

LEGISLATIVE DIGEST

[Planning Code - Office Development Conversions]

Ordinance amending the Planning Code to allow square footage of baseline office space that is converted to non-office uses to be available for allocation under the Office Development Limit Program and requiring Zoning Administrator written determination for such space; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Sections 320-325 set forth a number of provisions that regulate the approval of new office development in San Francisco (“Office Development Limitation”). An initiative ordinance passed by the voters in 1986 amended these provisions of the Planning Code to, among other things, restrict the amount of office space authorized for development in a given year (“Proposition M”). A total of 950,000 square feet is available for allocation each year, and any of this cap amount that is not allocated during a year is carried forward for potential allocation in future years.

The Office Development Limitation does not explicitly address allocation of office space that existed before the Office Development Limitation and converted later to other uses. The Office Development Limitation allows a credit for on-site conversion of office space that is part of a new office development, and adds back to the annual limit of 950,000 square feet any office space that was approved under the Office Development Limitation but not built.

The Office Development Limitation includes a Reserve for Smaller Buildings for new office development between 25,000 and 49,999 square feet in gross floor area, and allocates 75,000 each year to this Reserve.

Amendments to Current Law

The amendment provides that office space of 25,000 square feet or more that existed before November 29, 1984 (“Baseline Office Space”), which is or was lawfully converted to non-office use on or after November 4, 1986, may be added to the amount available for allocation to new Office Developments. If the converted Baseline Office Space was part of a building containing office space totaling between 25,000 and 49,999 square feet in gross floor area, the converted space would be allocated to the Reserve for Smaller Buildings provided in Section 321(b)(4). If the converted Baseline Office Space was part of a building containing office space totaling more than 49,999 square feet, then that converted space would be available for general allocation. Any unallocated amounts of the converted Baseline Office Space could be carried over to the next approval period.

Within 1 month of the effective date of the amendment, the Zoning Administrator must make a written determination regarding conversion of any Baseline Office Space that was lawfully converted to non-office use on or before such effective date. If an individual believes there is additional Baseline Office Space that has been lawfully converted to non-office use, that individual may submit a request for a written determination to the Zoning Administrator about this additional Baseline Office Space.

For Baseline Office Space that is converted to non-office use after the effective date of the amendment, the process is similar. The Zoning Administrator would make a written determination regarding that conversion. When the written determination becomes final, any converted Baseline Office Space determined to be available would also be added to the amount available for allocation to new Office Developments. Such later conversions also would be allocated to either the Reserve for Smaller Buildings or to the general allocation amount, depending on the size of the office building in which the conversion took place. Any unallocated amounts of this later-converted Baseline Office Space could also be carried over to the next approval period.

In determining whether Baseline Office Space lawfully existed or was lawfully converted to a non-office use, the presumption is that such space was lawfully existing or converted unless there is conclusive evidence demonstrating otherwise.

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