

REVISED LEGISLATIVE DIGEST
(Substituted, 12/6/2016)

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

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

Existing Law

Planning Code Section 247 established the Downtown Support Special Use District (SUD) for property on 5th Street between Mission and Howard Streets. The purpose of the SUD was to allow a certain area within the C-3-S District to be developed for a hotel use. Within the SUD area, the basic and maximum floor area ratio, after purchase of all market-rate, available Transferable Development Rights (TDR) within the District, is 7.5:1. Where there are fewer square feet of TDR available than the Planning Commission determines is required, the Commission may authorize a project sponsor to make a monetary contribution towards the preservation of a Landmark building within the C-3 area in an amount to be determined by the Commission. All other provisions of the Planning Code apply within the SUD.

Amendments to Current Law

The SUD is proposed to be renamed the "Downtown Support Open Space Demonstration Special Use District" and will authorize the project sponsor of an existing project to make a monetary contribution of \$2,500,000 in lieu of providing terraces on the 4th and 6th floors at 888 Howard Street as required on-site open space. The amount of the in-lieu fee represents a construction cost of \$290.70 per square foot of Gross Floor Area multiplied by the 8,600 square feet of open space required by Planning Code Section 138. The in-lieu fee is dedicated to the Recreation and Parks Department and shall be used to improve the lighting and safety features of Victoria Manolo Draves Park. The improved lighting must be provided within two years of the Recreation and Park Department receiving payment of the funds.

In the SUD, development at densities above the basic floor area ratio of 7.5:1 will not be permitted within the SUD but roof eaves, cornices, or belt courses which project no more than two feet from the face of the building will be excluded from the floor area ratio calculations. Balconies, porches, roof decks, terraces, courts, and similar features are excluded from the calculation of Gross Floor Area, as defined in Section 102 of the Planning Code, if they are fully open to the sky even if covered by retractable canopies and associated support

structures; however, these elements are to be included in the calculation of any development impact fees that the project sponsor is typically required to pay in relation to the increased FAR.

Background Information

An existing hotel project that was developed pursuant to the SUD established in Planning Code Section 247 has been unable to satisfy the requirement of on-site open space due to physical constraints and other factors. Despite efforts by the hotel to increase access and visibility to the existing open space, it largely remains unused and presents a safety concern for hotel management and guests. Members of the South of Market community have expressed a desire for enhanced safety and expanded hours at the popular neighborhood park, Victoria Manola Draves Park. The Recreation and Parks Department has researched the installation of lighting at the entrance, the perimeter and over the playing fields and basketball courts in order to increase safety as well as expand the number of hours at which the community can access the park after dusk.

n:\legana\as2014\1400428\01141076.doc