

BOARD of SUPERVISORS



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January 13, 2021

File No. 201385-2

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

Dear Ms. Gibson:

On January 5, 2021, Supervisor Haney submitted the following substitute legislation:

File No. 201385

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 split P (Public) District/C-3-O (SD) 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 to satisfy its affordable housing requirement through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area, to modify timing for payment of fees, 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.

This substitute 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

Board of Supervisors
Land Use and Transportation
Referral for CEQA
Page 2

Attachment

c: 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 **Lot Nos. 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 split P (Public) District/C-3-O (SD) to the C-3-O (SD) Downtown**
 8 **Office Special Development District and to reclassify the height and bulk district**
 9 **designations for a portion of the project site; waiving certain provisions of the Planning**
 10 **Code to allow the project to satisfy its affordable housing requirement through**
 11 **payment of an in-lieu affordable housing fee to the Office of Community Investment**
 12 **and Infrastructure for use within the Transbay Redevelopment Project Area, to modify**
 13 **timing for payment of fees, and to permit the footprint of the portion of the project site**
 14 **dedicated to dwellings to exceed 15,000 square feet; adopting findings under the**
 15 **California Environmental Quality Act; making findings of consistency with the General**
 16 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**
 17 **findings of public necessity, convenience, and welfare under Planning Code, Section**
 18 **302.**

19 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 20 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 21 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 22 **Board amendment additions** are in double-underlined Arial font.
 23 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 24 **Asterisks (* * * *)** indicate the omission of unchanged Code
 25 subsections or parts of tables.

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

1 Section 1. Findings.

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

10 (b) This ordinance is related to two companion ordinances concerning: (1) a General
11 Plan amendment to modify the Downtown Plan element height map and other General Plan
12 provisions and (2) approval of a Development Agreement establishing the means for
13 compliance with the Project's affordable housing obligations. The companion ordinances are
14 on file with the Clerk of the Board of Supervisors in File No. 200058 (the "General Plan
15 Amendment") and File No. (the "Development Agreement Ordinance"), respectively.

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

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

1 No. 181-12 are on file with the Clerk of the Board of Supervisors in File No. 120665 and
2 incorporated herein by reference.

3 (e) On August 27, 2019, the Planning Department issued a Community Plan
4 Exemption Determination (“CPE”) determining that the environmental effects of the Project,
5 including the actions contemplated herein, were adequately analyzed in the FEIR and that no
6 further environmental review is required in accordance with CEQA and Administrative Code
7 Chapter 31. The Planning Commission adopted additional CEQA findings relating to
8 amendments to this ordinance and the Development Agreement Ordinance on
9 _____, 2021 in Resolution No. _____. A copy of the CPE and related
10 documents, including applicable mitigation measures, and the abovementioned additional
11 findings are on file with the Clerk of the Board of Supervisors in File No. _____ and
12 are incorporated herein by reference. In addition, other documents, reports, and records
13 related to amendments to this ordinance, the Development Agreement Ordinance, the CPE,
14 and Project approvals are on file with the Planning Department custodian of records, located
15 at 49 South Van Ness, Suite 1400, San Francisco, California 94103. The Board of
16 Supervisors treats these additional Planning Department records as part of its own
17 administrative record and incorporates such materials herein by reference.

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

23 (g) After a duly noticed public hearing on _____, 2021, in Resolution No.
24 _____, the Planning Commission found that this ordinance as amended is, on
25 balance, in conformity with the General Plan as proposed for amendment and the priority

1 policies of Planning Code Section 101.1. A copy of this Resolution is on file with the Clerk of
 2 the Board of Supervisors in File No. _____ and is incorporated herein by reference.
 3 The Board hereby adopts the Planning Commission General Plan and Planning Code Section
 4 101.1 findings as its own.

5 (h) Also in Resolution No. _____, the Planning Commission adopted findings
 6 under Planning Code Section 302 determining that this ordinance serves the public necessity,
 7 convenience, and general welfare. The Board of Supervisors adopts as its own these
 8 findings.

9

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

12

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

17

18 Section 3. The Planning Code is hereby amended in accordance with Planning Code
 19 Section 106 by revising Zoning Map HT1 as follows:

20

Description of Property	Height/Bulk Districts to be Superseded
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	450-S

25

1	eastern edge of Lot 136)	
2	Assessor's Parcel Block No. 3721, Lot 138	750-S-2
3	(area measuring 109' by 69' of the	
4	northwest corner of Lot 138)	
5		
6	Description of Property	Height/Bulk Districts Hereby Approved
7	Assessor's Parcel Block No. 3721, Lot 016	750-S-2
8	(western 15 feet)	
9		
10	Assessor's Parcel Block No. 3721, Lot 136	750-S-2
11	(3'-5" wide area located 111'-7" west of the	
12	eastern edge of Lot 136)	
13		
14	Assessor's Parcel Block No. 3721, Lot 138	450-S
15	(area measuring 109' by 69' of the	
16	northwest corner of Lot 138)	
17		

18

19 Section 4. (a) As applied to this Project, Planning Code Sections 249.28(b)(6)(B),

20 249.28(b)(6)(C), 402, 409, and 415 et seq. are hereby waived and shall not apply to the

21 Project. In doing so, the Board of Supervisors requires the Project sponsor to comply with the

22 timing from fee payments and its affordable housing obligations in the manner set forth in the

23 Development Agreement approved pursuant to the Development Agreement Ordinance. This

24 involves paying an in-lieu affordable housing fee to the Office of Community Investment and

25

1 Infrastructure for use in the Transbay Redevelopment Project Area (the “Redevelopment
2 Plan”).

3 (b) The Successor Agency to the Redevelopment Agency of the City and County of
4 San Francisco shall approve a variation for this Project to Section 4.9.3 (On-Site Affordable
5 Housing Requirement) of the Redevelopment Plan that provides for compliance with the
6 Project’s affordable housing obligation under the Redevelopment Plan in the manner set forth
7 in the Development Agreement approved pursuant to the Development Agreement
8 Ordinance.

9

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

14

15 Section 6. Effective and Operative Dates.

16 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
17 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
18 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
19 Mayor’s veto of the ordinance.

20 (b) This ordinance shall become operative on its effective date or on the effective date
21 of the Development Agreement Ordinance, enacted by the ordinance in Board of Supervisors
22 File No. _____, whichever date occurs later; provided, that this ordinance shall not

23 ///

24 ///

25 ///

1 ///

2 ///

3 become operative if the ordinance regarding the Development Agreement Ordinance is not
4 approved.

5

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

8

9 By: /s/ John D. Malamut
10 JOHN D. MALAMUT
11 Deputy City Attorney

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LEGISLATIVE DIGEST

(Substituted, 1/5/2021)

[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 split P (Public) District/C-3-O (SD) 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 to satisfy its affordable housing requirement through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area, to modify timing for payment of fees, 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, as more specifically provided in companion legislation for a development agreement, to allow the project's required inclusionary affordable housing obligation to be addressed through payment of an in-lieu fee to the Office of Community Investment and Infrastructure for use

within the Transbay Redevelopment Project Area, subject to certain conditions. This ordinance also would 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 Code Section 101.1; and adopt findings of public necessity, convenience, and welfare under Planning Code Section 302.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

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 split P (Public) District/C-3-O (SD) 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 to satisfy its affordable housing requirement through payment of an in-lieu affordable housing fee to the Office of Community Investment and Infrastructure for use within the Transbay Redevelopment Project Area, to modify timing for payment of fees, 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.

Signature of Sponsoring Supervisor: MATT HANEY

For Clerk's Use Only