

1 [Planning Code, Zoning Map - 542-550 Howard Street]

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3 **Ordinance amending the Planning Code and Zoning Map to rezone and reclassify a**  
4 **portion 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 as shown on**  
6 **Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the**  
7 **project site from the P (Public) District to the C-3-O (SD) Downtown Office Special**  
8 **Development District and to reclassify the height and bulk district designations for a**  
9 **portion of the project site; waiving certain provisions of the Planning Code to allow the**  
10 **project's required inclusionary affordable housing units to be provided off-site within**  
11 **the Transbay Redevelopment Project Area, subject to certain conditions, and to permit**  
12 **the footprint of the portion of the project site dedicated to dwellings to exceed 15,000**  
13 **square feet; adopting findings under the California Environmental Quality Act; making**  
14 **findings of consistency with the General Plan, and the eight priority policies of**  
15 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**  
16 **and welfare under Planning Code, Section 302.**

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

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

25 Section 1. Findings.

1 (a) The 542-550 Howard Street project, also known as Transbay Parcel F (Assessor's  
2 Parcel Block No. 3721, Lots 16, 135, 136, and 138), referred to herein as the "Project", is  
3 planned for a an approximately 0.74 acre site along the north side of Howard Street extending  
4 to the south side of Natoma Street between First and Second Streets in the Transit Center  
5 District Plan Area. The Project site includes an underground train box to accommodate future  
6 rail service to the Transbay Transit Center, and the Project sponsor acquired the site from the  
7 Transbay Joint Powers Authority with the land sales proceeds used to support completion of  
8 the Transbay Transit Center.

9 (b) This ordinance is related to a companion ordinance concerning a General Plan  
10 amendment to modify the Downtown Plan element height map and other General Plan  
11 provisions. The companion ordinance also describes the details regarding the Project. This  
12 companion ordinance is on file with the Clerk of the Board of Supervisors in File No.  
13 \_\_\_\_\_.

14 (c) The Planning Commission, in Motion No. 18628, certified the Final Environmental  
15 Impact Report for the Transit Center District Plan ("FEIR") and related actions as in  
16 compliance with the California Environmental Quality Act ("CEQA") (California Public  
17 Resources Code Sections 21000 et seq.).

18 (d) On May 24, 2012, the Planning Commission conducted a duly noticed public  
19 hearing and, by Motion No. 18629, adopted findings pursuant to CEQA, including a mitigation  
20 monitoring and reporting program, for the Transit Center District Plan and related actions. In  
21 Ordinance No. 181-12, the Board of Supervisors adopted the Planning Commission's  
22 environmental findings as its own and relies on these same findings for purposes of this  
23 ordinance. Copies of Planning Commission Motion Nos. 18628 and 18629 and Ordinance  
24 No. 181-12 are on file with the Clerk of the Board of Supervisors in File No. 120665 and  
25 incorporated herein by reference.

1 (e) On August 27, 2019, the Planning Department issued a Community Plan  
2 Exemption Determination (“CPE”) determining that the environmental effects of the Project,  
3 including the actions contemplated herein, were adequately analyzed in the FEIR and that no  
4 further environmental review is required in accordance with CEQA and Administrative Code  
5 Chapter 31. The CPE is found in Planning Case No. 2016-013312ENV. A copy of the CPE  
6 and related documents, including applicable mitigation measures, are on file with the Clerk of  
7 the Board of Supervisors in File No. \_\_\_\_\_ and are incorporated herein by  
8 reference. In addition, other documents, reports, and records related to the CPE and Project  
9 approvals are on file with the Planning Department custodian of records, and located at 1650  
10 Mission Street, Fourth Floor, San Francisco, California 94103. The Board of Supervisors  
11 treats these additional Planning Department records as part of its own administrative record  
12 and incorporates such materials by reference herein.

13 (f) In accordance with the actions contemplated herein, this Board has reviewed the  
14 CPE and concurs with the Planning Department’s determination that the environmental effects  
15 of the Project were adequately analyzed in the FEIR and that no further environmental review  
16 is required.

17 (g) On \_\_\_\_\_, 2019, in Resolution No. \_\_\_\_\_, the Planning  
18 Commission found that this ordinance is, on balance, in conformity with the General Plan and  
19 the priority policies of Planning Code Section 101.1. A copy of this Resolution is on file with  
20 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein  
21 by reference. The Board hereby adopts the Planning Commission General Plan and Planning  
22 Code Section 101.1 findings as its own.

23 (h) Also in Resolution No. \_\_\_\_\_, the Planning Commission adopted findings under  
24 Planning Code Section 302 determining that this ordinance serves the public necessity,  
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1 convenience, and general welfare. The Board of Supervisors adopts as its own these  
 2 findings.

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 4 Section 2. The Planning Code is hereby amended in accordance with Planning Code  
 5 Section 106 by revising Zoning Map ZN1 as follows:

Description of Property	Zoning District to be Superseded	Zoning District Hereby Approved
Assessor's Parcel Block No. 3721, Lots 135 and 138	P	C-3-O(SD)

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 12 Section 3. The Planning Code is hereby amended in accordance with Planning Code  
 13 Section 106 by revising Zoning Map HT1 as follows:

Description of Property	Height/Bulk Districts to be Superseded
Assessor's Parcel Block No. 3721, Lot 016 (western 15 feet)	450-S
Assessor's Parcel Block No. 3721, Lot 136 (3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	450-S
Assessor's Parcel Block No. 3721, Lot 138 (area measuring 109' by 69' of the northwest corner of Lot 138)	750-S-2

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

Section 4. As applied to this Project, Planning Code Sections 249.28(b)(6)(B) and 249.28(b)(6)(C) are hereby waived and shall not apply to the Project, thereby permitting the project sponsor to elect the Off-Site Affordable Housing Alternative under Planning Code Sections 415 et seq. instead of providing all inclusionary affordable units on-site as required under Section 249.28(b)(6)(B); provided, however, that the off-site inclusionary affordable units that this Project provides under this Section 4 shall be located only within the Transbay Redevelopment Plan Area. The number of off-site inclusionary affordable units are as specified in Section 415.7(a) and the timing of construction for such units shall be as specified in Section 415.7(b).

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1 Section 5. As applied to the Project, Planning Code Section 248(d)(2) is hereby  
2 waived and replaced with the following: "That the footprint of the portion of the site dedicated  
3 to dwellings and/or other housing uses is less than 15,500 square feet and the lot contains  
4 existing buildings which are to be retained." Section 248(d) otherwise remains unchanged.  
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6 Section 6. Effective Date. This ordinance shall become effective 30 days after  
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9 of Supervisors overrides the Mayor's veto of the ordinance.  
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12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By: \_\_\_\_\_  
15 JOHN D. MALAMUT  
16 Deputy City Attorney

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