

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

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3 **Ordinance amending the Planning Code and Zoning Map to create the 3333 California**
4 **Street Special Use District; and making environmental findings, findings of consistency**
5 **with the General Plan and the eight priority policies of Planning Code, Section 101.1,**
6 **and findings of public convenience, necessity, and welfare under Planning Code,**
7 **Section 302.**

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

12

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

14

15 Section 1. Environmental and Land Use Findings.

16 (a) On September 5, 2019, the Planning Commission conducted a duly noticed public
17 hearing on the proposed 3333 California Street Project (“Project”), including the proposed
18 Planning Code and Zoning Map amendments, and by Resolution No. 20514 recommended
19 the proposed amendments for approval. At its hearing on September 5, 2019, and prior to
20 recommending the proposed Planning Code and Zoning Map amendments for approval, the
21 Planning Commission certified a Final Environmental Impact Report (FEIR) for the Project
22 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
23 Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et
24 seq.) and Chapter 31 of the Administrative Code. In accordance with the actions
25 contemplated in this ordinance, the Board of Supervisors has reviewed the FEIR and concurs

1 with its conclusions, and finds that the actions contemplated in this ordinance are within the
2 scope of the Project described and analyzed in the FEIR. The Board hereby adopts and
3 incorporates by reference as though fully set forth herein the Commission's CEQA approval
4 findings, including a statement of overriding considerations, adopted by the Planning
5 Commission on September 5, 2019 in Motion No. 20513. This Board also adopts and
6 incorporates by reference as though fully set forth herein the Project's Mitigation Monitoring
7 and Reporting Program (MMRP). Said findings and MMRP are on file with the Clerk of the
8 Board of Supervisors in File No. 190844.

9 (b) On September 5, 2019, the Planning Commission, in Resolution No. 20514,
10 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
11 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
12 Board of Supervisors adopts these findings as its own. A copy of said Resolution is on file
13 with the Clerk of the Board of Supervisors in File No. 190844, and is incorporated herein by
14 reference.

15 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
16 Planning Code and Zoning Map amendments will serve the public necessity, convenience,
17 and welfare for the reasons set forth in Planning Commission Resolution No. 20514, and the
18 Board incorporates such reasons herein by reference.

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20 Section 2. Article 2 of the Planning Code is hereby amended by adding Section
21 249.86, to read as follows:

22 **SEC. 249.86. 3333 CALIFORNIA STREET SPECIAL USE DISTRICT.**

23 (a) Location. A Special Use District entitled the 3333 California Special Use District
24 ("SUD"), the general boundaries of which are California Street to the north, Presidio Avenue to the
25 east, Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to

1 the west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County
2 of San Francisco, is hereby established for the purpose set forth below.

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

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

17 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning
18 district, the following uses are principally permitted within the first and second story of all buildings
19 with frontage on California Street, and shall be subject to the controls of the NC-S zoning applicable to
20 such uses, except for any prohibition on such use:

21 (A) Flexible Retail Uses;

22 (B) Social Service or Philanthropic Facilities; and,

23 (C) Other non-residential uses.

24 (2) Uses Not Permitted. Notwithstanding any other provision in this Code, the
25 following uses shall not be permitted in the SUD:

1 (A) Automotive Service;

2 (B) Drive-Up Facility; and,

3 (C) Mortuary.

4 (3) Notwithstanding any other provision of this Code, the following uses shall
5 require conditional use authorization pursuant to the provisions of Section 303:

6 (A) Liquor Store;

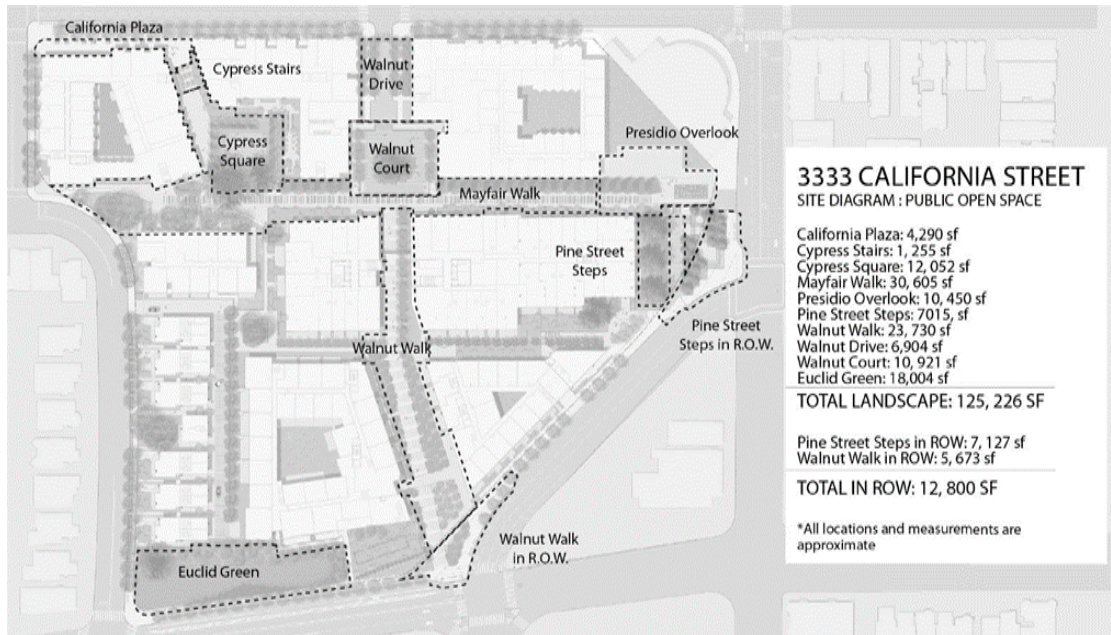
7 (B) Massage, Chair/Foot; and,

8 (C) Neighborhood Agriculture.

9 (4) In addition to the restrictions set forth in this subsection (c), the hours of
10 operation for commercial uses within the SUD shall be from 6:00am to 12:00am.

11 ~~(2)~~ (5) Usable Open Space Requirements. Usable open space required under Section
12 135 has been designed on an SUD-wide basis. The open space requirement shall be met through a
13 combination of private and common usable open spaces, as defined in Section 135, that will be
14 associated with individual buildings as well as approximately 56,000 square feet of privately owned,
15 publicly accessible parks and plazas that will be counted as common usable open space, provided such
16 space is otherwise compliant with Section 135(g) and developed in accordance with the Development
17 Agreement for the project, including without limitation, Schedule 1 (Community Benefits Linkages and
18 impact Fee Schedule) thereof. The open space plan depicted below in this subsection (c)(2) generally
19 sets forth the approximate location and size of such privately owned, publicly accessible open space.
20 Accordingly, compliance with usable open space requirements for any building in the SUD shall be
21 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.
22 Upon expiration or termination of the Development Agreement, the then-applicable open space
23 requirements of the Planning Code shall apply to any future development, provided however, that any
24 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior
25 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open

1 space requirements and shall not constitute a noncomplying structure or nonconforming use under the
2 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.



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15 (3) (6) Off-Street Parking. Article 1.5 of this Code shall apply to this SUD, except as
16 follows:

17 (A) Child Care Facility Parking. Off-street parking spaces for any child care
18 facility shall be permitted at a rate of 1.5 parking spaces for each nine children who could be
19 accommodated in the child care facility under the applicable child care licensing requirements.

20 (B) Affordable Housing Parking. Off-street parking spaces for any
21 building containing residential uses, all of which are 100% affordable housing units (with the
22 exception of the manager's unit), shall be permitted at a rate of no more than 0.5 parking
23 spaces per unit.

24 (4) (7) Inclusionary Housing. For so long as the Development Agreement is in effect,
25 the affordable housing requirements of the Development Agreement shall govern. Upon expiration or

1 termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing
2 requirements set forth in Planning Code Sections 415 et seq., as amended from time to time, shall apply
3 to any future development, without reference to the date of any earlier development application.

4 (5) (8) Child Care Requirements. For so long as the Development Agreement is in
5 effect, the Child Care requirements of the Development Agreement shall govern. Upon expiration or
6 termination of the Development Agreement, the then-applicable Child Care requirements set forth in
7 Planning Code Sections 414 and 414A et seq., as amended from time to time, shall apply to any future
8 development, without reference to the date of any earlier development application.

9 (6) (9) Director Determination. During the term of the Development Agreement, all
10 site and/or building permit applications for construction of new buildings or alterations of, or additions
11 to existing structures (“Applications”) submitted to the Department of Building Inspection shall be
12 forwarded to the Planning Department for consistency review. For purposes of this subsection (c)(6),
13 Applications do not include any interior modifications or alterations, provided however, that any such
14 modification or alteration shall otherwise comply with the applicable requirements of the Planning
15 Code. In no event may the Planning Director or Planning Commission approve an Application that is
16 not in substantial conformance with this Section 249.86, the Development Agreement, or any
17 conditional use authorization and planned unit development authorization.

18 (7) (10) Discretionary Review. No requests for discretionary review shall be accepted
19 or heard for projects within the SUD.

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

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

3

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

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Description of Property	Special Use District Hereby Approved
Assessor’s Block/Lot 1032/033	3333 California Street Special Use District

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

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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' and from Laurel Street east approximately 451.75')	40-X	45-X
Assessor's Parcel Block No. 1032, Lot 003 (an approximately 1.64 acre	40-X	67-X

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

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20 A pictorial representation of the above height and bulk districts on Assessor's Parcel
21 Block 1032, Lot 3 is contained in Board of Supervisors File No. 190844.

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23 Section 6. Effective Date and Operative Date.

24 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
25 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor's veto of the ordinance.

3 (b) This ordinance shall become operative only on (and no rights or duties are affected
4 until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective
5 date of the ordinance approving the Development Agreement for the Project. A copy of said
6 ordinance is on file with the Clerk of the Board of Supervisors in File No. 190845.

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

10 By: AUDREY WILLIAMS PEARSON
11 Deputy City Attorney

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