

1 [Planning Code, Zoning Map - 3333 California Street Special Use District]

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3 **Ordinance amending the Planning Code to add Section 249.86 to create the 3333**
4 **California Street Special Use District and amending Sectional Maps SU03 and HT03 of**
5 **the Zoning Map; and making environmental findings, and findings of consistency with**
6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

11

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

13

14 Section 1.

15 (a) On _____ the Planning Commission conducted a duly noticed public hearing on
16 the proposed 3333 California Street Project (Project), including the proposed Planning Code
17 and Zoning Map amendments, and by Resolution No. _____ recommended the proposed
18 amendments for approval. The Planning Commission found that the proposed Planning Code
19 and Zoning Map amendments were, on balance, consistent with the City’s General Plan as it
20 is proposed to be amended and with Planning Code Section 101.1(b) for the reasons set forth
21 in Planning Code Resolution No. _____. A copy of said Resolution is on file with the Clerk of
22 the Board of Supervisors in File No. _____ and is incorporated herein by reference

23 (b) California Environmental Quality Act. At its hearing on _____, and prior to
24 recommending the proposed Planning Code and Zoning Map amendments for approval, the
25 Planning Commission certified a Final Environmental Impact Report (FEIR) for the Project

1 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et
3 seq.) and Chapter 31 of the Administrative Code. In accordance with the actions
4 contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions, and
5 finds that the actions contemplated herein are within the scope of the Project described and
6 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully
7 set forth herein the Commission's CEQA approval findings, [including a statement of
8 overriding considerations], adopted by the Planning Commission on _____ in Motion No.
9 _____. This Board also adopts and incorporates by reference as though fully set forth herein
10 the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP
11 are on file with the Clerk of the Board of Supervisors in File No. _____.

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

17 (c) Pursuant to Planning Code section 302, this Board finds that the Planning Code
18 and Zoning Map amendments will serve the public necessity, convenience, and welfare for
19 the reasons set forth in Planning Commission Resolution No. _____, and the Board
20 incorporates such reasons herein by reference.

21

22 Section 2. Article two of the Planning Code is hereby amended by adding Section
23 249.86, to read as follows:

24 (a) Location. A Special Use District entitled the 3333 California Special Use District (SUD),
25 the general boundaries of which are California Street to the north, Presidio Avenue to the east,

1 Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the
2 west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County of
3 San Francisco, is hereby established for the purpose set forth below.

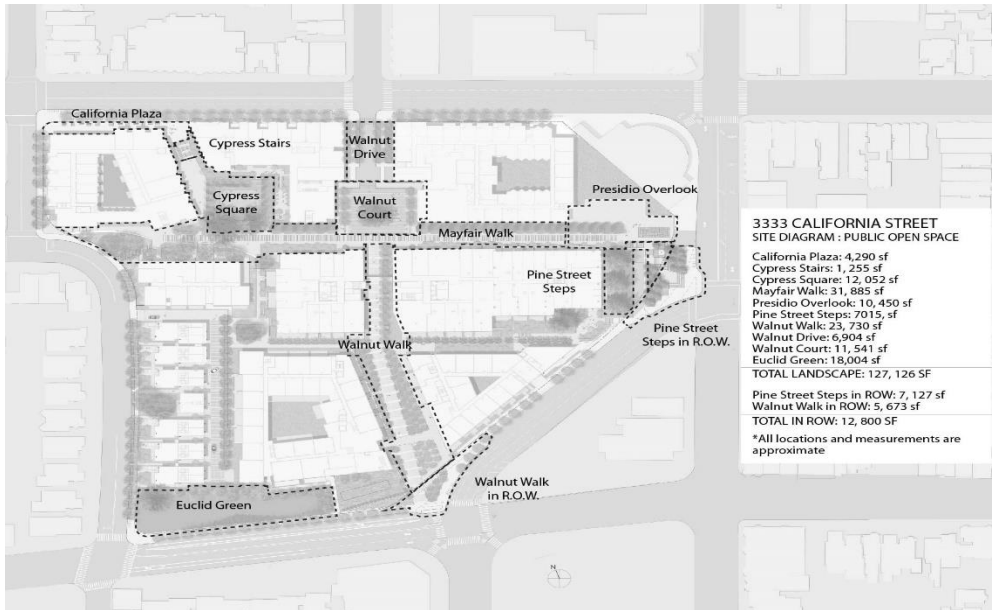
4 (b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in
5 a transit-rich location with residential, non-residential, child care, open space, and related uses, and to
6 give effect to the Development Agreement for the 3333 California Street project, as approved by the
7 Board of Supervisors in the ordinance in File No. 190845. The SUD will provide benefits to the City
8 including but not limited to: replacement of a large-scale office building with a series of smaller
9 buildings designed to be consistent with the scale and character of the neighborhood; construction of
10 hundreds of new housing units, including family sized units and on-site senior housing with
11 affordability levels exceeding on-site City requirements; and on-site child care facility; and
12 construction and maintenance of new, publicly accessible open spaces and new connections to the
13 surrounding street grid, including new pedestrian connections, and other street and streetscape
14 improvements.

15 (c) Development Controls. Applicable provisions of the Planning Code shall apply to the SUD
16 except as otherwise provided in this Section. In the event of a conflict between other provisions of the
17 Planning Code and this Section, the provisions of this Section 249.86 shall control.

18 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning
19 district, the following uses are principally permitted within the ground floor and second floor of all
20 buildings with frontage on California Street: (i) Flexible Retail Uses; (ii) Social Service or
21 Philanthropic Facilities; and (iii) non-residential uses, which shall be subject to the use controls of the
22 NC-S zoning district applicable to such uses.

23 (2) Usable Open Space Requirements. Usable open space required under Section 135
24 has been designed on an SUD-wide basis. The open space requirement shall be met through a
25 combination of private and common usable open spaces, as defined in Section 135, that will be

1 associated with individual buildings as well as approximately 56,000 square feet of privately owned,
2 publically accessible parks and plazas that will be counted as common usable open space, provided
3 such space is otherwise complaint with Section 135(g) and developed in accordance with the
4 Development Agreement for the project, including without limitation, Schedule 1 (Community Benefits
5 Linkages and impact Fee Schedule) thereof. The open space plan depicted below generally sets forth
6 the approximate location and size of such privately owned, publically accessible open space.
7 Accordingly, compliance with usable open space requirements for any building in the SUD shall be
8 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.
9 Upon expiration or termination of the Development Agreement, the then-applicable open space
10 requirements of the Planning Code shall apply to any future development, provided however, that any
11 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior
12 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open
13 space requirements and shall not constitute a noncomplying structure or nonconforming use under the
14 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.



1 (3) Child Care Facility Parking. Off-street parking spaces for any child care facility shall be
2 permitted at a rate of 1.5 parking spaces for each nine (9) children who could be accommodated in the
3 child care facility under the applicable child care licensing requirements at any one time.

4 (4) Inclusionary Housing. For so long as the Development Agreement is in effect, the
5 affordable housing requirements of the Development Agreement shall govern. Upon expiration or
6 termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing
7 requirements set forth in Planning Code 415 et seq shall apply to any future development, without
8 reference to the date of any earlier development application.

9 (5) Director Determination. During the term of the Development Agreement, all site and/or
10 building permit applications for construction of new buildings or alterations of, or additions to existing
11 structures (“Applications”) submitted to the Department of Building Inspection shall be forwarded to
12 the Planning Department for consistency review. For purposes of this subsection, Applications do not
13 include any interior modifications or alterations, provided however that any such modification or
14 alteration shall otherwise comply with the applicable requirements of the Planning Code. In no event
15 may the Planning Director or Commission approve an Application that is not in substantial
16 conformance with this Section 249.86, the Development Agreement, or any conditional use
17 authorization and planned unit development authorization.

18 (6) Discretionary Review. No requests for discretionary review shall be accepted or heard for
19 projects within the SUD.

20
21 Section 3. City Planning Commission Resolution No. 4109, November 13, 1952.
22 Effective as of the effective date of this ordinance, City Planning Commission Resolution No.
23 4109, and all related conditions, stipulations, special restrictions, and other limitations
24 imposed in connection with the 1952 re-classification of the property (Assessor’s Block 1032,
25

1 Lot A) (the “Property”) from a First Residential District to a Commercial District shall no longer
 2 apply to the Property and is hereby extinguished.

3
 4 Section 4. The San Francisco Planning Code is hereby amended by amending Special
 5 Use District Map SU03 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Special Use District Hereby Approved
Assessor’s Block/Lot 1032/0033	3333 California Street Special Use District

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 11 Section 5. The San Francisco Planning Code is hereby amended by amending
 12 Sectional Map HT03 of the Zoning Map of the City and County of San Francisco, based on
 13 Assessor’s Parcel Maps on the effective date of this legislation, as follows:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved
Assessor's Parcel Block No. 1032, Lot 003 (an approximately 2.13 acre area of the northwestern portion of Lot 003 from California Street south approximately 215.00' and from Laurel Street east approximately 451.75')	40-X	45-X

1	Assessor's Parcel Block No. 1032,	40-X	67-X
2	Lot 003 (an approximately 1.64 acre		
3	area of the northeastern portion of		
4	Lot 003 from California Street south		
5	approximately 197.00' and		
6	approximately 270.63' west of the		
7	northeastern most property corner		
8	along the California Street frontage)		
9	Assessor's Parcel Block No. 1032,	40-X	80-X
10	Lot 003 (an approximately 0.69 acre		
11	area measuring approximately		
12	190.25' by 158.39' centrally located		
13	within Lot 003 197' south of		
14	California Street)		
15	Assessor's Parcel Block No. 1032,	40-X	92-X
16	Lot 003 (an approximately 1.54 acre		
17	area measuring approximately		
18	190.25' by 182.72' centrally located		
19	on the eastern side of Lot 003 197'		
20	south of California Street)		

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22 A pictorial representation of the above height and bulk districts on Assessor's Parcel
23 Block 1032, Lot 3 is contained in Board of Supervisors File No. _____.

1 Section 6. Effective Date and Operative Date. This ordinance shall become effective
2 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
3 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
4 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This Ordinance shall
5 become operative only on (and no rights or duties are affected until) the later of (a) 30 days
6 from the date of its passage, or (b) the date that Ordinance _____, approving the
7 Development Agreement for the Project, has become effective. A copy of said Ordinance is
8 on file with the Clerk of the Board of Supervisors in File No. 190845.

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

12 By: _____
13 Audrey Williams Pearson
14 Deputy City Attorney

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