

1 [Planning Code, Zoning Map - 525 Harrison Street]

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3 **Ordinance amending the Planning Code regarding bulk limits and exceptions to the**
4 **tower separation requirements on 525 Harrison Street, Assessor’s Block No. 3764, Lot**
5 **No. 063; and amending the Zoning Map to redesignate a portion of Assessor’s Block**
6 **No. 3764, Lot No. 063, from a 65/400-R height and bulk district to a 65/250-R height and**
7 **bulk district; affirming the Planning Department’s determination under the California**
8 **Environmental Quality Act that these Amendments were within the scope of the Rincon**
9 **Hill Area Plan and the Program EIR, which adequately analyzed these Amendments;**
10 **and making findings of consistency with the General Plan, and the eight priority**
11 **policies of Planning Code, Section 101.1, and findings under Planning Code, Section**
12 **302.**

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

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

21 Section 1. Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.), finding that these Amendments were within the scope of the
25 Rincon Hill Area Plan and that the Rincon Hill Area Plan Program Environmental Impact
Report adequately analyzed these Amendments and prepared an Addendum for these

1 Amendments and the proposed project. Said determination and Addendum are is on file with
2 the Clerk of the Board of Supervisors in File No. 151063 and is incorporated herein by
3 reference, and the Rincon Hill Area Plan Environmental Impact Report is available for review
4 at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco,
5 California (Case No. 2013.0159E). The Board affirms this determination.

6 (b) Pursuant to Planning Code Section 302, this Board finds that the actions
7 contemplated in this ordinance will serve the public necessity, convenience, and welfare for
8 the reasons set forth in Planning Commission Resolution No. 19479 and the Board
9 incorporates such reasons herein by reference. A copy of the Planning Commission
10 Resolution No. 19479 is on file with the Clerk of the Board of Supervisors in File No. 151063.

11 (c) On September 24, 2015, the Planning Commission, in Resolution No. 19479,
12 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
13 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
14 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
15 the Board of Supervisors in File No. 151063, and is incorporated herein by reference.

16 (d) This Board finds that the actions contemplated in this ordinance provide a 20% or
17 greater increase in developable residential gross floor area, because the existing tower
18 separation requirement of Planning Code Section 270(e)(2)(G) limits the height of a portion of
19 the 525 Harrison site to 110 feet where it is less than 115 feet distant from the existing 45
20 Lansing Street building, and thus increases the allowable building bulk of the 525 Harrison
21 Street project, such that these actions individually and collectively justify an increase in the
22 Inclusionary Affordable Housing Requirement for the 525 Harrison Street project.

23
24 Section 2. The Planning Code is hereby amended by revising Section 270 to read as
25 follows:

1 **SEC. 270. BULK LIMITS: MEASUREMENT.**

2 ****

3 (e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach
4 DTR Districts), bulk limitations are as follows:

5 (1) There are no bulk limits below the podium height as described in Section
6 263.19, except for the lot coverage limitations and setback requirements described in
7 Sections 825 and 827.

8 (2) **Tower Bulk and Spacing.** All portions of structures above the podium
9 height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in
10 Chart C.

11 (A) Buildings between the podium height limit and 240 feet in height may
12 not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

13 (B) Buildings between 241 and 300 feet in height may not exceed a plan
14 length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum
15 average floor area of 8,500 gross square feet.

16 (C) Buildings between 301 and 350 feet in height may not exceed a plan
17 length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum
18 average floor area of 9,000 gross square feet.

19 (D) Buildings between 351 and 550 feet in height may not exceed a plan
20 length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum
21 average floor area of 10,000 gross square feet.

22 (E) To allow variety in the articulation of towers, the floor plates of
23 individual floors may exceed the maximums described above by as much as 5 percent,
24 provided the maximum average floor plate is met.

1 (F) To encourage tower sculpting, the gross floor area of the top one-
2 third of the tower shall be reduced by 10 percent from the maximum floor plates described in
3 (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

4 (G) In order to provide adequate sunlight and air to streets and open
5 spaces, a minimum distance of 115 feet must be preserved between all structures above 110
6 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally
7 from the outside surface of the exterior wall of the subject building to the nearest point on the
8 closest structure above 110 feet in height. Any project that is permitted pursuant to the
9 exception described in Section 270(e)(3) shall not be considered for the purposes of
10 measuring tower spacing pursuant to this Section.

11 (H) The procedures for granting special exceptions to bulk limits
12 described in Section 271 shall not apply; exceptions may be granted pursuant to Sections
13 270(e)(3) and 270(e)(4).

14 (I) Additional setback, lot coverage, and design requirements for the
15 DTR Districts are described in Sections 825, *and* 827, *828 and 829*.

16 (3) **Exceptions to tower spacing and upper tower sculpting requirements**
17 **in Rincon Hill DTR.** An exception to the 115 feet tower spacing requirement and the upper
18 tower sculpting requirement described in (e)(2)(F) and (G) above may be granted to a project
19 only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006,
20 pursuant to the procedures described in 309.1 of this Code provided that projects meet the
21 following criteria:

22 (A) Applications for environmental review and conditional use related to
23 a building above 85 feet in height on the subject lot have been filed with the Department prior
24 to March 1, 2003 and February 1, 2005, respectively;

1 (B) Given the 115 tower spacing requirement described in (~~F~~G) above,
2 the existence of an adjacent building greater than 85 feet in height precludes the development
3 of a tower on the subject lot;

4 (C) The subject lot has a total area of no less than 35,000 square feet;

5 (D) The proposed project is primarily residential and has an area of no
6 more than 528,000 gross square feet;

7 (E) The proposed project conforms to all other controls described or
8 referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR
9 District.

10 (F) For the purposes of subsection (~~iv~~D) above, the term "gross square
11 feet" shall be the sum of the gross areas of all floors of a building or buildings above street
12 grade measured from the exterior faces of exterior walls or from the center lines of walls
13 separating two buildings, excluding area below street grade. Where columns are outside and
14 separated from an exterior wall (curtain wall) which encloses the building space or are
15 otherwise so arranged that the curtain wall is clearly separated from the structural members,
16 the exterior face of the curtain wall shall be the line of measurement, and the area of the
17 columns themselves at each floor shall also be counted.

18 (4) **Allowance for limited reduction in spacing from existing towers in**
19 **Rincon Hill DTR.** To allow limited variation in tower placement from towers for which a
20 certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower
21 spacing described in (e)(2)(G) above may be granted pursuant to the procedures described in
22 309.1 of this Code if all the following criteria are met:

23 (A) For every percent reduction from the maximum average floor area
24 as described in (2) above, an equal percent reduction in tower separation may be granted
25 subject to the following limits:

1 (i) Up to a height of one-and-one-half times the maximum
2 permitted podium height, tower spacing described in (e)(2)(G) above may be reduced by not
3 more than 15 percent;

4 (ii) up to a height of 180 feet, tower spacing described in (e)(2)(G)
5 above may be reduced by not more than 10 percent; and

6 (iii) all floors above 180 feet achieve the full 115-foot minimum
7 tower spacing requirement described in (e)(2)(G) above. A project may average the tower
8 separation of all floors below 180 feet so long as the requirements of (ii) and (iii) herein are
9 satisfied.

10 * * * *

11 **(5) Exceptions to Tower Bulk, Upper Tower Sculpting and Tower Spacing**

12 **Requirements on Block 3764.** *Exceptions to the tower bulk, upper tower sculpting and tower spacing*
13 *requirements described in Subsections (e)(2)(A), (F) and (G) above may be granted to a project only on*
14 *Block 3764, Lot 063, pursuant to the procedures described in Section 309.1 of this Code, provided that*
15 *the project meets all of the following criteria:*

16 (A) Within 115 feet of Block 3764, Lot 063, there is a tower greater than 85 feet
17 in height as part of a building that has received a First Construction Document;

18 (B) The project involves the construction of, or alteration to, a tower of no more
19 than 250 feet in height;

20 (C) The subject lot has a total area of no more than 15,000 square feet;

21 (D) A minimum distance of 82 feet is preserved between any structures on the
22 parcel and any other structure on or off the parcel above 110 feet in height at all levels above 110 feet
23 in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of
24 structures, which shall include those features described in Planning Code Section 136(c)(2) and (3);
25 and

1 (E) The project is primarily residential, and contains no more than 250,000
2 gross square feet and provides on-site inclusionary affordable units equivalent to 15% of all
3 units constructed on the site, which shall be subject to the requirements of the Inclusionary
4 Affordable Housing Program under Planning Code Section 415 et seq., and the City's
5 Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended
6 from time to time.

7
8 Section 3. The Planning Code is hereby amended by revising Section 309.1 to
9 read as follows:

10 **SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

11 The provisions and procedures set forth in this Section shall govern the review of project
12 authorization and building and site permit applications for the construction or substantial
13 alteration of structures in Downtown Residential districts, the granting of exceptions to
14 requirements of this Code, and the imposition of modifications necessary to achieve the
15 objectives and policies of the General Plan and the purposes of this Code as provided for in
16 Section 825 and elsewhere. When any action authorized by this Section is taken, any
17 determination with respect to the proposed project required or authorized pursuant to CEQA
18 may also be considered.

19 * * * *

20 (b) **Exceptions.**

21 (1) Exceptions to the following provisions of this Code may be granted as provided for
22 below:

23 (A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the
24 criteria described in Section s 270(e)(3), ~~and~~ 270(e)(4) and 270(e)(5).

1 (B) Provision for exceeding an accessory residential parking ratio principally permitted
2 and up to the maximum permitted by Table 151.1.

3 (C) Exceptions to the lot coverage requirements of Section 825(b)(2) for conversions of
4 existing non-residential structures to residential use.

5 (D) Reductions in the dwelling unit exposure requirements of Section 140.

6 (E) Allowing parking access from Folsom Street, pursuant to 827(a)(8)(A)(ii) and
7 155(r).

8 (F) Reduction of required on-site residential open space of 36 square feet per unit
9 described in Section 827(a)(9) to create additional off-site publicly-accessible open space and
10 superior building design.

11 (G) Design, location, and size of publicly-accessible open space as allowed by Section
12 827(a)(9) and equivalence of proposed publicly-accessible open space in size and quality with
13 required on-site open space.

14 (H) Modifications to the required upper story setback above a height of 45 feet on the
15 north side of mid-block pedestrian pathways as allowed in Section 827(a)(5)(C)(i).

16 (I) On development lots larger than ½-acre, minor deviations from the provisions for
17 measurement of height in Section 260 of the Code as otherwise provided in Section
18 304(d)(6), in cases where the Planning Commission finds that such minor measurement
19 modification is necessary for a project of outstanding overall design, complementary to the
20 design of the surrounding area, and necessary to meet the intent and policies of the relevant
21 area plan of the General Plan.

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24 Section 4. Sheet HT01 of the Zoning Map of the City and County of San Francisco is
25 hereby amended as follows:

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<u>Description of Property</u>	<u>Height and Bulk District</u> <u>Superseded</u>	<u>Height and Bulk District</u> <u>Approved</u>
Assessor's Block/Lot: 3764/063	65-X; 65/400-R	65-X; 65/250-R

Section 5. Effective Date and Operative Date.

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

(b) This ordinance shall become operative upon its effective date or upon the effective date of the related General Plan Amendment contained in Board of Supervisors File No. 151062, whichever occurs later. If the effective date of the related General Plan Amendment does not occur within 90 days of the effective date of this ordinance, this ordinance shall expire by operation of law.

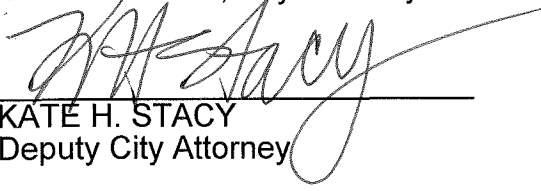
Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under

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the official title of the ordinance.

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

By: 
KATE H. STACY
Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151063

Date Passed: December 08, 2015

Ordinance amending the Planning Code regarding bulk limits and exceptions to the tower separation requirements on 525 Harrison Street, Assessor's Block No. 3764, Lot No. 063; and amending the Zoning Map to redesignate a portion of Assessor's Block No. 3764, Lot No. 063, from a 65/400-R height and bulk district to a 65/250-R height and bulk district; affirming the Planning Department's determination under the California Environmental Quality Act that these Amendments were within the scope of the Rincon Hill Area Plan and the program Environmental Impact Report, which adequately analyzed these Amendments; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings under Planning Code, Section 302.

November 23, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 23, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

December 01, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

December 08, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee and Peskin

File No. 151063

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/8/2015 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of Mayor
Mayor

12/16/15
Date Approved