



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 19664

### Planning Code Amendment

HEARING DATE: JUNE 16, 2016

*Date:* June 6, 2015  
*Case No.:* **2013.1753CXVPCA**  
*Project Address:* **1066 Market Street**  
*Zoning:* C-3-G (Downtown General)  
120-X Height and Bulk District  
*Block/Lot:* 0350/003  
*Project Sponsor:* Julie Burdick– (415) 772.7142  
Multifamily Investments  
Shorenstein Properties  
235 Montgomery Street, 16<sup>th</sup> Floor  
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*Staff Contact:* Tina Chang – (415) 575-9197  
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*Recommendation:* **Recommend Approval**

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RECOMMEND APPROVAL FOR THE ORDINANCE WAIVING INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS SET FORTH IN PLANNING CODE SECTION 415 ET SEQ., EXEMPTING 21,422 SQUARE FEET FROM THE CALCULATION OF GROSS FLOOR AREA PURSUANT TO PLANNING CODE SECTION 124 TO ALLOW THE ADDITIONAL FLOOR AREA, AND EXEMPTING 21,422 SQUARE FEET FROM PLANNING CODE SECTIONS 123 AND 128 TO REDUCE ANY REQUIRED TRANSFERABLE DEVELOPMENT RIGHTS BY SUCH AMOUNT, FOR A PROJECT LOCATED AT 1066 MARKET STREET IN SAN FRANCISCO, IN EXCHANGE FOR THE DEDICATION OF CERTAIN REAL PROPERTY TO THE SAN FRANCISCO MAYOR'S OFFICE HOUSING AND COMMUNITY DEVELOPMENT AT NO COST; AUTHORIZING ACTIONS IN FURTHERANCE OF THIS ORDINANCE; AND ADOPTING FINDINGS REGARDING THE FINAL MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS UNDER PLANNING CODE SECTION 302; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

### PREAMBLE

On March 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013.1753XC~~V~~CV and the Appeal of the Mitigated Negative Declaration, 2013.1753E.

On March 17, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On March 17, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On April 18, 2016, Donald Falk filed an appeal to the Conditional Use Authorization and Sue Hestor filed an appeal to the Mitigated Negative Declaration. On May 2, 2016, Sue Hester filed a withdrawal of the appeal to the Mitigated Negative Declaration. The Board of Supervisors scheduled a hearing for the Conditional Use Authorization appeal on May 17, 2016, which was continued to June 21, 2016.

On May 17, 2016, the Board of Supervisors introduced the Ordinance waiving Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., exempting 21,422 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 21,422 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 1066 Market Street in San Francisco, in exchange for the dedication of certain real property to the San Francisco Mayor's Office Housing and Community Development at no cost; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

On June 16, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to modify Downtown Project Authorization Application No. 2013.1753X, previously approved under Motion Number 19593, to amend Section 415 findings and conditions of approval for affordable housing and to allow land dedication instead;

Also on June 16, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the adoption of the Ordinance waiving Inclusionary Affordable Housing

requirements set forth in Planning Code Section 415 et seq., exempting 21,422 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 21,422 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 1066 Market Street in San Francisco, in exchange for the dedication of certain real property to the San Francisco Mayor's Office Housing and Community Development at no cost; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, Application No. 2013.1753PCA.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1753CXVPCA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

The Commission has reviewed the proposed Planning Code Amendment Ordinance; and

**RESOLVED**, that the Planning Commission hereby adopts the findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act issued by Motion No. 19592, based on the findings as stated below.

**FURTHER RESOLVED**, that the Commission recommends approval on the Planning Code Amendment as proposed, and adopt the Resolution to that effect.

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. The MND is adequate, accurate and complete, and reflects the independent judgment and analysis of the Planning Department. The Project, as shown in the analysis of the MND, could not have a significant effect on the environment. The Planning Commission adopted the MND in Resolution No. 19592.
2. The Commission finds the Project at 1066 Market and the associated dedication of real property to the San Francisco Mayor's Office of Housing and Community Development at no cost a benefit to the City.
3. The Project is desirable because it would replace an underutilized commercial building and surface parking lot with a 12-story, 14-level mixed use, residential above ground floor retail

building. The Project will add 304 dwelling units to San Francisco's housing stock and includes approximately 4,540 square feet of ground floor retail and approximately 12,300 square feet of common open space.

4. As further set forth in the findings for the Downtown Project Authorization (Motion No. 19665), which are incorporated by reference as though fully set forth herein, the Project supports various goals of the General Plan.
5. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings for the Downtown Project Authorization (Motion No. 19665), which are incorporated by reference as though fully set forth herein.
6. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization (Motion No. 19665), which are incorporated by reference as though fully set forth herein.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) for the reasons set forth in the Downtown Project Authorization (Motion No. 19665), which are incorporated by reference as though fully set forth herein, and also in that, as designed, the Project would contribute to the community by adding 304 dwelling units to the City's housing stock, approximately 4,540 square feet of ground floor retail, activating the streets onto which the Project fronts, and providing approximately 12,300 square feet of common open space to residents of the Project, thereby constituting a beneficial development.
8. Based on the foregoing, the public necessity, convenience and general welfare require the proposed Planning Code amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on June 16, 2016.

Jonas Ionin  
Commission Secretary

AYES: Richards, Antonini, Hillis, Johnson, Moore, Wu  
NOES: None  
ABSENT: Fong  
ADOPTED: June 16, 2016