

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

December 23, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On December 17, 2019, Supervisor Haney introduced the following substitute legislation:

**File No. 191259-2**

**Ordinance amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lot Nos. 016, 135, 136, and 138), also known as Transbay Parcel F and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the project site from the P (Public) District to the C-3-O (SD) Downtown Office Special Development District and to reclassify the height and bulk district designations for a portion of the project site; waiving certain provisions of the Planning Code to allow the project's required inclusionary affordable housing units to be provided off-site within the Transbay Redevelopment Project Area, subject to certain conditions, and to permit the footprint of the portion of the project site dedicated to dwellings to exceed 15,000 square feet; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

- c: John Rahaim, Director of Planning
- Dan Sider, Director of Executive Programs
- Aaron Starr, Manager of Legislative Affairs
- Adam Varat, Acting Director of Citywide Planning
- Corey Teague, Zoning Administrator
- Scott Sanchez, Acting Deputy Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- Joy Navarrete, Environmental Planning
- Don Lewis, Environmental Planning

1 [Planning Code, Zoning Map - 542-550 Howard Street]

2

3 **Ordinance amending the Planning Code and Zoning Map to rezone and reclassify a**

4 **portion of the 542-550 Howard Street project site (Assessor’s Parcel Block No. 3721,**

5 **Lots 016, 135, 136, and 138), also known as Transbay Parcel F and as shown on**

6 **Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the**

7 **Project site from the P (Public) District to the C-3-O(SD) Downtown Office Special**

8 **Development District and to reclassify the height and bulk district designations for a**

9 **portion of the project site; waiving certain provisions of the Planning Code to allow the**

10 **project’s required inclusionary affordable housing units to be provided off-site within**

11 **the Transbay Redevelopment Project Area, subject to certain conditions, and to permit**

12 **the footprint of the portion of the project site dedicated to dwellings to exceed 15,000**

13 **square feet; adopting findings under the California Environmental Quality Act; making**

14 **findings of consistency with the General Plan, and the eight priority policies of**

15 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**

16 **and welfare under Planning Code, Section 302.**

17 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.

18 **Additions to Codes** are in *single-underline italics Times New Roman font*.

19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

20 **Board amendment additions** are in double-underlined Arial font.

21 **Board amendment deletions** are in ~~strikethrough Arial font~~.

22 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

24 Section 1. Findings.

25 ///

1 (a) The 542-550 Howard Street project, also known as Transbay Parcel F (Assessor's  
2 Parcel Block No. 3721, Lots 16, 135, 136, and 138), referred to herein as the "Project," is  
3 planned for a an approximately 0.74 acre site along the north side of Howard Street extending  
4 to the south side of Natoma Street between First and Second Streets in the Transit Center  
5 District Plan Area and in the Transbay Redevelopment Project Area. The Project site includes  
6 an underground train box to accommodate future rail service to the Transbay Transit Center,  
7 and the Project sponsor acquired the site from the Transbay Joint Powers Authority with the  
8 land sales proceeds used to support completion of the Transbay Transit Center.

9 (b) This ordinance is related to a companion ordinance concerning a General Plan  
10 amendment to modify the Downtown Plan element height map and other General Plan  
11 provisions. The companion ordinance also describes the details regarding the Project. This  
12 companion ordinance is on file with the Clerk of the Board of Supervisors in File No.  
13 \_\_\_\_\_.

14 (c) The Planning Commission, in Motion No. 18628, certified the Final Environmental  
15 Impact Report for the Transit Center District Plan ("FEIR") and related actions as in  
16 compliance with the California Environmental Quality Act ("CEQA") (California Public  
17 Resources Code Sections 21000 et seq.).

18 (d) On May 24, 2012, the Planning Commission conducted a duly noticed public  
19 hearing and, by Motion No. 18629, adopted findings pursuant to CEQA, including a mitigation  
20 monitoring and reporting program, for the Transit Center District Plan and related actions. In  
21 Ordinance No. 181-12, the Board of Supervisors adopted the Planning Commission's  
22 environmental findings as its own and relies on these same findings for purposes of this  
23 ordinance. Copies of Planning Commission Motion Nos. 18628 and 18629 and Ordinance  
24 No. 181-12 are on file with the Clerk of the Board of Supervisors in File No. 120665 and  
25 incorporated herein by reference.

1 (e) On August 27, 2019, the Planning Department issued a Community Plan  
2 Exemption Determination (“CPE”) determining that the environmental effects of the Project,  
3 including the actions contemplated herein, were adequately analyzed in the FEIR and that no  
4 further environmental review is required in accordance with CEQA and Administrative Code  
5 Chapter 31. A copy of the CPE and related documents, including applicable mitigation  
6 measures, are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
7 and are incorporated herein by reference. In addition, other documents, reports, and records  
8 related to the CPE and Project approvals are on file with the Planning Department custodian  
9 of records, located at 1650 Mission Street, Fourth Floor, San Francisco, California 94103.  
10 The Board of Supervisors treats these additional Planning Department records as part of its  
11 own administrative record and incorporates such materials herein by reference.

12 (f) In accordance with the actions contemplated herein, this Board relies on its  
13 environmental findings in Ordinance No. 181-12, has reviewed the CPE, and concurs with the  
14 Planning Department’s determination that the environmental effects of the Project were  
15 adequately analyzed in the FEIR and that no further environmental review is required.

16 (g) After a duly noticed public hearing on \_\_\_\_\_, 2020, in Resolution No.  
17 \_\_\_\_\_, the Planning Commission found that this ordinance is, on balance, in  
18 conformity with the General Plan as proposed for amendment and the priority policies of  
19 Planning Code Section 101.1. A copy of this Resolution is on file with the Clerk of the Board  
20 of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The  
21 Board hereby adopts the Planning Commission General Plan and Planning Code Section  
22 101.1 findings as its own.

23 (h) This legislation relies on a companion ordinance that amends the General Plan in  
24 connection with the Project (the “General Plan Amendment”). The companion ordinance is on  
25 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

1 (i) Also in Resolution No. \_\_\_\_\_, the Planning Commission adopted findings  
2 under Planning Code Section 302 determining that this ordinance serves the public necessity,  
3 convenience, and general welfare. The Board of Supervisors adopts as its own these  
4 findings.  
5

6 Section 2. The Planning Code is hereby amended in accordance with Planning Code  
7 Section 106 by revising Zoning Map ZN1 as follows:  
8

<b>Description of Property</b>	<b>Zoning District to be Superseded</b>	<b>Zoning District Hereby Approved</b>
Assessor's Parcel Block No. 3721, Lots 135 and 138	P	C-3-O(SD)

13  
14 Section 3. The Planning Code is hereby amended in accordance with Planning Code  
15 Section 106 by revising Zoning Map HT1 as follows:  
16

<b>Description of Property</b>	<b>Height/Bulk Districts to be Superseded</b>
Assessor's Parcel Block No. 3721, Lot 016 (western 15 feet)	450-S
Assessor's Parcel Block No. 3721, Lot 136 (3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	450-S

1 2 3 4	Assessor's Parcel Block No. 3721, Lot 138 (area measuring 109' by 69' of the northwest corner of Lot 138)	750-S-2
5	<b>Description of Property</b>	<b>Height/Bulk Districts Hereby Approved</b>
6 7 8	Assessor's Parcel Block No. 3721, Lot 016 (western 15 feet)	750-S-2
9 10 11 12	Assessor's Parcel Block No. 3721, Lot 136 (3'-5" wide area located 111'-7" west of the eastern edge of Lot 136)	750-S-2
13 14 15 16	Assessor's Parcel Block No. 3721, Lot 138 (area measuring 109' by 69' of the northwest corner of Lot 138)	450-S

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Section 4. As applied to this Project, Planning Code Sections 249.28(b)(6)(B) and 249.28(b)(6)(C) are hereby waived and shall not apply to the Project. In doing so, the Board of Supervisors allows the Project sponsor to elect the Off-Site Affordable Housing Alternative under Planning Code Sections 415 et seq. instead of providing all inclusionary affordable units on-site as required under Section 249.28(b)(6)(B); provided, however, that the off-site inclusionary affordable units that this Project provides under this Section 4 shall be located only within the Transbay Redevelopment Project Area. In addition, the following conditions

1 also shall apply to election of the Off-Site Affordable Housing Alternative as set forth in this  
2 Section 4:

3 (a) The number of off-site inclusionary affordable units shall be as specified in  
4 Planning Code Section 415.7(a) and the timing of construction for such units shall be as  
5 specified in Section 415.7(b);

6 (b) The Successor Agency to the Redevelopment Agency of the City and County of  
7 San Francisco shall approve a variation for this Project to Section 4.9.3 (On-Site Affordable  
8 Housing Requirement) of the Redevelopment Plan for the Transbay Redevelopment Project  
9 Area that meets or exceeds the requirements for the number of off-site inclusionary affordable  
10 units under Planning Code Section 415.7(a); and

11 (c) The Planning Commission approval of this Project shall include conditions requiring  
12 compliance with the on-site inclusionary affordable housing requirements under Planning  
13 Code Section 249.28(b)(6) in the event that the Project is unable to comply with the off-site  
14 inclusionary affordable housing requirements established in this Section 4.

15  
16 Section 5. As applied to the Project, Planning Code Section 248(d)(2) is hereby  
17 waived and replaced with the following: "That the footprint of the portion of the site dedicated  
18 to dwellings and/or other housing uses is less than 15,500 square feet and the lot contains  
19 existing buildings which are to be retained." Section 248(d) otherwise remains unchanged.

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21 Section 6. Effective and Operative Dates.

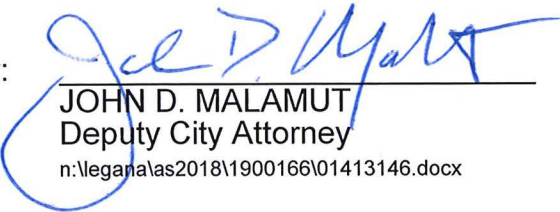
22 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
23 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
24 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
25 Mayor's veto of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



1 (b) This ordinance shall become operative on its effective date or on the effective date  
2 of the General Plan Amendment, enacted by the ordinance in Board of Supervisors File No.  
3 \_\_\_\_\_, whichever date occurs later; provided, that this ordinance shall not become operative  
4 if the ordinance regarding the General Plan Amendment is not approved.  
5

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

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9 By:

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11 \_\_\_\_\_  
12 JOHN D. MALAMUT  
13 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted, 12/17/2019)

[Planning Code, Zoning Map - 542-550 Howard Street]

**Ordinance amending the Planning Code and Zoning Map to rezone and reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lot Nos. 016, 135, 136, and 138), also known as Transbay Parcel F and as shown on Figure 1 of the Transit Center District Plan, specifically to rezone a portion of the Project site from the P (Public) District to the C-3-O(SD) Downtown Office Special Development District and to reclassify the height and bulk district designations for a portion of the project site; waiving certain provisions of the Planning Code to allow the project's required inclusionary affordable housing units to be provided off-site within the Transbay Redevelopment Project Area, subject to certain conditions, and to permit the footprint of the portion of the project site dedicated to dwellings to exceed 15,000 square feet; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

Existing Law

The Zoning Map N1 contains the zoning designation for properties in the Transit Center District Plan Area. Zoning Map HT1 contains the height and bulk districts within this same Area. Planning Code Sections 249.28(b)(6)(B) and (C) require that all affordable housing requirements in the Transbay C-3 (downtown) special use district be satisfied on-site and that payment of in-lieu fees or provision of an off-site alternative are not available. Planning Code Section 248(d) provides for an exception to requirements concerning the square footage ratio of commercial uses to dwelling units or other housing uses.

Amendments to Current Law

This ordinance would reclassify a portion of the 542-550 Howard Street project site (Assessor's Parcel Block No. 3721, Lots 016, 135, 136, and 138), also known as Transbay Parcel F, to remove the (Public) District and replace it with the C-3-O(SD) Downtown Office Special Development District and to reclassify the height and bulk district designations for a portion of the project site. The legislation would waive certain provisions of the Planning Code to permit the project's required inclusionary affordable housing units to be provided off-site within the Transbay Redevelopment Project Area, subject to certain conditions, and to permit the footprint of the portion of the project site dedicated to dwellings to exceed 15,000 square feet. The ordinance would adopt findings under the California Environmental Quality Act; make findings of consistency with the General Plan and the eight priority policies of Planning

FILE NO. 191259

Code Section 101.1; and adopt findings of public necessity, convenience, and welfare under Planning Code Section 302.

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