

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 split P (Public) District/C-3-O (SD) to the C-3-O (SD) Downtown**
 8 **Office Special Development District and to reclassify the height and bulk district**
 9 **designations for a portion of the project site; waiving certain provisions of the Planning**
 10 **Code to allow the project to satisfy its affordable housing requirement through**
 11 **payment of an in-lieu affordable housing fee to the Office of Community Investment**
 12 **and Infrastructure for use within the Transbay Redevelopment Project Area, to modify**
 13 **timing for payment of fees, and to permit the footprint of the portion of the project site**
 14 **dedicated to dwellings to exceed 15,000 square feet; adopting findings under the**
 15 **California Environmental Quality Act; making findings of consistency with the General**
 16 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**
 17 **findings of public necessity, convenience, and welfare under Planning Code, Section**
 18 **302.**

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

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

1 Section 1. Findings.

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

10 (b) This ordinance is related to two companion ordinances concerning: (1) a General
11 Plan amendment to modify the Downtown Plan element height map and other General Plan
12 provisions and (2) approval of a Development Agreement establishing the means for
13 compliance with the Project's affordable housing obligations. The companion ordinances are
14 on file with the Clerk of the Board of Supervisors in File No. 200058 (the "General Plan
15 Amendment") and File No. 201386 (the "Development Agreement Ordinance"), respectively.

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

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

1 No. 181-12 are on file with the Clerk of the Board of Supervisors in File No. 120665 and
2 incorporated herein by reference.

3 (e) On August 27, 2019, the Planning Department issued a Community Plan
4 Exemption Determination (“CPE”) determining that the environmental effects of the Project,
5 including the actions contemplated herein, were adequately analyzed in the FEIR and that no
6 further environmental review is required in accordance with CEQA and Administrative Code
7 Chapter 31. The Planning Commission adopted additional CEQA findings relating to
8 amendments to this ordinance and the Development Agreement Ordinance on January 28,
9 2021 in Resolution No. 20841. A copy of the CPE and related documents, including
10 applicable mitigation measures, and the abovementioned additional findings are on file with
11 the Clerk of the Board of Supervisors in File No. 201385 and are incorporated herein by
12 reference. In addition, other documents, reports, and records related to amendments to this
13 ordinance, the Development Agreement Ordinance, the CPE, and Project approvals are on
14 file with the Planning Department custodian of records, located at 49 South Van Ness, Suite
15 1400, San Francisco, California 94103. The Board of Supervisors treats these additional
16 Planning Department records as part of its own administrative record and incorporates such
17 materials herein by reference.

18 (f) In accordance with the actions contemplated herein, this Board relies on its
19 environmental findings in Ordinance No. 181-12. In addition, the Board has reviewed the
20 Planning Commission’s additional findings and the CPE, and concurs with the Planning
21 Department’s determination that the environmental effects of the Project were adequately
22 analyzed in the FEIR and that no further environmental review is required.

23 (g) After a duly noticed public hearing on January 28, 2021, in Resolution No. 20841,
24 the Planning Commission found that this ordinance as amended is, on balance, in conformity
25 with the General Plan as proposed for amendment and the priority policies of Planning Code

1 Section 101.1. A copy of this Resolution is on file with the Clerk of the Board of Supervisors
 2 in File No. 201385 and is incorporated herein by reference. The Board hereby adopts the
 3 Planning Commission General Plan and Planning Code Section 101.1 findings as its own.

4 (h) Also in Resolution No. 20841, the Planning Commission adopted findings under
 5 Planning Code Section 302 determining that this ordinance serves the public necessity,
 6 convenience, and general welfare. The Board of Supervisors adopts as its own these
 7 findings.

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 9 Section 2. The Planning Code is hereby amended in accordance with Planning Code
 10 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 and C-3-O (SD)	C-3-O(SD)

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 17 Section 3. The Planning Code is hereby amended in accordance with Planning Code
 18 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

1	Assessor's Parcel Block No. 3721, Lot 138	750-S-2
2	(area measuring 109' by 69' of the	
3	northwest corner of Lot 138)	
4		
5	Description of Property	Height/Bulk Districts Hereby Approved
6		
7	Assessor's Parcel Block No. 3721, Lot 016	750-S-2
8	(western 15 feet)	
9		
10	Assessor's Parcel Block No. 3721, Lot 136	750-S-2
11	(3'-5" wide area located 111'-7" west of the	
12	eastern edge of Lot 136)	
13		
14	Assessor's Parcel Block No. 3721, Lot 138	450-S
15	(area measuring 109' by 69' of the	
16	northwest corner of Lot 138)	
17		

18 Section 4. (a) As applied to this Project, Planning Code Sections 249.28(b)(6)(B),
19 249.28(b)(6)(C), 402, 409, and 415 et seq. are hereby waived and shall not apply to the
20 Project. In doing so, the Board of Supervisors requires the Project sponsor to comply with the
21 timing from fee payments and its affordable housing obligations in the manner set forth in the
22 Development Agreement approved pursuant to the Development Agreement Ordinance. This
23 involves paying an in-lieu affordable housing fee to the Office of Community Investment and
24 Infrastructure for use in the Transbay Redevelopment Project Area (the "Redevelopment
25 Plan").

1 (b) The Successor Agency to the Redevelopment Agency of the City and County of
2 San Francisco shall approve a variation for this Project to Section 4.9.3 (On-Site Affordable
3 Housing Requirement) of the Redevelopment Plan that provides for compliance with the
4 Project's affordable housing obligation under the Redevelopment Plan in the manner set forth
5 in the Development Agreement approved pursuant to the Development Agreement
6 Ordinance.

7
8 Section 5. As applied to the Project, Planning Code Section 248(d)(2) is hereby
9 waived and replaced with the following: "That the footprint of the portion of the site dedicated
10 to dwellings and/or other housing uses is less than 15,500 square feet and the lot contains
11 existing buildings which are to be retained." Section 248(d) otherwise remains unchanged.

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13 Section 6. Effective and Operative Dates.

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

18 (b) This ordinance shall become operative on its effective date or on the effective date
19 of the Development Agreement Ordinance, enacted by the ordinance in Board of Supervisors
20 File No. 201386, whichever date occurs later; provided, that this ordinance shall not

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1 become operative if the ordinance regarding the Development Agreement Ordinance is not
2 approved.

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

6

7 By: /s/ John D. Malamut
8 JOHN D. MALAMUT
9 Deputy City Attorney

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