinance shall expire by operation of law.

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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 Municipal Code 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: 
KATE H. STACY
Deputy City Attorney

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