

1 [Planning Code - Amending the Downtown Support Special Use District; Fees in Lieu of On-
2 Site Open Space]

3 **Ordinance amending the Downtown Support Special Use District to allow the Planning**
4 **Commission to authorize a monetary contribution to satisfy on-site open space**
5 **requirements, exclude certain features from floor area ratio and gross floor area**
6 **calculations, establish a fund to accept the monetary contributions and provide that**
7 **the monies deposited shall be used for recreation and open space in the South of**
8 **Market (SOMA) area, provide that the SOMA Community Stabilization Fund Community**
9 **Advisory Committee shall advise on the administration of the fund, affirming the**
10 **Planning Department's California Environmental Quality Act determination; and making**
11 **findings of consistency with the General Plan, and the eight priority policies of**
12 **Planning Code, Section 101.1.**

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

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

21 Section 1. Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
25 Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and
is incorporated herein by reference.

1 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 Section 2. The Planning Code is hereby amended by revising Section 247, to read as
7 follows:

8 **SEC. 247. DOWNTOWN SUPPORT OPEN SPACE DEMONSTRATION SPECIAL USE**
9 **DISTRICT.**

10 (a) **Purpose.** In order to provide that a certain area within the C-3-S District be able
11 to be developed for hotel use with an increased basic floor area ratio of 7.5 to 1, there shall be
12 a "Downtown Support Special Use District" (also referred to as the "C-3-S (SU) District") as
13 designated on Zoning Sectional Map 4 SU01 of the Zoning Map. Development at densities above the
14 basic floor area ratio of 7.5:1 in this special use district will not be permitted.

15 (b) **Requirements.**

16 (1) **Floor Area Ratio.** The basic and maximum floor area ratio of the C-3-S (SU)
17 District, after purchase of all market-rate, available TDR within the C-3-S District, shall be
18 7.5:1. Development at densities above the basic floor area ratio of 7.5:1 in this special use district will
19 not be permitted. Roof eaves, cornices, or belt courses which project no more than two feet from the
20 face of the building wall shall be excluded from the FAR calculation.

21 Where there are fewer square feet of TDR within the C-3-S District available than the
22 Planning Commission determines is required for a project, the Planning Commission may, as
23 part of a Section 309 review, authorize a project sponsor to make a monetary contribution
24 towards the preservation of a Landmark building within the C-3 area in an amount to be
25 determined by the Commission. For purposes of this Section 247, the C-3 area shall include

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

3 (2) **Gross Floor Area Calculation.** Notwithstanding the requirements of Section
4 102.9(b) of this Code, balconies, porches, roof decks, terraces, courts, and similar features shall be
5 excluded from gross floor area if they are fully open to the sky, even if covered by retractable canopies
6 and associated support structures; however, the gross floor area, as defined in Section 102.9(b), shall
7 be used to calculate any fees that are due.

8 (3) **Privately-Owned Public Open Space Requirements.** If the Planning Commission
9 determines, as part of a Section 309 review, that the project sponsor of an existing project is unable to
10 satisfy the on-site open space requirements of Section 138, the Downtown Guidelines for Open Space,
11 or other applicable section of this Code due to one or more of the following reasons, the Commission
12 may authorize a project sponsor to make a monetary contribution towards the creation of a new
13 publicly- or privately-owned open space or the improvement of an existing publicly-owned open space
14 within ½ mile of the project site in lieu of complying with the requirements for on-site open space:

- 15 (i) the development site has physical constraints;
- 16 (ii) an existing open space has proven to be little-used;
- 17 (iii) the project cannot provide safe, convenient access to the public;
- 18 (iv) the square footage of open space is not sufficient to provide a usable open
19 space; or
- 20 (v) such additional reasons as the Commission may determine.

21 The amount of the monetary contribution shall be each square foot of gross floor area required
22 by Section 138 of this Code that is waived multiplied by \$87.84.

23 (c) **SOMA Recreation and Open Space Fund.** All monies collected pursuant to Section
24 247(b)(3) of this Code shall be deposited into a special fund to be maintained by the Controller and
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1 appropriated in accordance with law to be used solely to provide recreation and open space in the
2 South of Market Area (SOMA).

3 (d) SOMA Community Stabilization Fund Community Advisory Committee. The SOMA
4 Community Stabilization Fund Community Advisory Committee (CAC) established in Section 418.7(d)
5 of this Code shall be the community advisory body charged with providing input to City agencies and
6 decision makers with regard to the appropriate prioritization of projects to receive monies from the
7 Fund.

8 Section 3. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

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19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney

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