

File No. 221164 Committee Item No. 5
Board Item No. 55

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation Committee Date July 10, 2023

Board of Supervisors Meeting Date July 18, 2023

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Completed by: Erica Major Date July 6, 2023

Completed by: Erica Major Date July 14, 2023

1 [Planning Code, Zoning Map - Van Ness & Market Residential Special Use District - Height
2 Increase for 98 Franklin Street]

3 **Ordinance amending the Planning Code to revise the Van Ness & Market Residential**
4 **Special Use District to update the Option for Dedication of Land for development**
5 **projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to**
6 **increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009,**
7 **and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming**
8 **the Planning Department's determination under the California Environmental Quality**
9 **Act; and making findings of consistency with the General Plan, and the eight priority**
10 **policies of Planning Code, Section 101.1, and findings of public necessity,**
11 **convenience, and welfare under Planning Code, Section 302.**

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

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

20 Section 1. CEQA and Land Use Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 221164 and is incorporated herein by reference. The Board affirms
25 this determination.

1 (b) On May 21, 2020, the Planning Commission, in Resolution No. 20711, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 221164, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution No. 20711, and the Board adopts such reasons as
9 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
10 No. 221164 and is incorporated herein by reference.

11
12 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
13 249.33, to read as follows:

14 **SEC. 249.33. VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

15 * * * *

16 (b) **Use Controls.**

17 * * * *

18 (16) **Option for Dedication of Land.**

19 (A) Development projects in this District may opt to fulfill the Inclusionary
20 Housing requirement of Section 415 through the Land Dedication alternative contained in
21 Section 419.6. The Land Dedication alternative is available for development projects within
22 the District under the same terms and conditions as provided for in Section 419.5(a)(2),
23 except that in lieu of the Land Dedication Alternative requirements of Table 419.5, projects
24 may satisfy the requirements of Section 415.5 by dedicating land for affordable housing if the
25 dedicated land could accommodate a total amount of units that is equal to or greater than

1 35% of the units that are being provided on the principal development project site, as
2 determined by the Planning Department. Any dedicated land shall be at least partly located
3 within ~~one~~ mile of the boundaries of either the Market and Octavia Plan Area or the Upper
4 Market NCT District.

5 (B) Notwithstanding the requirements of Section 419.5(a)(2)(H),
6 development projects dedicating land shall obtain the required letter from the Mayor's Office
7 of Housing and Community Development verifying acceptance of the dedicated land ~~within no~~
8 later than 180 days following of the effective date of this Special Use District or prior to Planning
9 Commission or Planning Department approval of the development project, ~~whichever occurs~~
10 first. No property may be used for this land dedication option unless the Mayor's Office of Housing and
11 Community Development issues an acceptance letter within this 180-day timeline. The Director of the
12 Mayor's Office of Housing and Community Development may waive application of Section
13 419.5(a)(2)(G).

14 (C) Development projects that elect to dedicate land pursuant to this
15 ~~section~~ subsection (b)(16) may be eligible for a waiver against all or a portion of their affordable
16 housing fees under Sections 416 and 424 if the Planning Director determines that the land
17 acquisition costs for the dedicated land exceed the development project's obligations under
18 the fee option of Section 415. The Planning Director, in consultation with the Director of the
19 Mayor's Office of Housing and Community Development and the Director of Property, shall
20 calculate the waiver amount based on actual commercially reasonable costs to acquire the
21 dedicated land. If the Director of the Mayor's Office of Housing and Community Development
22 requests that the land dedication occur before the First Construction Document for the
23 development project, the waiver amount shall be increased by the reasonable value of the
24 City's early use of the dedicated land.

25 * * * *

1
2 Section 3. The Zoning Map is hereby amended by revising Height Map HT07, to read
3 as follows:

4

Block(s) and Lot(s)	Current Height Limit	Revised Height Limit
Assessor's Parcel Block No. 0836, Lots 008, 009, and 013	85-X // 120/365-R-2	85-X // 120/400-R-2

5
6
7
8

9
10 Section 4. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14
15 Section 5. Scope of Ordinance. With the exception of the amendment of the Zoning
16 Map in Section 3 of this ordinance, in enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

22 APPROVED AS TO FORM:
23 DAVID CHIU, City Attorney

24 By: /s/ ANDREA RUIZ-ESQUIDE
25 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Van Ness & Market Residential Special Use District - Height Increase for 98 Franklin Street]

Ordinance amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height at Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Van Ness & Market Residential Special Use District (SUD) is generally located at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 9th and Division Streets. The SUD is intended to be a transit-oriented, high-density neighborhood with a significant residential presence and a mix of neighborhood-serving uses. New development and major expansions must be predominantly residential. Other non-residential uses that are allowed and encouraged, include arts, institutional, and retail uses.

Amendments to Current Law

This ordinance amends the Van Ness & Market SUD to: a) update the option for dedication of land for development projects to fulfill their inclusionary housing obligations; and b) revise the Zoning Map to increase the maximum height at Assessor's Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2. Both amendments are related to a project proposed at 98 Franklin Street.

Background Information

This ordinance is the companion to another piece of legislation introduced on the same date, regarding a Development Agreement for the proposed project at 98 Franklin Street.

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July 10, 2023

Ms. Angela Calvillo, Clerk
Honorable Supervisor Preston
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2016-014802DNX-02/DVA/PCA/MAP/SHD:
98 FRANKLIN ST
Board File Nos. 221163 & 221164

Planning Commission Recommendation: Approval

Dear Ms. Calvillo and Supervisor Preston,

On March 30, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider two Ordinances, introduced by Supervisor Preston. The Planning Commission recommended to:

1. Approve a proposed ordinance (Board File No. 221164) that would (1) revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; (2) revise Planning Code Section 260(b)(1)(o); and (3) amend the Zoning Map to revise Height Map HT07 to change the maximum height at Assessor's Block 0836, Lot Nos. 008, 009, and 013, from 85-X // 120/365-R-2 to 85-X// 120/400-R2.
2. Approve a proposed ordinance (Board File No. 221163) for a Development Agreement.

At the hearing the Planning Commission recommended approval to both ordinances. Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Keith Nagayama, Deputy City Attorney
Kyle Smeallie, Aide to Supervisor Preston
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution R-21297
Planning Commission Resolution R-21299
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21297

HEARING DATE: MARCH 30, 2023

Project Name: 98 Franklin Street Development Project
Case Number: 2016-014802PCAMAP [Board File No. 221163 & 221164]
Initiated by: Supervisors Preston, Dorsey, Walton, Ronen, Peskin, Safai, & Mar
Staff Contact: Christy Alexander, AICP
Christy.alexander@sfgov.org, (628) 652-7334
Reviewed by: Nicholas Foster, AICP, LEED GA, Principal Planner
Nicholas.foster@sfgov.org, (628) 652-7330

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A PROPOSED ORDINANCE TO (1) REVISE THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, (2) REVISE PLANNING CODE SECTION 260(B)(1)(O); AND (3) REVISE HEIGHT MAP HT07 TO CHANGE THE MAXIMUM HEIGHT AT ASSESSOR'S BLOCK No. 008, 009, AND 013, FROM 85-X // 120/365-R-2 TO 85-X // 120/400-R-2; ADOPTING FINDINGS INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on May 21, 2020, the Planning Commission approved Resolutions 20709 through 20712 and 20614, and Motion 20707; and on May 28, 2020, the Planning Commission approved Motions 20726 through 20728 (collectively, the "Approvals"). The Approvals approved a project at 98 Franklin Street (Assessor's Parcel Block No. 0836, Lots 008, 009, and 013; the "Project Site") that would construct a new 36-story mixed use building reaching a height of approximately 365 feet (approximately 397 feet including rooftop screen/mechanical equipment), and including at 345 dwelling units, approximately 84,815 gross square feet of school use floor area, approximately 3,229 gross square feet of retail space, 306 Class 1 and 57 Class 2 bicycle parking spaces, and three below-grade levels to accommodate up to 111 vehicle parking spaces for the residential and school uses (the "Project"). The Approvals require the Project to restrict 20% of the Project's Dwelling Units as affordable. The Approvals included certification of a Final EIR (hereinafter "FEIR") and findings that contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The Approvals are on file with the Planning Department, located at 49 South Van Ness, Suite 1400, San Francisco, CA 94103.

WHEREAS, on November, 15, 2022, Supervisors Preston, Dorsey, Walton, Ronen, Peskin, Safai, and Mar introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 221164, which would amend Section 249.33, the Van Ness & Market Special Use District, to update the option for dedication for land development projects to fulfill inclusionary housing requirements and revise Height Map HT07 to reflect a new maximum height for the Assessor’s Blocks listed above; and

WHEREAS, the proposed Ordinance would amend the Van Ness & Market Special Use District option for dedication for land development projects to fulfill inclusionary housing requirements and amend the Height Map to redesignate the height and bulk district for Assessor’s Block No. 008, 009, and 013 from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; and

WHEREAS, on March 9, 2023, the Department staff issued an EIR Addendum for the Modified Project. The Final EIR and Addendum are available online:
<https://sfplanning.org/environmental-review-documents>.

WHEREAS, the City and County of San Francisco, acting through the Department, fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter “CEQA”), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., (hereinafter “CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”); and

WHEREAS, During the 20-day public review period, the Department received zero comments or appeals; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 30 2023; and,

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance in the form attached hereto as Exhibit A that would establish the Amendments discussed above; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed recommendation(s) is/are as follows:

- Add a new section amending Planning Code Section 260(b)(1)(O) to read as follows (additions are underlined, deletions in ~~strikethrough~~ text):
 - In the Van Ness & Market Residential Special Use District and only in the block/lot districts ~~85-~~

~~X//120/365 R-285-X//120/400-R-2~~, additional building volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to the building, but shall meet the requirements of Section 141; shall not exceed 10 percent of the total height of any building taller than 200 feet; shall have a horizontal area not more than 100 percent of the total area of the highest occupied floor; and shall contain no space for human occupancy that is enclosed or otherwise not open to the sky. The features described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200 feet but shall be limited by the permissible height of any additional rooftop volume allowed by this subsection (O).

NOW THEREFORE BE IT RESOLVED that the Commission hereby **approves with modifications and recommends** the proposed Ordinance as described in this Resolution, that the Commission hereby finds that the Planning Code Text Amendments and Height Map Amendments promote the public welfare, convenience, and necessity for the following reasons:

1. The proposed amendments to the Planning Code and Height Map would enable the Project, thereby evolving currently under-utilized land for needed housing and other institutional uses.
2. The proposed amendments to the Planning Code and Height Map would help implement the Project, which in turn will provide employment opportunities for local residents during construction and occupancy.
3. The proposed amendments to the Planning Code and Height Map would help implement the construction of a new, vibrant, safe, and connected neighborhood.
4. The proposed amendments to the Planning Code and Height Map would enable the provision of land to the City for construction of a 100% affordable housing development.

AND BE IT FURTHER RESOLVED that the Commission finds the proposed amendments to the Planning Code and Height Map are in conformity with the General Plan, as it is proposed to be amended, and Planning Code Section 101.1 as set forth in Motion No. 21300.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 30, 2023.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner
NOES: None
ABSENT: Ruiz
ADOPTED: March 30, 2023



PLANNING COMMISSION RESOLUTION NO. 21299

HEARING DATE: MARCH 30, 2023

Project Name: 98 Franklin Street Development Project
Case Number: 2016-014802DVA [Board File No. 221163]
Initiated by: Supervisors Preston, Dorsey, Walton, Ronen, Peskin, Safai, & Mar
Staff Contact: Christy Alexander, AICP
Christy.alexander@sfgov.org, (628) 652-7334
Reviewed by: Nicholas Foster, AICP, LEED GA, Principal Planner
Nicholas.foster@sfgov.org, (628) 652-7330

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND 98 FRANKLIN STREET, LLC, FOR CERTAIN REAL PROPERTY CONSISTING OF THREE PARCELS LOCATED IN THE VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT ON THE EAST SIDE OF FRANKLIN STREET, BETWEEN OAK AND MARKET STREETS (ASSESSOR'S BLOCK 0836, LOTS 008, 009, AND 013); ADOPTING FINDINGS INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, Chapter 56 of the San Francisco Administrative Code sets forth the procedure by which a request for a development agreement will be processed and approved in the City and County of San Francisco; and

WHEREAS, on May 21, 2020, the Planning Commission approved Resolutions 20709 through 20712 and 20614, and Motion 20707; and on May 28, 2020, the Planning Commission approved Motions 20726 through 20728 (collectively, the "Approvals"). The Approvals approved a project at 98 Franklin Street (Assessor's Parcel Block No. 0836, Lots 008, 009, and 013; the "Project Site") that would construct a new 36-story mixed use building reaching a height of approximately 365 feet (approximately 397 feet including rooftop screen/mechanical equipment), and including at 345 dwelling units, approximately 84,815 gross square feet of school use floor area, approximately 3,229 gross square feet of retail space, 306 Class 1 and 57 Class 2 bicycle parking spaces, and three below-grade levels to accommodate up to 111 vehicle parking spaces for the residential and school uses (the "Project"). The Approvals require the Project to restrict 20% of the Project's Dwelling Units as affordable. The Approvals included certification of a Final EIR (hereinafter "FEIR") and findings that contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The

Approvals are on file with the Planning Department, located at 49 South Van Ness, Suite 1400, San Francisco, CA 94103.

WHEREAS, on November, 15, 2022, Supervisors Preston, Dorsey, Walton, Ronen, Peskin, Safai, and Mar introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 221163, which would approve a development agreement (the “Development Agreement”) to enable certain modifications to the Project; and

WHEREAS, the Development Agreement would enable the modification of the Project to (1) increase the Project’s height limit to 400 feet (excluding permitted rooftop screen/mechanical equipment), (2) increase the number of dwelling units to 385, (3) permit a land dedication to the City of real property at 600 Van Ness Avenue (Block 0763, Lots 006 through 009; the “Affordable Housing Site”), or other real property acceptable to the Mayor’s Office of Housing and Community Development (“MOHCD”), exceeding the dwelling unit requirements of Planning Code Section 249.33(b)(16), at no cost to the City, (4) waive all but one million dollars (\$1,000,000) of the Project’s applicable Market and Octavia Affordable Housing fee under Planning Code Section 416 and waive all of the Project’s applicable Van Ness Residential Special Use District Affordable Housing fee pursuant to Planning Code Section 424, with the intent that these funds be dedicated to Parcel K (located at the southeast corner of the intersection of Hayes Street and Octavia Boulevard, as described in the Market & Octavia Neighborhood Plan), and (5) vest the Project’s Approvals for five years following the effective date of the Development Agreement (collectively, the “Approval Modifications”).

WHEREAS, on March 9, 2023, the Department staff issued an EIR Addendum for the Modified Project. The Final EIR and Addendum are available online:

<https://sfplanning.org/environmental-review-documents>.

WHEREAS, the Board of Supervisors (hereinafter “Board”) will be taking separate action in furtherance of the Approval Modifications to adopt Planning Code amendments to update the option for dedication for land development projects to fulfill inclusionary housing requirements, and to revise Height Map HT07 and make ancillary amendments to Section 260(b)(1)(O) to reflect a new maximum height for the Project Site; and

WHEREAS, in furtherance of the Project and the City’s role in subsequent approval actions relating to the Project, the City and 98 Franklin Street, LLC (hereinafter “Project Sponsor”) negotiated a development agreement for development of the Project Site, a copy of which is attached as Exhibit A (the “Development Agreement”); and

WHEREAS, the City and County of San Francisco, acting through the Department, fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter “CEQA”), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq.,) (hereinafter “CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”); and

WHEREAS, the City has determined that as a result of the development of the Project Site in accordance with the Development Agreement, clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies, as more particularly described in the Development Agreement. The Development Agreement will eliminate uncertainty in the City’s land use

planning for the Project Site and secure orderly development of the Project Site consistent with the plans on file; and

WHEREAS, the Development Agreement shall be executed by the Director of Planning, and City Attorney subject to prior approval of the Board of Supervisors; and

WHEREAS, during the 20-day public review period, the Department received zero comments or appeals; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 30, 2023; and,

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Development Agreement in the form attached hereto as Exhibit A that would enable the Approval Modifications; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Development Agreement; and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby **recommends** that the Board of Supervisors approve the Development Agreement, in substantially the form attached hereto as Exhibit A.

AND BE IT FURTHER RESOLVED, that the Commission finds that the application, public notice, Planning Commission hearing, and Planning Director reporting requirements regarding the Development Agreement negotiations contained in Administrative Code Chapter 56 required of the Planning Commission and the Planning Director have been substantially satisfied.

AND BE IT FURTHER RESOLVED, that the Commission authorizes the Planning Director to take such actions and make such changes as deemed necessary and appropriate to implement this Commission's recommendation of approval and to incorporate recommendations or changes from the MOHCD and/or Board, provided that such changes taken as a whole do not materially increase any obligations of the City or materially decrease any benefits to the City contained in the Development Agreement attached as Exhibit A.

AND BE IT FURTHER RESOLVED, that the Commission finds the Development Agreement is in conformity with the General Plan and Planning Code Section 101.1 as set forth in Motion No. 21300.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 30, 2023.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: Ruiz

ADOPTED: March 30, 2023



EXECUTIVE SUMMARY DOWNTOWN PROJECT AUTHORIZATION/ PLANNING CODE TEXT AND MAP AMENDMENTS/ DEVELOPMENT AGREEMENT/ SHADOW FINDINGS

HEARING DATE: MARCH 30, 2023

Record No.: 2016-014802DNX-02/DVA/PCA/MAP/SHD
Project Address: 98 Franklin Street
Zoning: C-3-G (Downtown General Commercial) Zoning District
85-X // 120/365-R-2 Height and Bulk District
(Proposed 85-X // 120/400-R-2 Height and Bulk District)
Van Ness & Market Residential Special Use District
Downtown and Market & Octavia Plan Areas
Block/Lots: 0836 / 008, 009 & 013
Project Sponsor: Jim Abrams
J. Abrams Law, P.C.
538 Hayes Street
San Francisco, CA 94102
Property Owner: 98 Franklin Street, LLC
150 Oak Street, 4th Floor
San Francisco, CA 94102
Staff Contact: Christy Alexander, AICP – (628) 652-7334
christy.alexander@sfgov.org
Environmental Review: Addendum to FEIR - On May 21, 2020 the Planning Commission certified Case No. 2016-014802ENV - [Final Environmental Impact Report](#)

Recommendation: Approval with Conditions

Project Description

The Modified Project includes the construction of a new 38-story mixed-use building reaching a roof height up to 400 feet tall (431'6" inclusive of rooftop screening/mechanical equipment). The Project includes a total of approximately 560,543 gross square feet of uses, with approximately 416,286 gross square feet of residential use (385 dwelling units situated on floors 6 through 38) situated atop a 5-story podium containing approximately 84,991 square feet of school use (French American International High School) and approximately 2,978 square feet of retail, 316 Class 1 and 60 Class 2 bicycle parking spaces, and three below-grade levels that would accommodate up to 110 vehicle parking and 3 car share spaces provided for the residential and school uses. The Project would contain a mix of 275 studio or one-bedroom units, 78 two-bedroom units, and 38 three-bedroom units.

Required Commission Actions

The following is a summary of actions that the Commission will consider at the hearing, which are required to implement the Project:

1. Recommend that the Board of Supervisors approve an ordinance for Planning Code Text and Map Amendments that would primarily: amend the Van Ness & Market Special Use District option for dedication for land development projects to fulfill inclusionary housing requirements and amend the Height Map to redesignate the height and bulk district for Assessor's Block No. 008, 009, and 013 from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; and
2. Recommend that the Board of Supervisors approve a Development Agreement ("DA"); and
3. Approve a request for a Downtown Project Authorization to increase the previous project's height by 35 feet and its unit count by approximately 40 units, pursuant to Planning Code Section 309, with exceptions to the following Planning Code Sections: 1) useable open space (Section 135); 2) permitted obstructions (decorative architectural features) over sidewalks (Section 136.1); 3) dwelling unit exposure (Section 140); 4) reduction of ground-level wind currents in C-3 Districts (Section 148); 5) dwelling unit mix (Sections 207.6 and 249.33); 6) height (Sections 260 and 263.19); 7) bulk (Section 270); and
4. Adopt findings with the recommendation from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, that net new shadow cast by the Modified Project will not be adverse to the use of five (5) properties under the jurisdiction of the Recreation & Parks Department (Koshland Community Park; Patricia's Green; Page & Laguna Mini Park; future 11th/Natoma park site; or Hayes Valley Playground.

Issues and Other Considerations

• Public Comment & Outreach:

- **Support/Opposition:** The Department has received zero letters in support and zero letters in opposition to the modified Project.
- **Outreach:** The Sponsor has prefaced the modified project with the District Supervisor and surrounding District Supervisors. Previous project outreach included outreach to the Civic Center CBD, SPUR, SF Housing Action Coalition, SF Chamber of Commerce, local business owner/merchant

community and the Hayes Valley Merchant Association who expressed support. Previous outreach also included support from SFJazz, SF Ballet, Church of the Advent of Christ the King.

- **Design Review:** The project has changed in the following ways since the original submittal to the Department:
 - footprint, massing, and general articulation of the previous and modified Project are substantially similar with the most notable difference being that the modified Project's roofline is four stories taller than the previous project iteration and has a more pronounced sloping V-shaped parapet on all four sides. The modified Project provides four levels more of housing with the increased height.
- **Affordable Housing:** The proposed Development Agreement requires that the modified Project dedicate land to the City for a 100% affordable housing project, with the City paying no money for the dedicated parcel. The dedication site is currently contemplated to be 600 Van Ness Avenue, which has been entitled for a 165-unit housing project.

Environmental Review

The Hub Plan, 30 Van Ness Ave project, 98 Franklin St project and Hub Housing Sustainability District were collectively analyzed in a previously certified Environmental Impact Report (EIR). The Final EIR is available online: <https://sfplanning.org/environmental-review-documents>. Department staff issued an EIR Addendum for the modified Project on March 9, 2023.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Downtown Area Plan, Market and Octavia Area Plan, and the Objectives and Policies of the General Plan.

Attachments:

- Draft Motion – Downtown Project Authorization with Conditions of Approval
- Draft Resolution – Planning Code Text and Maps
- Draft Resolution - Development Agreement with accompanying Development Agreement, Directors Report, and Land Dedication Letter Executed
- Draft Motion – Section 295 with accompanying Recreation and Park Commission Resolution No. 2303-008
- Exhibit B – Plans and Renderings
- Exhibit C – Project MMRP
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F – Environmental Determination
- Exhibit G - Project Sponsor Brief
- Exhibit H – Inclusionary Affordable Housing Affidavit
- Exhibit I – Anti-Discriminatory Housing Affidavit
- Exhibit J – First Source Hiring Affidavit



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20711

HEARING DATE: MAY 21, 2020

Project Name: Market and Octavia Area Plan Amendment: Zoning Map Amendments
Case Number: 2015-000940MAP
Initiated by: Planning Commission
Staff Contact: Lily Langlois, Principal Planner
Lily.Langlois@sfgov.org, 415-575-9083
Reviewed by: Joshua Switzky, Land Use and Community Planning Program Manager
Joshua.switzky@sfgov.org, 415-575-6815

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION ADOPTING A PROPOSED ORDINANCE THAT WOULD AMEND THE ZONING MAP OF THE PLANNING CODE TO AMEND THE BOUNDARIES OF THE VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT, AND MAKE OTHER AMENDMENTS TO THE HEIGHT AND BULK DISTRICT MAPS AND ZONING USE DISTRICT MAPS CONSISTENT WITH THE AMENDMENTS TO THE MARKET AND OCTAVIA AREA PLAN; AND MAKING ENVIRONMENTAL FINDINGS, INCLUDING ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITIES OF THE PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE SECTION 302.

WHEREAS, The Planning Commission (hereinafter "Commission"), at a duly noticed public hearing on February 13, 2020 and in accordance with Planning Code Section 340(c), initiated the Zoning Map Amendments for the Market and Octavia Area Plan by Planning Commission Resolution No. 20656.

WHEREAS, In 2008 the City adopted the Market and Octavia Area Plan, including new land use controls, height controls and proposed community improvements. The "Hub" neighborhood (hereinafter "Plan Area") was included within the boundaries of the Market and Octavia Area Plan. The Market and Octavia Area Plan included numerous policies that supported a vision for the Hub as a "vibrant new mixed-use neighborhood," and it also created the Van Ness and Market Downtown Residential Special Use District (SUD). This SUD facilitated the development of a transit-oriented, high-density, mixed-use residential neighborhood around the intersections of Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue.

WHEREAS, While the Market and Octavia Area Plan established a new framework for development, the San Francisco Planning Department (herein after "Planning Department") did not receive many major development applications in the Hub neighborhood until 2012 (four years after the plan was adopted) due to the Great Recession.

WHEREAS, In 2016, the Planning Department initiated a community planning process to take a new look at the Hub area holistically and identify opportunities to increase the amount of housing and affordable

housing near transit, to develop and coordinate updated designs for the public realm, and to update the Market and Octavia public benefits package program and prioritize projects for implementation.

WHEREAS, The Planning Department is seeking to make amendments to the existing Market and Octavia Area Plan and other elements of. Amendments to the General Plan, Planning Code, Business and Tax Regulations Code, Zoning Map, and public benefits document to provide a comprehensive updated set of policies and implementation programming to realize the vision of the Hub area as originally described in the Market and Octavia Area Plan; and

WHEREAS, The proposed zoning map amendments to land use, special use, and height and bulk districts Are contained in the proposed Ordinance, approved as to form by the City Attorney and attached hereto as Exhibit VI-2.

WHEREAS, On May 21, 2020, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Hub Plan, 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District (HSD) (“FEIR”) and found the FEIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20707 certified the FEIR for the Hub Plan, 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District (HSD) as accurate, complete, and in compliance with the California Environmental Quality Act (“CEQA”), the regulations implementing CEQA (“the CEQA Guidelines”), and the local law implementing CEQA, Chapter 31 of the San Francisco Administrative Code.

WHEREAS, On May 21, 2020, by Motion No. 20708, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program (“MMRP”), under Case No. 2015-000940ENV, for approval of the amendments to the Market and Octavia Area Plan.

WHEREAS, The Planning 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 Department staff and other interested parties; and

WHEREAS, All pertinent documents may be found in the files of the Department, as the Custodian of Records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, The Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, The Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, That the Planning Commission hereby **approves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

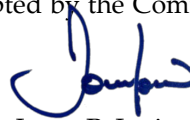
1. **The Market and Octavia Area Plan Amendment would**
 - Enable construction of new housing including new on-site affordable units and generate additional affordable housing resources for the City.
 - Create new parks and improve existing recreational opportunities.
 - Provide safe and convenient transportation by funding capital projects that will improve conditions for people walking, bicycling, and taking transit.
 - Incorporates policy direction to support sustainability and climate resilience and advance racial and social equity.
2. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.
3. **CEQA Findings.** The Planning Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Planning Commission Motion No. 20708
4. **Mitigation Monitoring and Reporting Plan.** The Planning Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Plan, the requirements of which are made conditions of approval.

AND BE IT FURTHER RESOLVED, that the Commission finds the Zoning Map Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20709.

AND BE IT FURTHER RESOLVED, that the Commission finds the Zoning Map Amendments are in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20709.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 21, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Koppel, Diamond, Fung, Johnson

NOES: Imperial, Moore

ABSENT: None

ADOPTED: May 21, 2020

1 [Approval of a 60-Day Extension for Planning Commission Review of Planning Code, Zoning
2 Map - Van Ness & Market Residential Special Use District - Height Increase for 98 Franklin
3 Street (File No. 221164)]

4 **Resolution extending by 60 days the prescribed time within which the Planning**
5 **Commission may render its decision on an Ordinance (File No. 221164) amending the**
6 **Planning Code to revise the Van Ness & Market Residential Special Use District to**
7 **update the Option for Dedication of Land for development projects to fulfill their**
8 **inclusionary housing obligations; to revise the Zoning Map to increase the maximum**
9 **height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin**
10 **Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning**
11 **Department's determination under the California Environmental Quality Act; and**
12 **making findings of consistency with the General Plan, and the eight priority policies of**
13 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**
14 **welfare under Planning Code, Section 302.**

15
16 WHEREAS, On November 15, 2022, Supervisor Preston introduced legislation
17 amending the Planning Code to revise the Van Ness & Market Residential Special Use
18 District to update the Option for Dedication of Land for development projects to fulfill their
19 inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for
20 Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-
21 X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination
22 under the California Environmental Quality Act; and making findings of consistency with the
23 General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of
24 public necessity, convenience, and welfare under Planning Code, Section 302.; and
25

1 WHEREAS, On or about December 12, 2022, the Clerk of the Board of Supervisors
2 referred the proposed Ordinance to the Planning Commission; and

3 WHEREAS, The Planning Commission shall, in accordance with Planning Code,
4 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
5 of referral of the proposed amendment or modification by the Board to the Commission; and

6 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
7 constitute disapproval; and

8 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
9 Resolution, extend the prescribed time within which the Planning Commission is to render its
10 decision on proposed amendments to the Planning Code that the Board of Supervisors
11 initiates; and

12 WHEREAS, Supervisor Preston has requested additional time for the Planning
13 Commission to review the proposed Ordinance; and

14 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
15 Commission additional time to review the proposed Ordinance and render its decision; now,
16 therefore, be it

17 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
18 within which the Planning Commission may render its decision on the proposed Ordinance for
19 approximately 60 additional days, until May 11, 2023.



City and County of San Francisco
Tails
Resolution

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

File Number: 230140

Date Passed: February 14, 2023

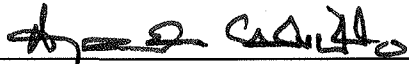
Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 221164) amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

February 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230140

I hereby certify that the foregoing Resolution was ADOPTED on 2/14/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Unsigned

2/24/2023

London N. Breed
Mayor

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

2/24/2023
Date

From: [Mary Miles](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Calvillo, Angela \(BOS\)](#)
Subject: PUBLIC COMMENT, 7-20-23 BOS LAND USE COMMITTEE, ITEM 6, 98 FRANKLIN ST PROJECT BOS FILE 221164
Date: Monday, July 10, 2023 1:15:39 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

FROM:

Mary Miles

Attorney at Law

364 Page St., #36

SanFrancisco, CA 94102

TO:

Angela Calvillo, Clerk of the Board, and

Erica Major, Land Use Committee Clerk, and Erica.Major@sfgov.org

Members of the San Francisco Board of Supervisors

PUBLIC COMMENT OPPOSING ITEM 6, 7/10/23 LAND USE COMMITTEE AGENDA, PROPOSED ORDINANCE AMENDING PLANNING CODE; WAIVING INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS; ZONING, HEIGHT AND OTHER CODE REQUIREMENTS; COMMENT OPPOSING PLANNING DEPARTMENT'S CEQA DETERMINATION; AND ALL OTHER PROPOSED LEGISLATION INCLUDED IN ITEM 6; AND OBJECTING TO BROWN ACT AND CEQA VIOLATIONS;

[BOSFILE NO. 221164];

AND

REQUEST FOR CONTINUANCE OF THIS HEARING;

AND

DEMANDFOR RECUSAL OF SUPERVISOR DEAN PRESTON FROM ALL

DELIBERATIONS ON THE PROJECT ENCOMPASSED IN THE 98 FRANKLIN PROJECT

This Comment opposes ITEM 6 on the LandUse Committee Agenda, proposing approval of an Ordinance amending the Planning Code and implementing waivers of requirements for a 400-plus-foot highrise structure at 98 Franklin Street. Among other departures from Code and statutory requirements, the proposed legislation waives developer fees, height requirements, and inclusionary housing requirements for that Project. Please distribute this Comment to all Board and Committee Members, and place it in all applicable files on the 98 Franklin Project.

1. PUBLIC NOTICE VIOLATIONS

After alleged notice of this “hearing,” (not received by this commenter), the Project description was materially changed from a deal brokered by Supervisor Preston to give the City property at 600 Van Ness Avenue in exchange for waiving more than \$55,000,000 in developer fees and including **no affordable housing at 98 Franklin**, to exchange that term to 600 McAllister Street in late June, 2023. NO PUBLIC NOTICE WAS GIVEN of that material change in the Project Description.

NO commitment has been required to complete construction of ANY affordable housing at the time of construction of the 98 Franklin market rate monstrosity.

Nor was public notice provided of this hearing to conform with Brown Act and CEQA requirements.

2. THERE IS NO CEQA “Determination” in the BOS File 221164, egregiously violating Brown Act and CEQA requirements. The material change in the terms of Mr. Preston’s “agreement” with the developer is a NEW and MATERIALLY changed Project Description requiring a new CEQA analysis and mitigation of the impacts of the whole Project.

3. SUPERVISOR PRESTON MUST BE RECUSED from all hearings on the 98 Franklin Project, since he has held an insider’s material and non-public role with the developer in the planning and approval of this Project.

For the above and other reasons, this Committee and the Board of Supervisors may not lawfully approve the proposed Ordinance or the 98 Franklin Project or any part of it.

Sincerely,

Mary Miles

From: [Melinda Bihn](#)
To: [MelgarStaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Major, Erica \(BOS\)](#)
Subject: Land Use & Transportation Committee: 98 Franklin Street Support
Date: Friday, July 7, 2023 9:41:53 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors Melgar, Preston, and Peskin,

On behalf of the French American International School, we write to you in strong support of the 98 Franklin Street development. This project is a unique opportunity to create a world-class academic building for the French American Internal School – a diverse and innovative international school with deep roots in San Francisco and Hayes Valley.

The project sponsor, Related, has made architectural changes to the project involving a 35-foot height increase from 365 feet to 400 feet, providing an opportunity for significant investment in affordable housing. These changes will result in the land dedication of a nearby building site - at no cost to the City - allowing for the construction of a 100% affordable housing complex.

French American International School is committed to this transformative project. While the 98 Franklin project was changing, we used this time to raise significant private money to support a new world-class campus for an academic institution that has served San Francisco for decades. Our school is closed for summer break, and we cannot attend Monday's Land Use & Transportation Committee meeting to express our strong support for this project. However, we want to share some of the letters of support linked [here](#), submitted by our community members to the Planning Commission in March 2023.

We applaud Related's commitment to the 98 Franklin development. The changes proposed for the project reflect the changing economic environment in San Francisco post-pandemic and are necessary to move the project ahead so that the City can obtain affordable housing and French American International School can build a new high school.

From the beginning, we have been excited by this project and what it will provide for our community. The proposed development at 98 Franklin is precisely the mixed-use, mixed-income, transit-oriented development that will serve Hayes Valley and San Francisco well in the future. We urge the committee's support of this critical project.

Sincerely,
Melinda Bihn, Ed.D.

--
Melinda Bihn, Ed. D. (She/Her/Hers)
Head of School | Proviseur
+1 415 558-2022
[150 Oak Street | San Francisco, CA 94102 | USA](#)



BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

**NOTICE OF PUBLIC HEARING
LAND USE AND TRANSPORTATION COMMITTEE
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard.

Date: July 10, 2023

Time: 1:30 p.m.

Location: **IN-PERSON MEETING INFORMATION**
Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

REMOTE ACCESS

Watch: www.sfgovtv.org

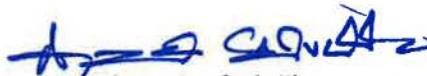
Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 221164.** Ordinance amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, July 7, 2023.

For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee:

Erica Major (Erica.Major@sfgov.org ~ (415) 554-4441)



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

em:sc:as

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ERICA MAJOR
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

EXM# 3709471

**NOTICE OF PUBLIC HEARING
SAN FRANCISCO BOARD OF SUPERVISORS
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, JULY 10 - 1:30 PM**

Supervisors' Legislative Research Center
(<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Friday, July 7, 2023.
For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee: Erica Major (Erica.Major@sfgov.org - (415) 554-4441)
EXM-3709471#

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
File No. 221164

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

06/30/2023

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$360.00
Total	\$360.00

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 221164. Ordinance amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Location: IN-PERSON MEETING INFORMATION Legislative Chamber, Room 250, located at City Hall 1 Dr. Carlton B. Goodlett Place, San Francisco, CA
REMOTE ACCESS
Watch: www.sfgovtv.org
Public Comment Call-In: <https://sfbos.org/remotemeeting-call>
In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. Written comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of



* A 0 0 0 0 0 6 3 2 8 7 5 9 *

835 MARKET ST, SAN FRANCISCO, CA 94103
Telephone (415) 314-1835 / Fax (510) 743-4178

ERICA MAJOR
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA - 94102

EXM#: 3709471

**NOTICE OF PUBLIC HEARING
SAN FRANCISCO BOARD OF SUPERVISORS
LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, JULY 10 - 1:30 PM**

Supervisors' Legislative Research Center
(<https://sfbos.org/legislative-research-center-irc>). Agenda information relating to this matter will be available for public review on Friday, July 7, 2023.
For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee: Erica Major (Erica.Major@sfgov.org - (415) 554-4441)
EXM-3709471#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SAN FRANCISCO) ss

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description:
File No. 221164

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN FRANCISCO EXAMINER, a newspaper published in the English language in the city of SAN FRANCISCO, county of SAN FRANCISCO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN FRANCISCO, State of California, under date 10/18/1951, Case No. 410667. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/30/2023

Executed on: 06/30/2023
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



* A 0 0 0 0 0 6 3 5 0 0 3 8 *

Email

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 221164. Ordinance amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare, under Planning Code, Section 302. Location: IN-PERSON MEETING INFORMATION Legislative Chamber, Room 250, located at City Hall 1 Dr. Carlton B. Goodlett Place, San Francisco, CA REMOTE ACCESS Watch: www.sfgovtv.org Public Comment Call-In: <https://sfbos.org/remotemeeting-call> In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. Written comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of

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Tel. No. (415) 554-5184
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MEMORANDUM

Date: November 4, 2022
To: Planning Department/Commission
From: Erica Major, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 221164
Planning Code, Zoning Map - Van Ness & Market Residential Special Use District -
Height Increase for 98 Franklin Street

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.