

1 [Zoning – Planning Code amendments in connection with the Transbay Redevelopment Plan.]

2 **Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1**  
3 **to establish special zoning controls in connection with the Transbay Redevelopment**  
4 **Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk**  
5 **controls set forth in Section 263.18; adopting environmental findings and findings that**  
6 **the amendments are consistent with the General Plan and eight priority policies of**  
7 **Planning Code Section 101.1.**

8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 The Board of Supervisors of the City and County of San Francisco hereby finds and  
15 determines that:

16 (a) City Charter Section 4.105 requires that the San Francisco Planning Commission  
17 (the “Planning Commission”) consider any proposed amendments to the City’s Planning Code  
18 and make a recommendation for approval or rejection to the Board of Supervisors before the  
19 Board of Supervisors acts on the proposed amendments.

20 (b) Approval of the Transbay Redevelopment Plan requires certain text changes to the  
21 Planning Code (the “Planning Code Amendments”). The Planning Code Amendments  
22 necessary to establish the new zoning program for the Transbay Redevelopment Plan and  
23 create two special zoning districts within the Plan area are contained in this Ordinance.  
24 Amendments to the City's Zoning Map to reflect these changes and amendments to the City's  
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1 General Plan are contained in companion legislation. The companion legislation is on file with  
2 the Clerk of the Board of Supervisors in File Nos. and .

3 (c) The proposed additions of Planning Code Section 825 and 825.1 address the new  
4 Transbay Downtown Residential District. The proposed addition of Planning Code Section  
5 263.18 creates a new Transbay Special Height and Bulk District within this same area. These  
6 districts establish general intent as to land use, urban form, and development requirements  
7 within the Transbay Redevelopment Plan and refer to this Plan for specific regulations. Both  
8 districts cover Zone 1 as designated in the Transbay Redevelopment Plan, generally bounded  
9 by Folsom, Essex, Clementina, Beale, Natoma, Main, Clementina, and Spear Streets.

10 (d) The proposed addition of Planning Code Section 249.27 addresses the new  
11 Transbay C-3 Special Use District. This district imposes certain design guidelines, directs  
12 certain development fees to be administered by the Redevelopment Agency, and increases  
13 the minimum inclusionary housing requirement to 15%. This district covers Zone 2, as  
14 designated in the Transbay Redevelopment Plan, generally bounded by Second, Mission,  
15 Main, Natoma, Beale, and Clementina Streets.

16 (e) On January 13, 2005, the Planning Commission conducted a duly noticed public  
17 hearing on the Planning Code Amendments. Following such hearing, the Planning  
18 Commission, in Resolution No. 16926, found such amendments to be consistent with the  
19 Priority Policies of Planning Code Section 101.1 and recommended such amendments for  
20 approval by the Board of Supervisors. On December 9, 2004, the Planning Commission  
21 conducted a duly noticed public hearing on conformance of the Transbay Redevelopment  
22 Plan and related implementing documents with the General Plan. Following such hearing, the  
23 Planning Commission, in Motion No. 16907, found the Redevelopment Plan and related  
24 documents consistent with the General Plan. Said Resolution and Motion are on file with the  
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1 Clerk of the Board in File No. \_\_\_\_\_ and are incorporated herein by reference as though fully  
2 set forth herein.

3 Section 2. General Plan and Other Required Findings.

4 (a) The Board of Supervisors finds that this Ordinance is in conformity with the priority  
5 policies of Section 101.1 of the Planning Code and consistent with the General Plan, for the  
6 reasons specified in Planning Commission Motion No. 16907 and Resolution No. 16926.

7 (b) Pursuant to Planning Code Section 302, the Board finds that the proposed Zoning  
8 Map Amendments will serve the public necessity, convenience and welfare for the reasons  
9 set forth in Planning Commission Resolution No. 16926.

10 Section 3. Environmental Findings.

11 On September 28, 2004, this Board, in Resolution No. 612-04 adopted findings that  
12 various actions related to the Transbay Redevelopment Project were in compliance with the  
13 California Environmental Quality Act (California Public Resources Code sections 21000 et  
14 seq.). Said findings and all documents and materials related to said findings are on file with  
15 the Clerk of the Board of Supervisors in File No. 041079 and are incorporated herein by  
16 reference. Said findings remain valid for the actions contemplated in this Ordinance and are  
17 made part of this Ordinance by reference herein. Said findings also are supplemented by the  
18 environmental findings that the Planning Commission adopted on December 9, 2004, in  
19 Motion No. 16905. The Planning Commission Motion is on file with the Clerk of the Board in  
20 File No. \_\_\_\_\_ and is incorporated herein by reference as though fully set forth  
21 herein.

22 Section 4. The San Francisco Planning Code is hereby amended by adding Section  
23 249.27 to read as follows:

24 Section 249.27 TRANSBAY C-3 SPECIAL USE DISTRICT.

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1           (a) Purpose. There shall be a Transbay C-3 Special Use District, which is wholly within the  
2 Transbay Redevelopment Project Area, comprising all of the parcels, primarily privately-owned and  
3 zoned C-3, within the Redevelopment Area but outside of the Transbay Downtown Residential District  
4 (TB-DTR), and whose boundaries are designated on Sectional Map No. 1SU of the Zoning Map of the  
5 City and County of San Francisco. This district is generally bounded by Mission, Second, Clementina,  
6 and Beale Streets and whose primary features include the Transbay Terminal facility and its associated  
7 ramps, and a portion of the New Montgomery/Second Street Conservation District. A vision and  
8 guidelines for this area as an integral component of the Transbay Redevelopment Area are laid out in  
9 the Transbay Redevelopment Plan and its companion documents, including the Design for the  
10 Development and the Development Controls and Design Guidelines for the Transbay Redevelopment  
11 Project.

12           (b) Controls.

13           (1) Active Ground Floor Uses.

14           (A) In order to increase the public presence and natural surveillance along  
15 alleys and ramp alignments, projects on parcels adjacent to or facing the new Transbay Terminal and  
16 its ramp structures must provide active ground floor uses with visual access from within the buildings  
17 to and from these areas.

18           (B) Ground floor retail or commercial establishments on parcels adjacent to or  
19 facing the new Transbay Terminal and its ramp structures must provide direct pedestrian access from  
20 these areas.

21           (2) Streetscape Improvements. For projects subject to Section 138.1, the Planning  
22 Commission shall require pedestrian streetscape improvements, with regards to location, type and  
23 extent of improvements, in accordance with the Transbay Streetscape and Open Space Plan or any  
24 streetscape plan contained within the Transbay Redevelopment Plan. The San Francisco  
25 Redevelopment Agency may impose additional streetscape requirements.

1                   (3) Payment of Downtown Open Space Fund. The requirements of Section 139, the  
2 Downtown Park Special Fund, shall apply. Fees collected from subject projects shall be paid to and  
3 administered by the San Francisco Redevelopment Agency for the development of open space in  
4 accordance with the Transbay Redevelopment Plan and its companion documents.

5                   (4) Jobs-Housing Linkage Ordinance. The requirements of Section 313 shall apply, and  
6 in satisfying these requirements:

7                   (A) the San Francisco Redevelopment Agency must approve any payment or  
8 contribution of land by the project sponsor to a housing developer; and

9                   (B) any in-lieu fee must be paid to the San Francisco Redevelopment Agency for  
10 deposit into its Citywide Affordable Housing Fund, to be used to meet the Agency's affordable housing  
11 obligations in the Transbay Redevelopment Project Area; provided, however, that if the Agency has  
12 met its obligations in the Transbay Project Area, the Agency may use said funds for affordable housing  
13 in any area within the Agency's jurisdiction.

14                   (5) Child Care Requirements. The requirements of Section 314 shall apply. Any in-lieu  
15 fees collected from subject projects shall be paid to and administered by the San Francisco  
16 Redevelopment Agency in accordance with the Transbay Redevelopment Plan and its companion  
17 documents.

18                   (6) Housing Requirements for Residential and Live/Work Development Projects. The  
19 requirements of Section 315 shall apply subject to the following exceptions:

20                   (A) a minimum of 15% of all units constructed on the site shall be affordable to,  
21 and occupied by, qualifying persons and families as defined by the Transbay Redevelopment Plan;

22                   (B) all inclusionary units required by this Section shall be built on-site; and

23                   (C) off-site construction or in-lieu fee payment are not permitted to satisfy this  
24 requirement.

1 Section 5. The San Francisco Planning Code is hereby amended by adding Section  
2 263.18 to read as follows:

3 Section 263.18 SPECIAL HEIGHT AND BULK DISTRICT: TRANSBAY DOWNTOWN  
4 RESIDENTIAL DISTRICT.

5 Development controls, including height and bulk, in the “TB” bulk district are governed by the  
6 Development Controls and Design Guidelines for the Transbay Redevelopment Project document and  
7 companion documents as part of the Transbay Redevelopment Plan as approved by the Planning  
8 Commission on December 9, 2004 and January 13, 2005. Building heights, locations, setbacks, and  
9 bulk limits are specifically established in these documents. Building heights associated with bulk  
10 designation “TB” on Sectional Map No. 1H of the Zoning Map are generalized, and describe a range  
11 of building heights per block, with the largest number describing the maximum tower height per block,  
12 and the smallest number describing the lowest maximum building height per block.

13 Section 6. The San Francisco Planning Code is hereby amended by adding Sections  
14 825 and 825.1 to read as follows:

15 Sec. 825 DTR—DOWNTOWN RESIDENTIAL DISTRICTS.

16 Description. DTR districts are transit-oriented, high-density mixed-use residential  
17 neighborhoods in and around downtown. These areas are generally transitioning from a variety of  
18 commercial and industrial to residential uses. The intent of these districts is to enable a mix of new day  
19 and nighttime activities, with an emphasis on encouraging new housing within walking distance or a  
20 short transit-ride of downtown, supported by a mix of retail, and neighborhood services to meet the  
21 needs of residents and the larger downtown community.

22 High-density residential uses, including residential towers in select locations, are allowed and  
23 encouraged within the limits set by height and bulk controls. Given the districts' proximity to  
24 downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-  
25 oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-

1 oriented uses are required on the first floor. Ground floor entries to individual dwelling units are  
2 encouraged on streets that will become primarily residential.

3 There is generally no pattern of mid-block open space or of rear yards. While lot coverage is  
4 limited for all levels with residential uses, traditional rear yard open spaces are not required except in  
5 the limited instances where there is an existing pattern of them. Specific height and bulk controls  
6 establish appropriate heights for both towers and midrise development, and ensure adequate spacing  
7 between towers and preserve light and air to streets and open spaces. Setbacks are required where  
8 necessary to buffer ground floor residential uses or to ensure sunlight access to streets and open  
9 spaces. To support the intensification of land uses in these districts, detailed traffic, streetscape and  
10 open space improvements will take place over time.

11 Sec. 825.1 TRANSBAY DOWNTOWN RESIDENTIAL DISTRICT (TB-DTR).

12 The Transbay Downtown Residential District, which is wholly within the Transbay  
13 Redevelopment Project Area, comprises mostly publicly owned parcels containing infrastructure or  
14 underutilized land related to the Transbay Terminal and former Embarcadero Freeway. This district  
15 generally extends along the north side of Folsom Street from Spear to Essex Streets, and between Main  
16 and Beale Streets to the north side of Howard Street. Laid out in the Transbay Redevelopment Plan  
17 and its companion documents, including the Design for the Development and the Development  
18 Controls and Design Guidelines for the Transbay Redevelopment Project, is the comprehensive vision  
19 for this underutilized area as a high-density, predominantly residential, district within walking distance  
20 of the downtown core, transit facilities, and the waterfront. The plan for the district includes: a mix of  
21 widely-spaced high-rises, mixed with a street-defining base of low- and mid-rise buildings with ground  
22 floor townhouses; a public open space on part of the block bounded by Folsom, Beale, Howard, and  
23 Main Streets; ground-floor retail along Folsom Street; and several new alleyways to break up the size  
24 of the blocks.

1           (a) Basic Controls. Development controls for this district are established in the Transbay  
 2           Redevelopment Plan as approved by the Planning Commission on December 9, 2004, and January 13,  
 3           2005, specifically the Development Controls and Design Guidelines for the Transbay Redevelopment  
 4           Project. On matters to which these Redevelopment documents are silent, controls in this Code  
 5           pertaining to the C-3-O district shall apply.

6           Section 7. The San Francisco Planning Code is hereby amended by amending  
 7           Section 270 to read as follows:

8           SEC. 270. BULK LIMITS: MEASUREMENT.

9           (a) The limits upon the bulk of buildings and structures shall be as stated in this  
 10          Section and in Sections 271 and 272. The terms “height,” “plan dimensions,” “length”  
 11          and “diagonal dimensions” shall be as defined in this Code. In each height and bulk district,  
 12          the maximum plan dimensions shall be as specified in the following table, at all horizontal  
 13          cross-sections above the height indicated.

14          **TABLE 270**

15          **BULK LIMITS**

	District	Height Above	Maximum Plan Dimensions (in feet)	
	Symbol on	Which Maximum	Length	Diagonal
	Zoning Map	Dimensions Apply (in	Dimension	
		feet)		
20	A	40	110	125
21	B	50	110	125
22	C	80	110	125
23	D	40	110	140
24	E	65	110	140
25	F	80	110	140



1	G	80	170	200
2	H	100	170	200
3	I	150	170	200
4	J	40	250	300
5	K	60	250	300
6	L	80	250	300
7	M	100	250	300
8	N	40	50	100
9	R	51	200	200
10	R	105	110	125
11	V		110	140

12 V \* At setback height established pursuant to Section 253.2.

13 OS See Section 290.

14 S This table not applicable. But see Section 270(d).

15 T At setback height 110 125

16 established pursuant to

17 Section 132.2, but no

18 higher than 80 feet.

19 X This table not applicable. But see Section 260(a)(3).

20 TB This table not applicable. But see Section 263.18.

21 (b) These limits shall not apply to the buildings, structures and equipment listed in  
 22 Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed  
 23 therein.

24 (c) Maximum plan lengths and diagonal dimensions do not apply to cornices or  
 25 other decorative projections.

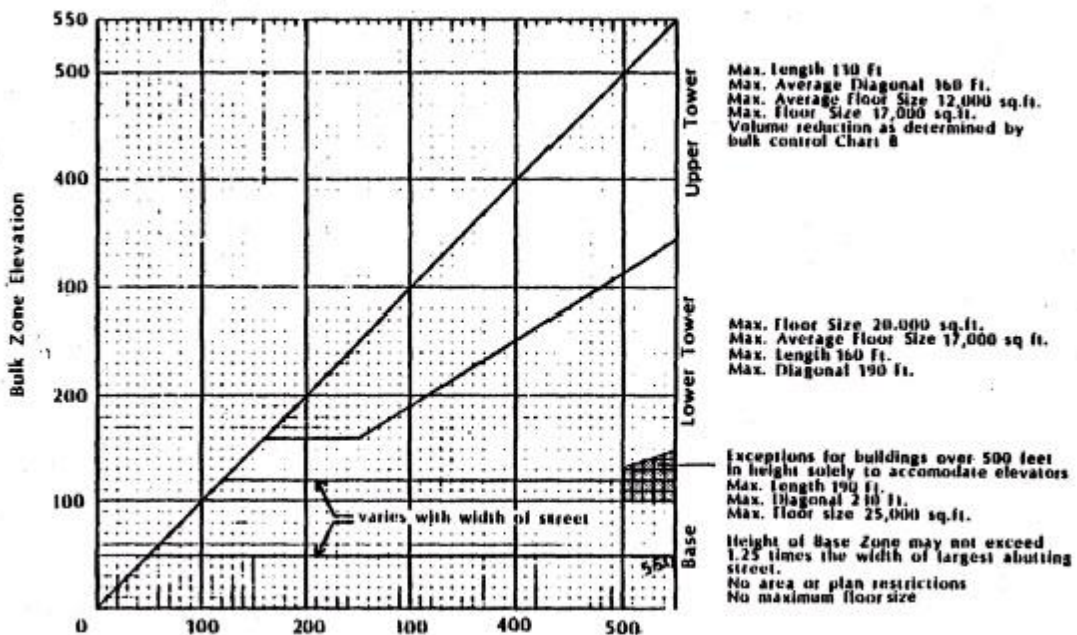
1 (d) The bulk limits contained in this subsection shall apply in S Bulk Districts as  
2 designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

3 (1) Base. The base is the lowest portion of the building extending vertically to a  
4 streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever  
5 is more. There are no length or diagonal dimension limitations applicable to the base. The  
6 building base shall be delineated from the lower and upper tower and related to abutting  
7 buildings by a setback, cornice line or equivalent projection or other appropriate means.

8 (2) **Lower Tower.**

9 (A) **Dimensions.** Bulk controls for the lower tower apply to that portion of the  
10 building height above the base as shown on Chart B. For buildings of less than 160 feet in  
11 height, the lower tower controls are the only bulk controls above the base of the building. The  
12 bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of  
13 20,000 square feet, and a maximum diagonal dimension of 190 feet.

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15  
16 **CHART B**  
17 **BULK LIMITS**



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(B) **Additional Bulk for Elevators.** Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) **Upper Tower.**

(A) **Dimensions.** Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

(B) **Volume Reduction.** When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with

1 whether or not a height extension is employed pursuant to Section 263.7 and is shown on  
2 Chart C. In achieving the required volume reduction, a setback or change in profile at a  
3 specific elevation is not required.

4 (C) **Extensions.** Extension of the upper tower above the otherwise allowable  
5 height limits may be permitted as provided in Section 263.9.

6 (D) **Termination of the Tower.** The top of the tower shall be massed in a manner  
7 that will create a visually distinctive roof or other termination of the building facade.

8 Modifications to a proposed project may be required, in the manner provided in Section 309,  
9 to achieve this purpose.

10 (e) In Bulk District R, bulk limitations are as follows:

11 (1) Between 51 and 105 feet in height, the maximum plan dimensions measured  
12 diagonally may not exceed 200 feet, and the average individual floor area may not exceed  
13 20,000 gross square feet.

14 (2) Above 105 feet in height, each side of the building shall be limited to 110 feet  
15 in length, and maximum plan dimensions measured diagonally may not exceed 125 feet  
16 except for the lower of the structure above 105 feet, which shall be subject to Subsection (3)  
17 below; the average floor area of all floors above 105 feet may not exceed 7,500 gross square  
18 feet.

19 (3) The volume of the upper 1/3 of the structure above 105 feet shall be at least  
20 15 percent less than the volume of the middle 1/3 above 105 feet, and the volume of the lower  
21 1/3 of the structure above 105 feet shall be at least 15 percent more than the volume of the  
22 middle 1/3 above 105 feet.

23 (4) In order to provide light and air between structures and to avoid excessive  
24 screening of downtown views from the bridge, distances between structures in height districts  
25 above 105 feet should not be less than 150 feet.

1 Section 8. This is an uncodified section of this legislation. The provisions of this  
2 Ordinance shall not apply to any project (including any subsequent non-material amendments  
3 to the approvals for the project) that has, on the effective date of this Ordinance, valid final  
4 approvals from the Planning Commission, provided that such approvals remain in full force  
5 and effect. This Section does not confer on any such project development rights that are not  
6 otherwise granted under existing law. For purposes of this Section, a project shall be deemed  
7 in "full force and effect" if the Planning Commission has not revoked the project's approvals  
8 and such approvals require revocation to terminate development rights.

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11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By: \_\_\_\_\_  
14 John D. Malamut  
15 Deputy City Attorney  
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