

BOARD of SUPERVISORS



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June 19, 2019

File No. 190681

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On June 11, 2019, Supervisor Haney submitted the proposed legislation:

File No. 190681

Ordinance amending the Planning Code and Zoning Map to establish the 2000 Marin Street Special Use District (Assessor's Parcel Block No. 4346, Lot No. 003), and to create additional Key Site exceptions for the Flower Mart site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's Parcel Block No. 3778, Lot Nos. 001B, 002B, 004, 005, 047, and 048); 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code, Zoning Map - Flower Mart - 2000 Marin Street Special Use District]

2
3 **Ordinance amending the Planning Code and Zoning Map to establish the 2000 Marin**
4 **Street Special Use District (Assessor's Parcel Block No. 4346, Lot No. 003), and to**
5 **create additional Key Site exceptions for the Flower Mart site, located on the southern**
6 **half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's**
7 **Parcel Block No. 3778, Lot Nos. 001B, 002B, 004, 005, 047, and 048); affirming the**
8 **Planning Department's determination under the California Environmental Quality Act;**
9 **and making findings of consistency with the General Plan, and the eight priority**
10 **policies of Planning Code, Section 101.1.**

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

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

19 Section 1. CEQA and General Plan Findings.

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

25 (b) On _____, the Planning Commission, in Resolution No. _____,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4
5 Section 2. Articles 2 and 3 of the Planning Code are hereby amended by adding
6 Section 249.86 and revising Section 329, to read as follows:

7 **SEC. 249.86. 2000 MARIN STREET SPECIAL USE DISTRICT.**

8 (a) A Special Use District entitled the 2000 Marin Street Special Use District ("2000 Marin
9 SUD"), consisting of Assessor's Parcel Block 4346, Lot 003 and shown on Special Use District Map
10 SU08 of the Zoning Map of the City and County of San Francisco, is hereby established for the purpose
11 set forth in subsection (b).

12 (b) Purpose. The purpose of the 2000 Marin SUD is to provide a feasible temporary location
13 for the San Francisco Wholesale Flower Market due to the development of the existing Flower Mart
14 site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street
15 (Assessor's Parcel Block 3778, Lots 001B, 002B, 004, 005, 047, and 048).

16 (c) Controls. In the 2000 Marin SUD, exceptions from otherwise applicable requirements of
17 this Code are appropriate to further the purpose set forth in subsection (b). Except as otherwise
18 provided in this Section 249.86, applicable provisions of the Planning Code shall apply to the 2000
19 Marin SUD. In the event of a conflict between other provisions of the Planning Code and this Section
20 249.86, this Section 249.86 shall control.

21 **(1) Demolition of Industrial Buildings in PDR Districts; Replacement Requirement.**

22 The replacement requirement of Section 202.7 shall not apply in the 2000 Marin SUD.

23 **(2) Streetscape and Pedestrian Improvements. The streetscape and pedestrian**

24 improvement requirements set forth in Section 138.1 shall not apply in the 2000 Marin SUD.

1 (3) Screening, Interior Landscaping, and Street Trees. The screening, interior
2 landscaping, and street tree requirements set forth in Sections 142, 156(c), and 156(g) shall not apply
3 in the 2000 Marin SUD.

4 (4) Ground Floor Height. The ground floor height requirements set forth in Sections
5 145.5 and 210.3 shall not apply in the 2000 Marin SUD.

6 (5) Better Roofs. The better roof requirements set forth in Section 149 shall not apply
7 in the 2000 Marin SUD.

8 (6) Off-Street Parking. The maximum off-street parking limits set forth in Section 151
9 shall not apply in the 2000 Marin SUD.

10 (7) Bicycle Parking. The bicycle parking requirements set forth in Section 155.2 shall
11 not apply in the 2000 Marin SUD.

12 (8) Shower Facilities and Lockers. The requirements for shower facilities and lockers
13 set forth in Section 155.4 shall not apply in the 2000 Marin SUD.

14 (9) Car Sharing. The car sharing requirements set forth in Section 166 shall not apply
15 in the 2000 Marin SUD.

16 (10) Transportation Demand Management Program. The Transportation Demand
17 Management Program requirements set forth in Sections 169-169.6 shall not apply in the 2000 Marin
18 SUD.

19 (11) Development Impact Fees. The development impact fees required by Article 4 of
20 the Planning Code shall not apply in the 2000 Marin SUD.

21 (d) Sunset. Unless readopted, this Section 249.86 shall sunset six years after its effective date.

22
23 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**
24 **MIXED USE DISTRICTS.**

25 * * * *

1 (e) **Exceptions for Key Sites in Central SoMa.**

2 (1) **Purpose.** The Central SoMa Plan Area contains a number of large,
3 underutilized development sites. By providing greater flexibility in the development of these
4 sites, the City has an opportunity to achieve key objectives of the Central SoMa Plan and to
5 locate important public assets that would otherwise be difficult to locate in a highly developed
6 neighborhood like SoMa.

7 (2) **Applicability.** The controls discussed below apply to the following lots, as
8 identified in the Key Site Guidelines adopted by the Central SoMa Area Plan (Ordinance No.
9 296-18, on file with the Clerk of the Board of Supervisors in File No. 180184):

10 * * * *

11 (F) The southern half of the block north of Brannan Street between 5th
12 Street and 6th Street, consisting of Block 3778, Lots 001B, 002B, 004, 005, 047, and 048;

13 * * * *

14 (3) **Controls.** Pursuant to this Section 329(e) and the Key Site Guidelines
15 adopted as part of the Central SoMa Area Plan, the Planning Commission may grant
16 exceptions to the provisions of this Code as set forth in subsection (d) above and may also
17 grant the exceptions listed below for projects that provide qualified amenities in excess of
18 what is required by the Code.

19 * * * *

20 (B) **Exceptions.** Upon consideration of qualified amenities in excess of
21 what is required by the Code, the Planning Commission may grant one or more exceptions to
22 the following requirements: the streetwall and setback controls in Section 132.4; the building
23 separation controls in Section 132.4, including but not limited to the controls in subsection
24 132.4(d)(3)(B); the setback requirements in Section 261.1; bulk controls in Section 270(h);
25 and the lot merger restrictions in Section 249.78(d)(7).

1 In addition to these exceptions, the Planning Commission may grant one
2 or more of the following exceptions:

3 * * * *

4 (vii) On the Key Site identified in Section 329(e)(2)(F), the
5 Planning Commission may grant one or more of the following exceptions, ~~if an agreement to~~
6 ~~such an exception is contained in any development agreement approved by the City pursuant to~~
7 ~~California Government Code Section 65864 et seq., and subject to any requirements contained in said~~
8 ~~development agreement.~~

9 a. Exception to the off-street parking controls of Section
10 151.1 to allow additional accessory PDR parking solely to serve the tenants and customers of
11 the site.

12 b. Exception to the requirement that POPOS be open to the
13 sky in Section 138(d)(2)(E)(i), to allow a cumulative maximum of 20% of the POPOS to be
14 covered by any combination of (a) an inhabitable portion of a building, which portion of the
15 POPOS shall have a minimum clearance height of 20' and maximum depth from face of
16 overhead building of 15', or (b) an inhabitable portion of a building, which portion of the
17 POPOS shall have a minimum clearance height of 50' and minimum horizontal dimension in
18 all directions of 20'.

19 c. Exception to the transparency and fenestration
20 requirements of Section 249.78(c)(1)(F) on 5th Street between Brannan and Bryant Streets,
21 and along Morris Street.

22 d. Exception to the protected street frontage requirements
23 of Section 155(r) on 5th Street between Brannan and Bryant Streets.

1 e. Exception to the PDR floor-to-floor height requirements set
2 forth in Section 249.78(d)(10), such that up to a maximum of 10% of the ground floor gross floor area
3 may have less than a 17-foot floor-to-floor height.

4 f. Exceptions to the overhead horizontal projection requirements
5 set forth in Section 136(c)(5) and to the design and performance standards related to required mid-
6 block alleys set forth in Section 270.2(e)(6); to allow for a maximum of three pedestrian bridges over a
7 required mid-block alley, provided that the pedestrian bridges leave at least 70 feet of headroom, are
8 no greater than 12 feet in width, are single story, and are situated no less than 50 feet apart.
9 Notwithstanding subsection (vii)(b), pedestrian bridges provided pursuant to this subsection (vii)(f)
10 shall be deemed obstructions permitted pursuant to Section 136, and POPOS area situated under any
11 such pedestrian bridges shall count toward the total on-site POPOS area open to the sky.

12 g. Exception to the POPOS requirements set forth in Section 138,
13 such that if any required off-site POPOS cannot reasonably be developed and open for use prior to
14 issuance of a first certificate of occupancy for the phase of construction that triggers the off-site
15 POPOS requirement, the project sponsor may either (1) post a performance bond in form and content
16 acceptable to the Director of Planning so as to ensure completion of the off-site POPOS at a later
17 date; or (2) satisfy the requirement for off-site POPOS by paying the in-lieu fee established in Section
18 426 for each square foot of required open space not provided on- or off-site, up to a maximum of 5,300
19 square feet.

20 h. Exception to the parking pricing requirements set forth in
21 Section 155(g), such that the otherwise applicable parking rate structure shall not apply to Flower
22 Mart tenants or Flower Mart customers.

23 i. Exception to the requirement to provide three square feet of
24 Gross Floor Area for Residential Use for every square foot of Non-Residential Use on the portion of
25 this Key Site zoned MUR, set forth in Sections 803.9(a) and 841, if there is a dedication and acceptance

1 of land for affordable housing or other appropriate public use, as determined by the City.

2 Notwithstanding Section 413.7, the land so dedicated shall be:

3 1. at least 14,000 square feet,

4 2. zoned to allow Residential Use,

5 3. approved by the Mayor's Office of Housing and
6 Community Development as an acceptable site for the development of affordable housing.

7 4. dedicated and accepted prior to issuance of the first
8 Temporary Certificate of Occupancy for any building on the Key Site, and

9 5. located within the boundaries of either the Central
10 SoMa, Eastern SoMa, or Western SoMa Area Plans.

11 j. Exception to the child-care facility requirements set forth in
12 Section 249.78(e)(4) and Sections 414-414.15, if the project at the Key Site allows for at least 97,000
13 square feet of Wholesale Sales Use, and the project sponsor pays the in-lieu fee set forth in Section
14 414.8.

15 k. If the Board of Supervisors has approved a development
16 agreement for the project at this Key Site that provides for the relocation of, or funding for the
17 relocation of, the existing on-site PDR use, the Planning Commission may grant the following
18 exceptions:

19 1. Exception to the PDR and Community Building Space
20 requirements in Section 249.78(c)(5); provided that the project shall be required to dedicate at least
21 23,000 square feet of on-site Community Building Space or PDR.

22 2. Exception to the PDR replacement requirements set
23 forth in Section 202.8.

1 3. Exception to the maximum dimensions for lobby
2 frontages set forth in Section 145.1(b)(2)(C), such that lobbies exceeding such dimensions qualify as
3 active uses under Section 145.1 and Section 249.78(c)(1)(A).

4 * * * *

5
6 Section 3. The Zoning Map of the Planning Code is hereby amended by revising
7 Special Use Map SU08 to establish the new 2000 Marin Special Use District, as follows:

8 <u>Description of Property</u>	<u>Special Use District Hereby Established</u>
9 Assessor's Block 4346, Lot 003	2000 Marin Special Use District

10
11 Section 4. Effective Date and Operative Date.

12 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
13 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
14 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
15 Mayor's veto of the ordinance.

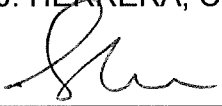
16 (b) This Ordinance shall become operative only on (and no rights or duties are
17 affected until) the later of (1) this ordinance's effective date, or (2) the date that Ordinance
18 _____, approving the Development Agreement for the Flower Mart Project (File No.
19 _____), becomes effective.

20
21 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 

ANDREW SHEN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Flower Mart - 2000 Marin Street Special Use District]

Ordinance amending the Planning Code and Zoning Map to establish the 2000 Marin Street Special Use District (Assessor's Parcel Block No. 4346, Lot No. 003), and to create additional Key Site exceptions for the Flower Mart site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's Parcel Block No. 3778, Lot Nos. 001B, 002B, 004, 005, 047, and 048); 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

1. 2000 Marin Street

The Planning Code and Zoning Map designate the parcel located at 2000 Marin Street (Assessor's Block 4346, Lot 003) as part of the Production, Distribution, and Repair-2 ("PDR-2") zoning district.

2. Flower Mart Site

In Ordinance 296-18, the City amended the Planning Code to establish the Central South of Market Plan ("Central SoMa Plan"). Part of the Central SoMa Plan identified eight large, underutilized development sites, referred to as Key Sites. One of those Key Sites is the Flower Mart site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's Parcel Block 3778, Lots 001B, 002B, 004, 005, 047, and 048). Planning Code § 329(e)(2)(F). The San Francisco Wholesale Flower Market currently operates at this site.

For the Flower Mart Key Site, the Central SoMa Plan authorized the Planning Commission to grant the following exceptions, to facilitate the site's development:

- exception to the off-street parking controls of Section 151.1 to allow additional accessory PDR parking solely to serve the tenants and customers of the site;
- exception to the requirement that POPOS be open to the sky in Section 138(d)(2)(E)(i), to allow a cumulative maximum of 20% of the POPOS to be partially covered;
- exception to the transparency and fenestration requirements of Section 249.78(c)(1)(F) on 5th Street between Brannan and Bryant Streets; and
- exception to the protected street frontage requirements of Section 155(r) on 5th Street between Brannan and Bryant Streets.

Planning Code § 329(e)(3)(B)(vii).

In evaluating these exceptions, the Planning Commission would consider whether:

- the amenities and exceptions would, on balance, be in conformity with and support the implementation of the goals, objectives, and Policies of the Central SoMa Plan,
- the amenities would result in an equal or greater benefit to the City than would occur without the exceptions, and
- the exceptions are necessary to facilitate the provision of important public assets that would otherwise be difficult to locate in the South of Market neighborhood.

Planning Code § 329(e)(4).

Amendments to Current Law

1. 2000 Marin Street

The proposed ordinance would amend Article 2 of the Planning Code and the Zoning Map to create a new 2000 Marin Street Special Use District (“2000 Marin SUD”).

In the 2000 Marin SUD, the following Planning Code provisions would not apply:

- the PDR replacement requirements imposed by Section 202.7;
- the streetscape and pedestrian improvements required by Section 138.1;
- the screening, interior landscaping, and street tree requirements set forth in Sections 142, 156(c), and 156(g);
- the ground floor height requirements set forth in Sections 145.5 and 210.3;
- the better roof requirements set forth in Section 149;
- the maximum off-street parking limits set forth in Section 151;
- the bicycle parking requirements set forth in Section 155.2;
- the requirements for shower facilities and lockers set forth in Section 155.4;
- the car sharing requirements set forth in Section 166;
- the Transportation Demand Management Program requirements set forth in Sections 169-169.6; and
- the development impact fees required by Article 4 of the Planning Code.

The 2000 Marin SUD would sunset in six years after its effective date.

2. Flower Mart Site

The proposed ordinance would establish the following, additional Planning Code exceptions for the Flower Mart Key Site, subject to the Planning Commission’s approval:

- exception to the PDR floor-to-floor height requirements set forth in Section 249.78(d)(10), up to a maximum of 10% of the ground floor gross floor area;
- exceptions to the overhead horizontal projection requirements set forth in Section 136(c)(5) and to the design and performance standards related to required mid-block alleys set forth in Section 270.2(e)(6), to allow for a maximum of three pedestrian bridges;
- exceptions to the off-site Privately-Owned Public Open Space (“POPOS”) requirements set forth in Section 138;
- exception to the parking pricing requirements set forth in Section 155(g);
- if there is a dedication and acceptance of land for affordable housing or other appropriate public use in the South of Market neighborhood, an exception to the requirement to provide three square feet of Gross Floor Area for Residential Use for every square foot of Non-Residential Use on the portion of this Key Site zoned Mixed-Use Residential (“MUR”), set forth in Sections 803.9(a) and 841;
- an exception to the child-care facility requirements set forth in Section 249.78(e)(4) and Sections 414-414.15, if the project at the Key Site allows for at least 97,000 square feet of Wholesale Sales Use and the project sponsor pays the in-lieu fee set forth in Section 414.8; and
- if the development agreement for the project at this Key Site provides for the relocation of, or funding for the relocation of, the San Francisco Wholesale Flower Market, exceptions for PDR and Community Building Space requirements in Sections 202.8 and 249.78(c)(5) and for the maximum dimensions for lobby frontages set forth in Section 145.1(b)(2)(C).

Background Information

The purpose of establishing the 2000 Marin SUD, and its associated Planning Code exceptions, is to allow for a feasible temporary location for the San Francisco Wholesale Flower Market due to the development of the Flower Mart site.

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