

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

3 **Ordinance amending the Downtown Support Special Use District to authorize a**
4 **monetary contribution (in lieu fee) to satisfy required on-site open space requirements,**
5 **exclude certain features from floor area ratio and gross floor area calculations, and**
6 **dedicate the monetary contribution for lighting and safety improvements at Victoria**
7 **Manolo Draves Park; affirming the Planning Department’s determination under the**
8 **California Environmental Quality Act; and making findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
22 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140877 and
23 is incorporated herein by reference.

24 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the
City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3
4 Section 2. The Planning Code is hereby amended by revising Section 247, to read as
5 follows:

6 **SEC. 247. DOWNTOWN SUPPORT OPEN SPACE DEMONSTRATION SPECIAL USE**
7 **DISTRICT.**

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

13 (b) **Requirements.**

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

19 Where there are fewer square feet of TDR within the C-3-S District available than the
20 Planning Commission determines is required for a project, the Planning Commission may, as
21 part of a Section 309 review, authorize a project sponsor to make a monetary contribution
22 towards the preservation of a Landmark building within the C-3 area in an amount to be
23 determined by the Commission. For purposes of this Section 247, the C-3 area shall include
24 any C-3 District and any P District adjacent thereto. All other provisions of this Code
25 applicable to the C-3-S District shall apply in the C-3-S (SU) District.

1 (2) **Gross Floor Area Calculation.** Notwithstanding the definition of Gross Floor
2 Area in Section 102 of this Code, balconies, porches, roof decks, terraces, courts, and similar features
3 shall be excluded from the calculation of Gross Floor Area if they are fully open to the sky, even if
4 covered by retractable canopies and associated support structures; however, the features listed in
5 subsection (b) of said definition, shall be used to calculate the in lieu fee authorized pursuant to
6 subsection (b)(3) below.

7 (3) **Privately-Owned Public Open Space Requirements; Payment of In-lieu Fee.**
8 The Board of Supervisors hereby authorizes the payment of a fee of \$2,500,000 in lieu of the project
9 sponsor's provision of the 4th and 6th floor terraces at 888 Howard Street as required on-site open
10 space for the project constructed pursuant to this Section 247. The amount of the in-lieu fee represents
11 a construction cost of \$290.70 per square foot of Gross Floor Area multiplied by the 8,600 square foot
12 of open space required by Section 138 of this Code.

13 In authorizing the payment of an in-lieu fee, the Board finds and determines that:

14 (i) the existing open space is cold and shadowed, and will have increased
15 shadow when the 5M project across the street is constructed;

16 (ii) the terraces are physically constrained; and

17 (iii) the terraces have been proven to be little used as open space and presents
18 a safety concern for hotel management and guests.

19 (c) **Authorized Use of the In-Lieu Fee.** The in-lieu fee shall be dedicated to the Recreation
20 and Parks Department and used to improve the lighting and safety features of Victoria Manolo Draves
21 Park, including any increased funding required to staff evening hours.

22
23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 JUDITH A. BOYAJIAN
15 Deputy City Attorney
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