

File No. 240879

Committee Item No. 2

Board Item No. 9

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: Nov 18, 2024

Board of Supervisors Meeting:

Date: Dec 10, 2024

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance - VERSION 2
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest - VERSION 2
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" 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 / DRAFT Mills Act 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

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Planning Commission Transmittal – November 4, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination – October 4, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Referrals CEQA and Planning Commission – September 18 and</u>
		<u>October 23, 2024</u>
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Prepared by: John Carroll

Date: Nov 15, 2024

Prepared by: John Carroll

Date: Nov 27, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

[Planning Code - 524 and 530 Howard Street - Transit Center District Open Space Impact Fee Waiver for 524 Howard Street, LLC]

**Ordinance amending the Planning Code to waive the Transit Center District Open Space Impact Fee for 524 Howard Street, LLC's development project at 524 and 530 Howard Street in recognition of the project's proposed construction of a pedestrian bridge connecting to the Transbay Transit Center's rooftop park; affirming the Planning Commission's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and general welfare findings under Planning Code, Section 302.**

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. Background.

(a) The Transbay Transit Center is located between Beale, Mission, Second, and Howard Streets in San Francisco's South of Market neighborhood. In addition to providing access to multiple modes of transportation, retail, entertainment, and cultural spaces, the Transbay Transit Center features a public 5.4-acre rooftop park (the "Rooftop Park").

(b) 524 Howard Street, LLC ("Developer") owns that certain real property at 524 and 530 Howard Street (together, the "Property") located across Natoma Street from the Transbay Transit Center.

1 (c) Existing structures on the Property consist of a surface parking lot and a four-  
2 story, 29,955 square foot commercial building.

3 (d) Developer intends to construct on the Property (1) a new 72-story,  
4 approximately 795-foot tall (approximately 844 feet inclusive of permitted rooftop  
5 appurtenances) residential building containing approximately 818,922 gross square feet of  
6 residential use (the "Tower"), and (2) a 30-foot wide pedestrian bridge spanning Natoma  
7 Street and connecting the Tower to the Rooftop Park (the "Pedestrian Bridge," and together  
8 with the Tower, the "Project"). The Project includes 672 dwelling units, with 68 dwelling units  
9 dedicated to households earning no more than 50% AMI (area median income).

10 (e) On June 18, 2024, the Planning Department issued a Planning Approval Letter for  
11 Record No. 2023-010883PRJ, approving the Project in accordance with the provisions of  
12 California Government Code Section 65912.120 (Assembly Bill No. 2011 (2023)).

13 (f) As a condition of Developer's right to connect the Pedestrian Bridge to the Rooftop  
14 Park, and as consideration for the enhanced value of the Project resulting from the connection  
15 of the Project to the Rooftop Park, Developer has agreed to pay the Transbay Joint Powers  
16 Authority ("TJPA") a sum of \$2,300,000.00 (the "Enhanced Value") or the amount of the  
17 Transit Center District Open Space Impact Fee (the "Open Space Fee") that, absent any fee  
18 credits for in-kind improvements or other waivers, Developer would be required to pay to San  
19 Francisco ("City") under Planning Code Section 424.6 at the time the Enhanced Value is due  
20 to the TJPA.

21 (g) The Enhanced Value is approximately equal to the amount the Project would be  
22 required to pay to the City for the Open Space Fee at the time the Enhanced Value is due to  
23 the TJPA.

24 (h) The Open Space Fee was established to fund open space improvements in the  
25 Transit Center District Plan Area and adjacent downtown areas to provide benefits to the

1 tenants and owners of new developments whose project sponsors pay the Open Space Fee.  
2 The City uses the open space fees to provide open space improvements that serve these new  
3 developments as well as benefitting the general public. The City's General Plan and Planning  
4 Code also encourages property owners adjacent to the Transbay Transit Center to construct  
5 pedestrian bridges connecting their developments to the Rooftop Park as an alternate method  
6 of satisfying their various open space requirements.

7 (i) The abovementioned General Plan provisions are contained in the Transit Center  
8 District Plan Subarea Plan Objective 3.11: "Enhance access and maximize the visibility of the  
9 Transit Center's future rooftop park from the surrounding neighborhoods, especially  
10 neighborhoods to the south," and its Policy 3.19: "Permit buildings to satisfy open space  
11 requirements through direct connections to the Transit Center Park." In addition, Planning  
12 Code Section 138(j) specifically addresses how the City should approach public connections  
13 to the rooftop park on the Transbay Transit Center from adjacent buildings and count such  
14 connections as contributing to a project's open space requirements.

15 (j) In light of the Project's provision of open space improvements in the Transit Center  
16 District Plan Area through the creation of the Pedestrian Bridge connecting new residential  
17 development to the Rooftop Park, Developer and the TJPA have requested that the City  
18 waive the Open Space Fee for the Project. In lieu of paying the Open Space Fee, the  
19 Developer has agreed to pay the equivalent fee amount directly to the TJPA in recognition of  
20 the Enhanced Value of the Project that results from the connection of the Project to the  
21 Rooftop Park.

22 (k) Companion Legislation. This ordinance is related to a companion ordinance  
23 concerning an airspace street vacation for City property above Natoma Street that the City will  
24 convey to the TJPA to allow for the Pedestrian Bridge connecting the Project to the Rooftop  
25

1 Park (the "Street Vacation Ordinance"). The Street Vacation Ordinance is on file with the  
2 Clerk of the Board of Supervisors in File No. 240928.

3  
4 Section 2. General Plan, Planning Code Section 302, and Environmental Findings.

5 (a) At a duly noticed public hearing on October 24, 2024, in Resolution No. 21635, the  
6 Planning Commission found that this ordinance is, on balance, in conformity with the General  
7 Plan and the priority policies of Planning Code Section 101.1.

8 (b) In Resolution No. 21635, the Planning Commission also adopted findings under  
9 Planning Code Section 302 determining that this ordinance serves the public necessity,  
10 convenience, and general welfare.

11 (c) As part of Resolution No. 21635, the Planning Commission adopted findings that  
12 the actions in this ordinance are in compliance with the California Environmental Quality Act  
13 ("CEQA") (California Public Resources Code Sections 21000 et seq.). A copy of this  
14 Resolution is on file with the Clerk of the Board of Supervisors in File No. 240879 and  
15 incorporated herein by reference.

16 (d) In regard to the actions addressed in this ordinance, the Board of Supervisors  
17 hereby adopts as its own the findings in the above-referenced Planning Commission  
18 Resolution for purposes of the General Plan and Planning Code Section 101.1, Planning  
19 Code Section 302, and CEQA.

20  
21 Section 3. Approval of Transit Center District Plan Open Space Fee Waiver. As  
22 applied to this Project, Planning Code Sections 424.6 et seq. governing the Transit Center  
23 District Plan Open Space Fee are hereby waived. The waived fee amount is anticipated to be  
24 approximately \$2,300,000.00 based on the various factors including the size of the Project  
25 and reductions for housing affordability. In granting this waiver, the Board of Supervisors

1 recognizes the provision of open space improvements in the Transit Center District Plan Area  
2 through Developer's construction of the Pedestrian Bridge and Developer's payment of the  
3 Enhanced Value to the TJPA. The fee waiver is conditioned upon the following: (a) final  
4 approval of the Street Vacation Ordinance as set forth in Section 4(b) below; (b) Planning  
5 Department Director approval of a Notice of Special Restriction to be recorded against the  
6 Property that establishes the public's right of access to and use of the Pedestrian Bridge  
7 between the street level of the Property and the Rooftop Park that is generally consistent with  
8 Planning Code Section 138(j); and (c) written acknowledgement from the TJPA that evidences  
9 the Developer's payment to the TJPA of the Enhanced Value of the Project.

10  
11 Section 4. Effective and Operative Dates. (a) Effective Date. This ordinance shall  
12 become effective 30 days after enactment. Enactment occurs when the Mayor signs the  
13 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within  
14 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the  
15 ordinance.

16 (b) Operative Date. This ordinance shall become operative on its effective date or on  
17 the effective date of the Street Vacation Ordinance, referenced in Section 1(k) of this  
18 ordinance, whichever date occurs later; provided, that this ordinance shall not become  
19 operative if the ordinance regarding the Street Vacation Ordinance is not enacted.

20  
21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ JOHN D. MALAMUT  
24 JOHN D. MALAMUT  
Deputy City Attorney

25 n:\legana\as2024\2500048\01793251.docx

**REVISED LEGISLATIVE DIGEST**  
*(Substituted – October 15, 2024)*

[Planning Code - Transit Center District Open Space Impact Fee Waiver for 524 Howard Street, LLC]

**Ordinance amending the Planning Code to waive the Transit Center District Open Space Impact Fee for 524 Howard Street, LLC's development project at 524 and 530 Howard Street in recognition of the project's proposed construction of a pedestrian bridge connecting to the Transbay Transit Center's rooftop park; affirming the Planning Commission's determination under the California Environmental Quality Act; and adopting General Plan consistency findings, priority policy findings under Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings under Planning Code, Section 302.**

Existing Law

Planning Code Sections 424.6 et seq. govern the Transit Center District Plan open space development impact fees. Planning Code Section 138(j), which only applies to mixed-use projects, addresses how the Planning Department should approach public connections to the rooftop park on the Transbay Transit Center from adjacent buildings and count such connections as contributing to a project's open space requirements. The development project at 524 and 530 Howard Street (the "Project") proposes to build a pedestrian bridge connection over Natoma Street to the Transit Center. The Project is a fully residential project that includes 672 dwelling units, with 68 dwelling units dedicated to households earning no more than 50% AMI (area median income).

Amendments to Current Law

The legislation would amend Planning Code Sections 424.6 et seq. for this Project to waive the open space impact fees, approximately \$2.3 million, subject to the Project's developer paying the equivalent amount to the Transbay Joint Powers Authority for the bridge connection to the Transit Center. The fee waiver would be conditioned upon various subsequent actions, including compliance with the general terms of Planning Code Section 138(j). The ordinance would make various findings, including environmental findings and consistency findings with the General Plan and Planning Code Section 101.1 priority policies.

Background Information

This legislation is related to a companion ordinance that would vacate the airspace above Natoma Street and convey the property to the Transbay Bay Joint Powers Authority to accommodate the construction and use of the pedestrian bridge from the Project to the rooftop park at the Transit Center.

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November 4, 2024

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Dorsey  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2024-008633PCA:**  
Planning Code - 524 and 530 Howard Street - Transit Center District Open Space Impact Fee Waiver for  
Board File No. 240879

**Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Supervisor Dorsey,

On October 24, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey. The proposed ordinance would amend the Planning Code to waive the Transit Center District Open Space Impact Fee for a project at 524 & 530 Howard Street. At the hearing the Planning Commission adopted a recommendation for approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.



Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", with a long horizontal flourish extending to the right.

Aaron D. Starr  
*Manager of Legislative Affairs*

cc: John D. Malamut, Deputy City Attorney  
Madison Tam, Aide to Supervisor Dorsey  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21635

**HEARING DATE:** October 24, 2024

*Project Name:* Planning Code - 524 and 530 Howard Street - Transit Center District Open Space Impact Fee Waiver for 524 Howard Street, LLC  
*Case Number:* 2024-008633PCA [Board File No. 240879]  
*Initiated by:* Supervisor Dorsey / Introduced September 10, 2024 (substituted October 15, 2024)  
*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO WAIVE THE TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE FOR 524 HOWARD STREET, LLC'S DEVELOPMENT PROJECT AT 524 AND 530 HOWARD STREET IN RECOGNITION OF THE PROJECT'S PROPOSED CONSTRUCTION OF A PEDESTRIAN BRIDGE CONNECTING THE TRANSBAY TRANSIT CENTER'S ROOFTOP PARK; AFFIRMING THE PLANNING COMMISSION'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 OF PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE FINDINGS UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on September 10, 2024, Supervisor Dorsey introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 240879, and subsequently introduced a substitute ordinance on October 15, 2024, which would amend the Planning Code to waive the Transit Center District Open Space Impact Fee for 524 Howard Street, LLC's development project at 524 and 530 Howard Street in recognition of the project's proposed construction of a pedestrian bridge connecting to the Transbay Transit Center's rooftop park;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 24, 2024; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval** of the proposed ordinance.

## 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:

The Commission supports the proposed Ordinance because it will enable the creation of a pedestrian bridge connecting a new residential development to the rooftop park of the Salesforce Transit Center. This connection will provide residents of the building with access to vast green space in the heart of the Downtown. It will also bolster public access to the rooftop park of the Salesforce Transit Center by significantly increasing vertical and horizontal pedestrian circulation. The Notice of Special Restriction that is a condition of the fee waiver will additionally serve as a public benefit by mandating public access from the street level of the development to the pedestrian bridge that leads to the park.

## General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### TRANSIT CENTER DISTRICT SUB-AREA PLAN

#### OBJECTIVE 3.1

MAKE WALKING A SAFE, PLEASANT, AND CONVENIENT MEANS OF MOVING ABOUT THROUGHOUT THE DISTRICT.

### OBJECTIVE 3.11

ENHANCE ACCESS AND MAXIMIZE THE VISIBILITY OF THE TRANSIT CENTER'S FUTURE ROOFTOP PARK FROM THE SURROUNDING NEIGHBORHOODS, ESPECIALLY NEIGHBORHOODS TO THE SOUTH.

### Policy 3.19

Permit buildings to satisfy open space requirements through direct connections to the Transit Center Park.

*Buildings immediately abutting the Transit Center or along Minna and Natoma Streets opposite the Transit Center are encouraged to partially satisfy their Planning Code Section 138 publicly-accessible open space requirements by providing a direct pedestrian connection to the Transit Center Park. The proposed Ordinance will facilitate the construction of a publicly accessible pedestrian bridge from a building abutting the park to the south. It will ensure that the public can take advantage of this major public amenity by weaving it into the neighborhood through the connection via 524 and 530 Howard Street.*

### Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident

employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

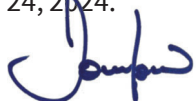
*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL of the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 24, 2024.



Jonas P. Ionin

Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin  
Date: 2024.10.30 09:43:08 -07'00'

AYES: Campbell, McGarry, Williams, Braun, Moore, So

NOES: None

ABSENT: Imperial

ADOPTED: October 24, 2024



## EXECUTIVE SUMMARY

# PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** October 24, 2024

**90-Day Deadline:** January 13, 2025

*Project Name:* Planning Code - 524 and 530 Howard Street - Transit Center District Open Space Impact Fee Waiver for 524 Howard Street, LLC

*Case Number:* 2024-008633PCA [Board File No. 240879]

*Initiated by:* Supervisor Dorsey / Introduced September 10, 2024 (substituted October 15, 2024)

*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534

*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

*Environmental Review:* Not a Project Under CEQA

**RECOMMENDATION:** Adopt a Recommendation for Approval

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to waive the Transit Center District Open Space Impact Fee for a development project at 524 and 530 Howard Street in recognition of the project's proposed construction of a pedestrian bridge connecting to the Transbay Transit Center's rooftop park.

#### The Way It Is Now:

Planning Code Sections 424.6 governs the Transit Center District Plan open space development impact fees. Planning Code Section 138(j), which only applies to projects located within the C-3-O(SD) Zoning District, addresses how the Planning Department should approach public connections to the rooftop park on the Transbay Transit Center from adjacent buildings and count such connections as contributing to a project's open space requirements.

## The Way It Would Be:

The Ordinance would waive the open space impact fee (estimated at \$2.3 million) for the project at 524 and 530 Howard Street on the condition that \$2.3 million instead be paid to the Transbay Joint Powers Authority (TJPA) in exchange for the developer's right to construct a pedestrian bridge to a rooftop park. As a condition of approval, a Notice of Special Restriction would be recorded against the property, establishing the public's right to access and use the pedestrian bridge to access the park from the street level of the development.

## Background

On June 18, 2024, the Planning Department issued Planning Approval Letter in accordance with AB2011<sup>1</sup>. The proposed project would demolish a four-story, approximately 30,000-square-foot commercial building and surface parking lot and construct:

1. A 72-story, approximately 795-foot-tall (approximately 844 feet inclusive of permitted rooftop appurtenances) residential building containing approximately 819,000 gross square feet of residential uses (the "Tower"),
2. A 30-foot-wide pedestrian bridge spanning Natoma Street and publicly accessible elevators within the Tower's podium, connecting the Tower to the rooftop park at the Salesforce Transit Center.

The Project includes 672 dwelling units, with 68 dwelling units dedicated to households earning no more than 50% AMI.

This proposed Ordinance is related to a companion ordinance that would vacate the airspace above Natoma Street and convey the property to the Transbay Bay Joint Powers Authority to accommodate the construction and use of the pedestrian bridge from the Project to the rooftop park at the Salesforce Transit Center.

## Issues and Considerations

### Transit Center District Open Space Fee

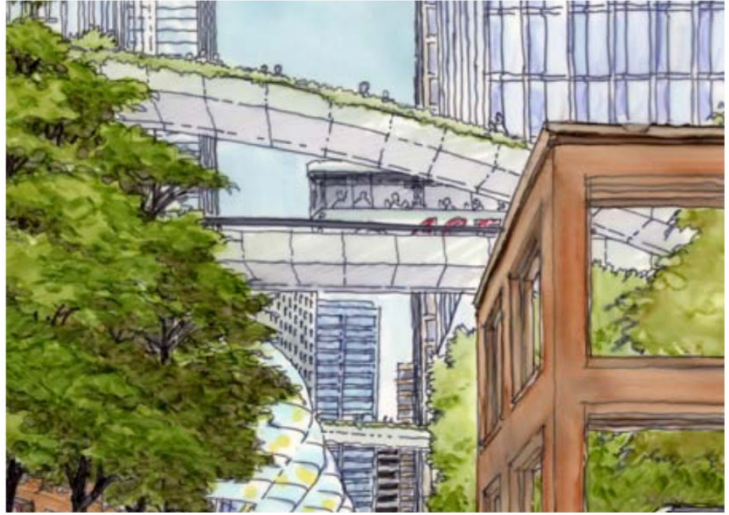
The Open Space Fee was established to fund open space improvements in the Transit Center District Plan Area and adjacent downtown areas to provide benefits to the tenants and owners of new developments. The city uses the open space fees to provide open space improvements that serve these new developments as well as benefitting the general public. The City's General Plan and Planning Code also encourages property owners adjacent to the Transbay Transit Center to construct pedestrian bridges connecting their developments to the Rooftop Park as an alternate method of satisfying their various open space requirements.

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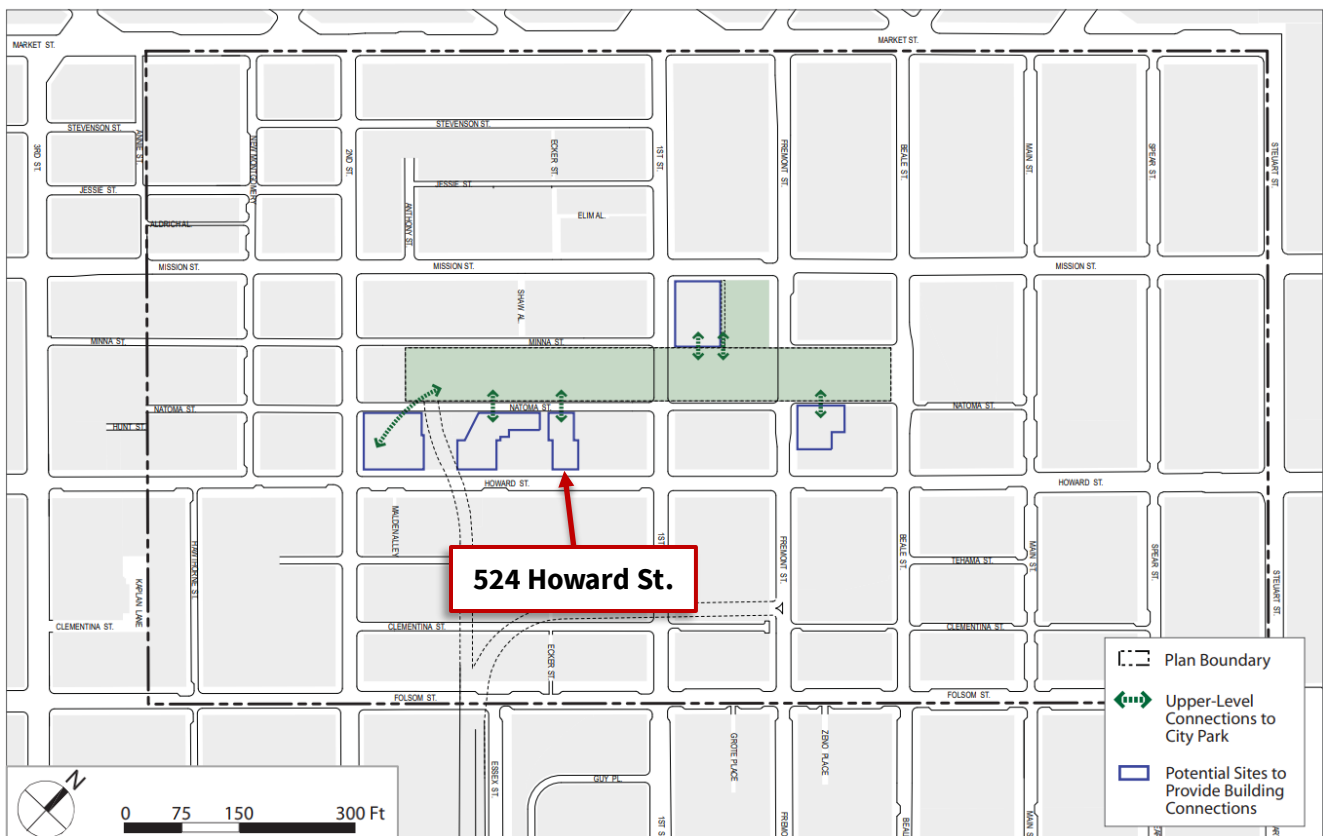
<sup>1</sup> A revised letter was issued on September 25, 2024.

## General Plan Compliance

The proposed Ordinance is aligned with Transit Center District Plan Subarea Plan Objective 3.11 to: “Enhance access and maximize the visibility of the Transit Center’s future rooftop park from the surrounding neighborhoods, especially neighborhoods to the south,” and Policy 3.19 to: “Permit buildings to satisfy open space requirements through direct connections to the Transit Center Park.” In addition, Planning Code Section 138(j) specifically addresses how the city should approach public connections to the rooftop park on the Transbay Transit Center from adjacent buildings and count such connections as contributing to a project’s open space requirements.



The Transit Center District SubArea Plan emphasizes: “Vertical connections to the Transbay Center Park are desirable to increase the park’s accessibility and visibility”.



This map from the 2009 draft of the Transit Center District SubArea Plan identified 524 Howard Street as a potential site to provide upper-level connections to the Transit Center’s rooftop park.



## Racial and Social Equity Analysis

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the city's racial and social equity. There is not enough data to support the claim as its largest impact will be a benefit to the future residents of the single development proposed at 524 and 530 Howard Street. That said, the project plans to build 68 units specifically designated for individuals earning up to 50% of the Area Median Income (AMI). Future residents of these units will enjoy the unique advantage of direct access to a world-class park, located in a neighborhood that otherwise has limited public green spaces.

## Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

## Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

## Basis for Recommendation

The Department recommends that the Commission approve the proposed Ordinance because it will enable the creation of a pedestrian bridge connecting a new residential development to the rooftop park of the Salesforce Transit Center. This connection will provide residents of the building with access to vast green space in the heart of the Downtown. It will also bolster public access to the rooftop park of the Salesforce Transit Center by significantly increasing vertical and horizontal pedestrian circulation. The Notice of Special Restriction that is a condition of the fee waiver will additionally serve as a public benefit by mandating public access from the street level of the development to the pedestrian bridge that leads to the park.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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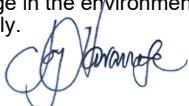
MEMORANDUM

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Date: October 23, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240879-2 SUBSTITUTED  
Planning Code - 524 and 530 Howard Street - Transit Center District Open Space  
Impact Fee Waiver for 524 Howard Street, LLC

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- ☒ California Environmental Quality Act (CEQA) Determination  
(California Public Resources Code, Sections 21000 et seq.) Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Modification of processes or procedures only.  
☒ Ordinance / Resolution  
☐ Ballot Measure  
11/15/2024 
- ☒ Amendment to the Planning Code, including the following Findings:  
(Planning Code, Section 302(b): 90 days for Planning Commission review)  
☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning  
(Board Rule 3.23: 30 days for possible Planning Department review)
- ☐ General Plan Referral for Non-Planning Code Amendments  
(Charter, Section 4.105, and Administrative Code, Section 2A.53)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission  
☐ Landmark (Planning Code, Section 1004.3)  
☐ Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)  
☐ Mills Act Contract (Government Code, Section 50280)  
☐ Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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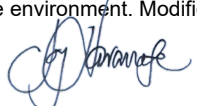
MEMORANDUM

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Date: September 18, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240879  
Planning Code - 524 and 530 Howard Street - Transit Center District Open Space  
Impact Fee Waiver for 524 Howard Street, LLC

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- ☒ California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*) Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Modification of processes or procedures only.
- ☒ Ordinance / Resolution
- ☐ Ballot Measure
- 10/4/2024 
- ☒ Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
- ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
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- ☐ Historic Preservation Commission
- ☐ Landmark (*Planning Code, Section 1004.3*)
- ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
- ☐ Mills Act Contract (*Government Code, Section 50280*)
- ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

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**MEMORANDUM**

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Date: October 23, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240879-2 SUBSTITUTED  
Planning Code - 524 and 530 Howard Street - Transit Center District Open Space  
Impact Fee Waiver for 524 Howard Street, LLC

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- ☒ California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - ☒ Ordinance / Resolution
  - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - ☒ General Plan    ☒ Planning Code, Section 101.1    ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
  - ☐ Landmark (*Planning Code, Section 1004.3*)
  - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - ☐ Mills Act Contract (*Government Code, Section 50280*)
  - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

**Introduction Form**

By a Member of the Board of Supervisors or Mayor

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  inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☒ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic 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 the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Ordinance amending the Planning Code to waive the Transit Center District Open Space Impact Fee for 524 Howard Street, LLC's development project at 524 and 530 Howard Street in recognition of the project's proposed construction of a pedestrian bridge connecting to the Transbay Transit Center's rooftop park; affirming the Planning Commission's determination under the California Environmental Quality Act; and adopting General Plan consistency findings, priority policy findings under Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings under Planning Code, Section 302.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only