

FILE NO. 021577

ORDINANCE NO. 275-03

[Planning Code Amendments in connection with 888 Howard Street Hotel Project.]

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

Section 1. Findings. This Board of Supervisors finds and determines as follows:

(a) Pursuant to Planning Code Section 302, this Board finds that this Code amendment will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 16420 ~~16437~~, which reasons are incorporated herein by reference as though fully set forth. A copy of Resolution No. 16420 ~~16437~~ is on file with the Clerk of the Board of Supervisors in File No. 021577.

(b) This ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and with the General Plan as it is proposed to be amended for the reasons set

1 forth in Planning Commission Resolution No. 16420 16437, which reasons are incorporated
2 herein by this reference as though fully set forth.

3 (c) In the Board's adoption of the General Plan amendment required in connection
4 with approval of the 888 Howard Street Hotel Project, the Board affirmed the Planning
5 Commission's certification of the Final Environmental Impact Report and Addendum for the
6 Project and made the findings required by the California Environmental Quality Act ("CEQA"),
7 the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. That
8 affirmation and the CEQA findings are incorporated herein by reference as though fully set
9 forth.

10 Section 2. The San Francisco Planning Code is hereby amended by amending
11 Section 102.9, to read as follows:

12 SEC. 102.9. FLOOR AREA, GROSS.

13 In districts other than C-3, the sum of the gross areas of the several floors of a building
14 or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls
15 separating two buildings. Where columns are outside and separated from an exterior wall
16 (curtain wall) which encloses the building space or are otherwise so arranged that the curtain
17 wall is clearly separate from the structural members, the exterior face of the curtain wall shall
18 be the line of measurement, and the area of the columns themselves at each floor shall also
19 be counted.

20 In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of
21 the several floors of a building or buildings, measured along the glass line at windows at a
22 height of four feet above the finished floor and along a projected straight line parallel to the
23 overall building wall plane connecting the ends of individual windows; provided, however, that
24 such line shall not be inward of the interior face of the wall.

1 (a) Except as specifically excluded in this definition, "gross floor area" shall include,
2 although not be limited to, the following:

3 (1) Basement and cellar space, including tenants' storage areas and all other space
4 except that used only for storage or services necessary to the operation or maintenance of the
5 building itself;

6 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each
7 floor;

8 (3) Floor space in penthouses except as specifically excluded in this definition;

9 (4) Attic space (whether or not a floor has been laid) capable of being made into
10 habitable space;

11 (5) Floor space in balconies or mezzanines in the interior of the building;

12 (6) Floor space in open or roofed porches, arcades or exterior balconies, if such
13 porch, arcade or balcony is located above the ground floor or first floor of occupancy above
14 basement or garage and is used as the primary access to the interior space it serves;

15 (7) Floor space in accessory buildings, except for floor spaces used for accessory
16 off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways
17 and maneuvering areas incidental thereto; and

18 (8) Any other floor space not specifically excluded in this definition.

19 (b) "Gross floor area" shall not include the following:

20 (1) Basement and cellar space used only for storage or services necessary to the
21 operation or maintenance of the building itself;

22 (2) Attic space not capable of being made into habitable space;

23 (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other
24 mechanical equipment, appurtenances and areas necessary to the operation or maintenance
25

1 of the building itself, if located at the top of the building or separated therefrom only by other
2 space not included in the gross floor area;

3 (4) Mechanical equipment, appurtenances and areas, necessary to the operation or
4 maintenance of the building itself (i) if located at an intermediate story of the building and
5 forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate
6 stories occupying less than a full floor level, provided that the mechanical equipment,
7 appurtenances and areas are permanently separated from occupied floor areas and in
8 aggregate area do not exceed the area of an average floor as determined by the Zoning
9 Administrator;

10 (5) Outside stairs to the first floor of occupancy at the face of the building which the
11 stairs serve, or fire escapes;

12 (6) Floor space used for accessory off-street parking and loading spaces as
13 described in Section 204.5 of this Code and driveways and maneuvering areas incidental
14 thereto;

15 (7) Arcades, plazas, walkways, porches, breeze-ways, porticos and similar features
16 (whether roofed or not), at or near street level, accessible to the general public and not
17 substantially enclosed by exterior walls; and accessways to public transit lines, if open for use
18 by the general public; all exclusive of areas devoted to sales, service, display, and other
19 activities other than movement of persons;

20 (8) Balconies, porches, roof decks, terraces, courts and similar features, except
21 those used for primary access as described in Paragraph (a)(6) above, provided that:

22 (A) If more than 70 percent of the perimeter of such an area is enclosed, either by
23 building walls (exclusive of a railing or parapet not more than three feet eight inches high) or
24 by such walls and interior lot lines, and the clear space is less than 15 feet in either
25 dimension, the area shall not be excluded from gross floor area unless it is fully open to the

1 sky (except for roof eaves, cornices or belt courses which project not more than two feet from
2 the face of the building wall).

3 (B) If more than 70 percent of the perimeter of such an area is enclosed, either by
4 building walls (exclusive of a railing or parapet not more than three feet eight inches high), or
5 by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions,
6 (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof
7 eaves, cornices or belt courses which project no more than two feet from the face of the
8 building wall), and (2) the area may have roofed areas along its perimeter which are also
9 excluded from gross floor area if the minimum clear open space between any such roof and
10 the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
11 exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the
12 clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
13 without walls may cover up to 10 percent of such open space without being counted as gross
14 floor area.

15 (C) If, however, 70 percent or less of the perimeter of such an area is enclosed by
16 building walls (exclusive of a railing or parapet not more than three feet eight inches high) or
17 by such walls and interior lot lines, and the open side or sides face on a yard, street or court
18 whose dimensions satisfy the requirements of this Code and all other applicable codes for
19 instances in which required windows face upon such yard, street or court, the area may be
20 roofed to the extent permitted by such codes in instances in which required windows are
21 involved;

22 (9) On lower, nonresidential floors, elevator shafts and other life-support systems
23 serving exclusively the residential uses on the upper floors of a building;

24 (10) One-third of that portion of a window bay conforming to the requirements of
25 Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either

1 side of the bay but not to exceed seven square feet per bay window as measured at each
2 floor;

3 (11) Ground floor area in the C-3-0, C-3-O (SD), C-3-S, C-3-S(SU) and C-3-G
4 Districts devoted to building or pedestrian circulation and building service;

5 (12) In the C-3-0, C-3-O (SD), C-3-S, C-3-S(SU) and C-3-G Districts, space devoted
6 to personal services, restaurants, and retail sales of goods intended to meet the convenience
7 shopping and service needs of downtown workers and residents, not to exceed 5,000
8 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground
9 floor of the building plus the ground level, on-site open space. Said uses shall be located on
10 the ground floor, except that, in order to facilitate the creation of more spacious ground floor
11 interior spaces, a portion of the said uses, in an amount to be determined pursuant to the
12 provisions of Section 309, may be located on a mezzanine level;

13 (13) An interior space provided as an open space feature in accordance with the
14 requirements of Section 138;

15 (14) Floor area in C-3, RED, RSD, SPD, SLR, SLI, and SSO Districts devoted to
16 child care facilities provided that:

17 (A) Allowable indoor space is no more or no less than 3,000 square feet and no
18 more than 6,000 square feet, and

19 (B) The facilities are made available rent free, and

20 (C) Adequate outdoor space is provided adjacent, or easily accessible, to the
21 facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing
22 requirements for child care facilities, and

23 (D) The space is used for childcare for the life of the building as long as there is a
24 demonstrated need. No change in use shall occur without a finding by the City Planning
25 Commission that there is a lack of need for child care and that the space will be used for a

1 facility described in Subsection 15 below dealing with cultural, educational, recreational,
2 religious, or social service facilities;

3 (15) Floor area in C-3, RED, RSD, SPD, SLR, SLI, and SSO Districts permanently
4 devoted to cultural, educational, recreational, religious or social service facilities available to
5 the general public at no cost or at a fee covering actual operating expenses, provided that
6 such facilities are:

7 (A) Owned and operated by a nonprofit corporation or institution, or

8 (B) Are made available rent-free for occupancy only by nonprofit corporations or
9 institutions for such functions. Building area subject to this subsection shall be counted as
10 occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for
11 the purpose of calculating the off-street parking and freight loading requirements for the
12 project;

13 (16) In C-3 Districts, floor space used for short-term parking and aisles incidental
14 thereto when required pursuant to Section 309 in order to replace short-term parking spaces
15 displaced by the building or buildings;

16 (17) Floor space in mezzanine areas within live/work units where the mezzanine
17 satisfies all applicable requirements of the San Francisco Building Code;

18 (18) Floor space suitable primarily for and devoted exclusively to exhibitions or
19 performances by live/work tenants within the structure or lot, provided that such facilities will
20 be available rent-free to live/work tenants within the property for the life of the structure; and

21 (19) In South of Market RED, RSD, SPD, SLR, SLI and SSO Districts, live/work units
22 and any occupied floor area devoted to mechanical equipment or appurtenances or other floor
23 area accessory to live/work use provided that:

1 (A) The nonresidential use within each live/work unit shall be limited to uses which
2 are principal permitted uses in the district or otherwise are conditional uses in the district and
3 are approved as a conditional use,

4 (B) The density, enforcement, open space, parking and freight loading and other
5 standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all
6 other applicable provisions of this Code, and

7 (C) For the purpose of calculating the off-street parking and freight loading
8 requirement for the project, building area subject to this subsection shall be counted as
9 occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

10 Section 3. The San Francisco Planning Code is hereby amended by amending Section
11 123, to read as follows:

12 SEC. 123. MAXIMUM FLOOR AREA RATIO.

13 (a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be
14 as stated in this Section and Sections 124 through 128. The maximum floor area ratio for any
15 building or development shall be equal to the sum of the basic floor area ratio for the district,
16 as set forth in Section 124, plus any premiums and floor area transfers which are applicable to
17 such building or development under Sections 125, 127 and 128, and as restricted by the
18 provisions of Sections 123(c) and (d) and 124(b) and (j).

19 (b) No building or structure or part thereof shall be permitted to exceed, except as
20 stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the
21 district in which it is located.

22 (c) The amount of TDR that may be transferred to a development lot, as allowed by
23 Section 128, is limited as follows:

24 (1) The gross floor area of a structure on a lot in the C-3-O and C-3-O (SD) Districts
25 may not exceed a floor area ratio of 18 to 1;

1 (2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S
 2 Districts may not exceed a floor area ratio that is 1-½ times the basic floor area limit for the
 3 district as provided in Section 124. *This section shall not apply to the C-3-S(SU) District.*

4 (d) The gross floor area of a structure on a lot on which is or has been located a
 5 Significant or Contributory Building may not exceed the basic floor area ratio limits stated in
 6 Section 124 except as provided in Section 128(c)(2).

7 Section 4. The San Francisco Planning Code is hereby amended by amending Table
 8 124, to read as follows:

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1	1.8 to 1
NC-2	
Inner Clement	
Inner Sunset	
Outer Clement	

1	Haight	
2	North Beach	
3	Sacramento	
4	24th Street – Noe Valley	
5	West Portal	
6	NC-2	
7	Broadway	
8	Upper Fillmore	
9	Polk	2.5 to 1
10	Valencia	
11	24th Street – Mission	
12	Castro	
13	Hayes-Gough	
14	Upper Market	3.0 to 1
15	Union	
16	NC-3	3.6 to 1
17	Chinatown R/NC	1.0 to 1
18	Chinatown VR	2.0 to 1
19	Chinatown CB	2.8 to 1
20	C-1, C-2	3.6 to 1
21	C-2-C	4.8 to 1
22	C-3-C	6.0 to 1
23	C-3-O	9.0 to 1
24	C-3-R	6.0 to 1
25		

1	C-3-G	6.0 to 1
2	C-3-S	5.0 to 1
3	C-3-O(SD)	6.0 to 1
4	<u>C-3-S (SU)</u>	<u>7.5 to 1</u>
5	C-M	9.0 to 1
6	M-1 ,M-2	5.0 to 1
7	SLR, SLI	2.5 to 1
8	SSO and in a 40 or 50 foot height district	3.0 to 1
9	SSO and in a 65 or 80 foot height district	4.0 to 1
10	SSO and in a 130 foot height district	4.5 to 1

11 Section 5. The San Francisco Planning Code is hereby amended by amending Section
12 138, to read as follows:

13 SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

14 (a) Requirement. An applicant for a permit to construct a new building or an addition
15 of gross floor area equal to 20 percent or more of an existing building (hereinafter "building")
16 in C-3 Districts shall provide open space in the amount and in accordance with the standards
17 set forth in this Section. All determinations concerning the adequacy of the amount of open
18 space to be provided and its compliance with the requirements of this Section shall be made
19 in accordance with the provisions of Section 309.

20 (b) Amount Required. Open space shall be provided in the amounts specified below
21 for all uses except (i) residential uses, which shall be governed by Section 135 of this Code;
22 (ii) institutional uses; and (iii) uses in a predominantly retail building. For the purposes of this
23 section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area
24 is in retail use.
25

1 Minimum Amount of Open Space Required

2

3 Use District	Ratio of Square Feet of Open Space to Gross Square Feet of Uses with Open Space Requirement
4 C-3-O	1:50
5 C-3-R	1:100
6 C-3-G	1:50
7 C-3-S	1:50
8 C-3-O (SD)	1:50
9 <u>C-3-S(SU)</u>	<u>1.50</u>

10 Section 6. The San Francisco Planning Code is hereby amended by adding Section
11 247, to read as follows:

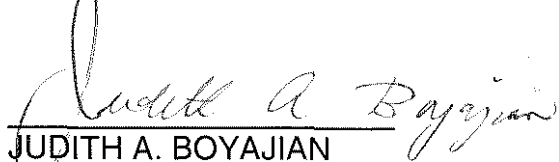
12 SEC. 247. DOWNTOWN SUPPORT SPECIAL USE DISTRICT.

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

18 (b) Requirements. The basic and maximum floor area ratio of the C-3-S (SU) District, after
19 purchase of all market-rate, available TDR within the C-3-S District, shall be 7.5 to 1. Where there
20 are fewer square feet of TDR within the C-3-S District available than the Planning
21 Commission determines is required for a project, the Planning Commission may, as part of a
22 Section 309 review, authorize a project sponsor to make a monetary contribution towards the
23 preservation of a Landmark building within the C-3 area in an amount to be determined by the
24 Commission. For purposes of this Section 247, the C-3 area shall include any C-3 District
25

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

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 021577

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.

November 18, 2003 Board of Supervisors — SUBSTITUTED

November 25, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin,
Sandoval

Noes: 1 - Ammiano

Excused: 1 - Daly

December 9, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Peskin, Sandoval

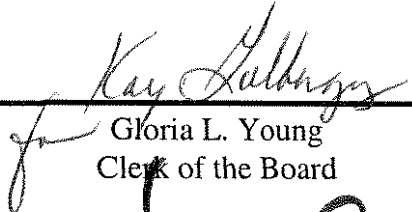
Excused: 1 - Newsom

File No. 021577

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 9,
2003 by the Board of Supervisors of the City
and County of San Francisco.

DEC 10 2003

Date Approved



for Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.