FILE NO. 021577

ORDINANCE NO. 275-03

[Planning Code Amendments in connection with 888 Howard Street Hotel Project.]

Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of “gross floor area” and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

Section 1. Findings. This Board of Supervisors finds and determines as follows:

(a) Pursuant to Planning Code Section 302, this Board finds that this Code amendment will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 16420 46437, which reasons are incorporated herein by reference as though fully set forth. A copy of Resolution No. 16420 46437 is on file with the Clerk of the Board of Supervisors in File No. 021577.

(b) This ordinance is in conformity with the Priority Policies of Section 101.1 of the Planning Code and with the General Plan as it is proposed to be amended for the reasons set forth.
forth in Planning Commission Resolution No. 16420, which reasons are incorporated herein by this reference as though fully set forth.

(c) In the Board's adoption of the General Plan amendment required in connection with approval of the 888 Howard Street Hotel Project, the Board affirmed the Planning Commission's certification of the Final Environmental Impact Report and Addendum for the Project and made the findings required by the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. That affirmation and the CEQA findings are incorporated herein by reference as though fully set forth.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 102.9, to read as follows:

SEC. 102.9. FLOOR AREA, GROSS.

In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows; provided, however, that such line shall not be inward of the interior face of the wall.
(a) Except as specifically excluded in this definition, "gross floor area" shall include, although not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

(8) Any other floor space not specifically excluded in this definition.

(b) "Gross floor area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance
of the building itself, if located at the top of the building or separated therefrom only by other
space not included in the gross floor area;

(4) Mechanical equipment, appurtenances and areas, necessary to the operation or
maintenance of the building itself (i) if located at an intermediate story of the building and
forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate
stories occupying less than a full floor level, provided that the mechanical equipment,
appurtenances and areas are permanently separated from occupied floor areas and in
aggregate area do not exceed the area of an average floor as determined by the Zoning
Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the
stairs serve, or fire escapes;

(6) Floor space used for accessory off-street parking and loading spaces as
described in Section 204.5 of this Code and driveways and maneuvering areas incidental
thereto;

(7) Arcades, plazas, walkways, porches, breeze-ways, porticos and similar features
(whether roofed or not), at or near street level, accessible to the general public and not
substantially enclosed by exterior walls; and accessways to public transit lines, if open for use
by the general public; all exclusive of areas devoted to sales, service, display, and other
activities other than movement of persons;

(8) Balconies, porches, roof decks, terraces, courts and similar features, except
those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by
building walls (exclusive of a railing or parapet not more than three feet eight inches high) or
by such walls and interior lot lines, and the clear space is less than 15 feet in either
dimension, the area shall not be excluded from gross floor area unless it is fully open to the
sky (except for roof eaves, cornices or belt courses which project not more than two feet from
the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by
building walls (exclusive of a railing or parapet not more than three feet eight inches high), or
by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions,
(1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof
eaves, cornices or belt courses which project no more than two feet from the face of the
building wall), and (2) the area may have roofed areas along its perimeter which are also
excluded from gross floor area if the minimum clear open space between any such roof and
the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the
clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
without walls may cover up to 10 percent of such open space without being counted as gross
floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by
building walls (exclusive of a railing or parapet not more than three feet eight inches high) or
by such walls and interior lot lines, and the open side or sides face on a yard, street or court
whose dimensions satisfy the requirements of this Code and all other applicable codes for
instances in which required windows face upon such yard, street or court, the area may be
roofed to the extent permitted by such codes in instances in which required windows are
involved;

(9) On lower, nonresidential floors, elevator shafts and other life-support systems
serving exclusively the residential uses on the upper floors of a building;

(10) One-third of that portion of a window bay conforming to the requirements of
Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either
side of the bay but not to exceed seven square feet per bay window as measured at each floor;

(11) Ground floor area in the C-3-0, C-3-O (SD), C-3-S, C-3-S(SU) and C-3-G Districts devoted to building or pedestrian circulation and building service;

(12) In the C-3-0, C-3-O (SD), C-3-S, C-3-S(SU) and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor, except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(13) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(14) Floor area in C-3, RED, RSD, SPD, SLR, SLI, and SSO Districts devoted to child care facilities provided that:

(A) Allowable indoor space is no more or no less than 3,000 square feet and no more than 6,000 square feet, and

(B) The facilities are made available rent free, and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing requirements for child care facilities, and

(D) The space is used for childcare for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the City Planning Commission that there is a lack of need for child care and that the space will be used for a
facility described in Subsection 15 below dealing with cultural, educational, recreational, religious, or social service facilities;

(15) Floor area in C-3, RED, RSD, SPD, SLR, SLI, and SSO Districts permanently devoted to cultural, educational, recreational, religious or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution, or

(B) Are made available rent-free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the off-street parking and freight loading requirements for the project;

(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings;

(17) Floor space in mezzanine areas within live/work units where the mezzanine satisfies all applicable requirements of the San Francisco Building Code;

(18) Floor space suitable primarily for and devoted exclusively to exhibitions or performances by live/work tenants within the structure or lot, provided that such facilities will be available rent-free to live/work tenants within the property for the life of the structure; and

(19) In South of Market RED, RSD, SPD, SLR, SLI and SSO Districts, live/work units and any occupied floor area devoted to mechanical equipment or appurtenances or other floor area accessory to live/work use provided that:
(A) The nonresidential use within each live/work unit shall be limited to uses which
are principal permitted uses in the district or otherwise are conditional uses in the district and
are approved as a conditional use,

(B) The density, enforcement, open space, parking and freight loading and other
standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all
other applicable provisions of this Code, and

(C) For the purpose of calculating the off-street parking and freight loading
requirement for the project, building area subject to this subsection shall be counted as
occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

Section 3. The San Francisco Planning Code is hereby amended by amending Section
123, to read as follows:

SEC. 123. MAXIMUM FLOOR AREA RATIO.

(a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be
as stated in this Section and Sections 124 through 128. The maximum floor area ratio for any
building or development shall be equal to the sum of the basic floor area ratio for the district,
as set forth in Section 124, plus any premiums and floor area transfers which are applicable to
such building or development under Sections 125, 127 and 128, and as restricted by the
provisions of Sections 123(c) and (d) and 124(b) and (j).

(b) No building or structure or part thereof shall be permitted to exceed, except as
stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the
district in which it is located.

(c) The amount of TDR that may be transferred to a development lot, as allowed by
Section 128, is limited as follows:

(1) The gross floor area of a structure on a lot in the C-3-O and C-3-O (SD) Districts
may not exceed a floor area ratio of 18 to 1;
(2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S Districts may not exceed a floor area ratio that is 1-½ times the basic floor area limit for the district as provided in Section 124. This section shall not apply to the C-3-S(SU) District.

(d) The gross floor area of a structure on a lot on which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in Section 124 except as provided in Section 128(c)(2).

Section 4. The San Francisco Planning Code is hereby amended by amending Table 124, to read as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Basic Floor Area Ratio Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2</td>
<td>1.8 to 1</td>
</tr>
<tr>
<td>RM-3</td>
<td>3.6 to 1</td>
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<tr>
<td>RM-4</td>
<td>4.8 to 1</td>
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<tr>
<td>RC-1, RC-2</td>
<td>1.8 to 1</td>
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<tr>
<td>RC-3</td>
<td>3.6 to 1</td>
</tr>
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<td>RC-4</td>
<td>4.8 to 1</td>
</tr>
<tr>
<td>RED</td>
<td>1.0 to 1</td>
</tr>
<tr>
<td>RSD, SPD</td>
<td>1.8 to 1</td>
</tr>
<tr>
<td>NC-1</td>
<td></td>
</tr>
<tr>
<td>NC-2</td>
<td></td>
</tr>
<tr>
<td>Outer Clement</td>
<td>1.8 to 1</td>
</tr>
</tbody>
</table>

PLANNING DEPARTMENT
BOARD OF SUPERVISORS
<table>
<thead>
<tr>
<th>Neighborhood</th>
<th>Ratio</th>
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<tbody>
<tr>
<td>Haight</td>
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</tr>
<tr>
<td>North Beach</td>
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</tr>
<tr>
<td>Sacramento</td>
<td></td>
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<tr>
<td>24th Street – Noe Valley</td>
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<tr>
<td>West Portal</td>
<td></td>
</tr>
<tr>
<td>NC-2</td>
<td></td>
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<tr>
<td>Broadway</td>
<td></td>
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<tr>
<td>Upper Fillmore</td>
<td></td>
</tr>
<tr>
<td>Polk</td>
<td>2.5 to 1</td>
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<tr>
<td>Valencia</td>
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<td>24th Street – Mission</td>
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<td>Castro</td>
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<td>Hayes-Gough</td>
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<td>Upper Market</td>
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<tr>
<td>Union</td>
<td></td>
</tr>
<tr>
<td>NC-3</td>
<td>3.6 to 1</td>
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<tr>
<td>Chinatown R/NC</td>
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<tr>
<td>Chinatown VR</td>
<td>2.0 to 1</td>
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<td>Chinatown CB</td>
<td>2.8 to 1</td>
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<tr>
<td>C-1, C-2</td>
<td>3.6 to 1</td>
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<tr>
<td>C-2-C</td>
<td>4.8 to 1</td>
</tr>
<tr>
<td>C-3-C</td>
<td>6.0 to 1</td>
</tr>
<tr>
<td>C-3-O</td>
<td>9.0 to 1</td>
</tr>
<tr>
<td>C-3-R</td>
<td>6.0 to 1</td>
</tr>
</tbody>
</table>
for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; (ii) institutional uses; and (iii) uses in a predominantly retail building. For the purposes of this section, a “predominantly retail building” is one in which 2/3 or more of the occupied floor area is in retail use.

<table>
<thead>
<tr>
<th>C-3-G</th>
<th>6.0 to 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3-S</td>
<td>5.0 to 1</td>
</tr>
<tr>
<td>C-3-O(SD)</td>
<td>6.0 to 1</td>
</tr>
<tr>
<td>C-3-S (SU)</td>
<td>7.5 to 1</td>
</tr>
<tr>
<td>C-M</td>
<td>9.0 to 1</td>
</tr>
<tr>
<td>M-1, M-2</td>
<td>5.0 to 1</td>
</tr>
<tr>
<td>SLR, SLI</td>
<td>2.5 to 1</td>
</tr>
<tr>
<td>SSO and in a 40 or 50 foot height district</td>
<td>3.0 to 1</td>
</tr>
<tr>
<td>SSO and in a 65 or 80 foot height district</td>
<td>4.0 to 1</td>
</tr>
<tr>
<td>SSO and in a 130 foot height district</td>
<td>4.5 to 1</td>
</tr>
</tbody>
</table>

Section 5. The San Francisco Planning Code is hereby amended by amending Section 138, to read as follows:

SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

(a) Requirement. An applicant for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building (hereinafter “building”) in C-3 Districts shall provide open space in the amount and in accordance with the standards set forth in this Section. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this Section shall be made in accordance with the provisions of Section 309.

(b) Amount Required. Open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; (ii) institutional uses; and (iii) uses in a predominantly retail building. For the purposes of this section, a “predominantly retail building” is one in which 2/3 or more of the occupied floor area is in retail use.
Minimum Amount of Open Space Required

<table>
<thead>
<tr>
<th>Use District</th>
<th>Ratio of Square Feet of Open Space to Gross Square Feet of Uses with Open Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3-O</td>
<td>1:50</td>
</tr>
<tr>
<td>C-3-R</td>
<td>1:100</td>
</tr>
<tr>
<td>C-3-G</td>
<td>1:50</td>
</tr>
<tr>
<td>C-3-S</td>
<td>1:50</td>
</tr>
<tr>
<td>C-3-O (SD)</td>
<td>1:50</td>
</tr>
<tr>
<td>C-3-S(SU)</td>
<td>1.50</td>
</tr>
</tbody>
</table>

Section 6. The San Francisco Planning Code is hereby amended by adding Section 247, to read as follows:

**SEC. 247. DOWNTOWN SUPPORT SPECIAL USE DISTRICT:**

(a) **Purpose.** In order to provide that a certain area within the C-3-S district be able to be developed for hotel use with an increased basic floor area ratio of 7.5 to 1, there shall be a "Downtown Support Special Use District" (also referred to as the "C-3-S (SU) District") as designated on Zoning Map 1. Development at densities above the basic floor area ratio of 7.5:1 in this special use district will not be permitted.

(b) **Requirements.** The basic and maximum floor area ratio of the C-3-S (SU) District, after purchase of all market-rate, available TDR within the C-3-S District, shall be 7.5 to 1. Where there are fewer square feet of TDR within the C-3-S District available than the Planning Commission determines is required for a project, the Planning Commission may, as part of a Section 309 review, authorize a project sponsor to make a monetary contribution towards the preservation of a Landmark building within the C-3 area in an amount to be determined by the Commission. For purposes of this Section 247, the C-3 area shall include any C-3 District...
and any P District adjacent thereto. All other provisions of this Code applicable to the C-3-S District shall apply in the C-3-S (SU) District.

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

JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings.

November 18, 2003 Board of Supervisors — SUBSTITUTED

November 25, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Ammiano
Excused: 1 - Daly

December 9, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 9, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.