

1 [General Plan Amendments.]

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3 **Ordinance amending the Rincon Hill Area Plan of the San Francisco General Plan to**
 4 **make the Area Plan consistent with a new Residential/Commercial Subdistrict within**
 5 **the Area Plan, to amend objectives related to parking, tower separation and open space**
 6 **requirements, to encourage additional height within the district that would allow**
 7 **greater residential density, and to amend various maps within the Area Plan to reflect**
 8 **the new subdistrict and the new height and bulk controls and new midblock pedestrian**
 9 **passage way configuration, and to allow the replacement of parking currently used by**
 10 **Federal agencies that are located on a development site within the new subdistrict;**
 11 **adopting findings.**

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

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San
17 Francisco hereby finds and determines that:

18 A. Pursuant to City Charter Section 4.105 and San Francisco Planning Code
 19 Section 340, any amendments to the General Plan shall first be considered by the San
 20 Francisco Planning Commission (the "Commission") and thereafter recommended for
 21 approval or rejection by the Board of Supervisors.

22 B. The owners of property located in the Rincon Hill area, known as 201 Folsom
 23 Street (Block 3746, Lot 1), 300 Spear Street (Block 3745, Lot 1) and 365 Main Street (Block
 24 3745, Lot 8) (collectively, the "Property") have requested amendments to the Rincon Hill Area
 25 Plan of the San Francisco General Plan.

1 C. The owners have filed applications requesting (1) reclassification of the Property
2 from P (Public) to RC-4 (Residential-Commercial Combined, High Density) Districts, (2)
3 change in height district from 200 ft, 150 ft and 105 ft to 400 ft, and change in bulk district from
4 “R” to new bulk district “W”, (3) establishment of a “Residential/Commercial Subdistrict” for the
5 Property within the Rincon Hill Special Use District and associated Planning Code text
6 changes, and (4) associated amendments to the Rincon Hill Area Plan (the subject of this
7 ordinance). These actions would allow approval of at least two large, primarily residential
8 mixed-use projects on the Property that include neighborhood serving retail space and up to
9 1,680 dwelling units and accessory parking.

10 D. The amendments to the Rincon Hill Area Plan would (1) make the Area Plan
11 consistent with the new Residential/Commercial Subdistrict within the Rincon Hill Area Plan,
12 (2) amend objectives related to parking, tower separation, and open space requirements (3)
13 encourage additional height within the district that would allow greater residential density, (4)
14 amend various maps within the Area Plan to reflect the new subdistrict and the new height
15 and bulk controls, and new midblock pedestrian passage way configuration, and (5) allow the
16 replacement of parking currently used by Federal agencies that are located on a development
17 site within the new subdistrict.

18 E. On September 4, 2003, by Motion Nos. 16642 and 16643, the Commission
19 certified as adequate and complete the Final Environmental Impact Reports (“FEIRs”) for the
20 reclassification of use, changes to the Zoning Map, Planning Code and General Plan
21 amendments, and conditional use authorizations for the Projects. The Board of Supervisors
22 has reviewed and considered the information in the Final Environmental Impact Reports for
23 the 300 Spear Project and the 201 Folsom Project (both dated June 19, 2003), copies of
24 which are on file with the Clerk of the Board of Supervisors in File Nos. _____ and
25 _____, regarding the proposed General Plan amendments. The Board hereby

1 adopts and incorporates herein by reference as though fully set forth the California
2 Environmental Quality Act (“CEQA”) findings adopted by the Planning Commission in
3 Resolution No. 16644 and the findings in that same resolution that overriding considerations
4 warrant approval of the rezoning despite the determination of the FEIRs that the rezoning
5 project may result in significant environmental impacts. For purposes of this action, this Board
6 also adopts the CEQA mitigation monitoring and reporting programs, set forth in Planning
7 Commission Motion Nos. 16647 and 16648, as its own and this Board finds that the mitigation
8 measures cited therein are within the jurisdiction of the City agencies identified therein and
9 such measures have been, can and should be adopted and implemented by such other
10 agencies.

11 F. On September 23, 2003, Sue C. Hestor, on behalf of the Rincon Hill Residents
12 Association and Baycrest Towers Residential Association, appealed the Planning
13 Commission’s FEIR certifications for the projects located at 201 Folsom and 300 Spear to the
14 Board of Supervisors, such certifications being set forth in Planning Commission Motion Nos.
15 16642 and 16643. Thereafter, on _____ this Board held a duly noticed public
16 hearing to consider the appeals of the FEIR certifications. After reviewing the FEIRs and
17 hearing the testimony and public comment, the Board affirmed the decision of the Planning
18 Commission to certify the FEIRs in compliance with CEQA, the State CEQA Guidelines, and
19 Chapter 31, and adopted the findings contained in Planning Commission Motion Nos. 16642
20 and 16643, pursuant to this Board’s Motion Nos. _____, and _____.

21 G. On July 24, 2003, pursuant to Planning Code Section 340, the Commission
22 conducted a duly noticed public hearing on the General Plan amendments, and on September
23 4, 2003, adopted the General Plan amendments by Resolution No. 16644, and recommended
24 them for approval to the Board of Supervisors.

25

1 H. This Board of Supervisors finds that this ordinance will serve the public
2 necessity, convenience and welfare for the following reasons:

3 1. Housing production is a paramount statewide concern. In 1980, the Legislature
4 declared in Government Code Section 65580:

5 a. The availability of housing is of vital statewide importance, and the early
6 attainment of decent housing and a suitable living environment for every California family is a
7 priority of the highest order.

8 b. The early attainment of this goal requires the cooperative participation of
9 government and the private sector in an effort to expand housing opportunities and
10 accommodate the housing needs of Californians of all economic levels.

11 c. The provision of housing affordable to low-and moderate-income households
12 requires the cooperation of all levels of government.

13 d. Local and state governments have a responsibility to use the powers vested in
14 them to facilitate the improvement and development of housing to make adequate provision
15 for the housing needs of all economic segments of the community

16 2. The San Francisco Planning Department publishes an annual Housing Inventory
17 Report. This Report provides a 20-year overview of the City's housing production trends,
18 housing units approved for construction, and housing units completed. Between 1990 and
19 2000, a total of 12,460 units were completed and 1,540 units were demolished or lost by
20 alterations, merger of units, or both, resulting in a net gain of 11,173 units. More than 50% of
21 the new units constructed are located in the City's Downtown, Western Addition and South of
22 Market districts.

23 3. The Association of Bay Area Governments ("ABAG") has determined that San
24 Francisco's share of the regional housing need for 1998 through June 2006 is 20,374 units, or
25 2,717 units per year. San Francisco would need a total production rate of 2,852 units a year

1 through June 2006 to achieve a 5% vacancy rate over the City's housing need. Of the 20,374
2 housing units required to meet the City's housing demand between 1999 and 2006, 7,270
3 units are needed for low- or very low-income households or families. Tens of thousands of
4 additional units are likely to be needed in the City after 2006.

5 4. The City's General Plan calls for an increase in the production of new housing.
6 Objective 1 of the Residence Element states that it is the objective of the City "to provide new
7 housing, especially permanently affordable housing, in appropriate locations which meets the
8 identified housing needs and takes into account the demand for affordable housing created by
9 employment growth." Objective 2 of the Residence Element states that the City should
10 "increase the supply of housing without overcrowding or adversely affecting the prevailing
11 character of existing neighborhoods."

12 5. To achieve the aforementioned objectives, Policy 2 of Objective 2 "encourage[s]
13 higher residential density in areas adjacent to downtown, in underutilized commercial and
14 industrial areas proposed for conversion to housing, and in neighborhood commercial districts
15 where higher density will not have harmful effects, especially if the higher density provides a
16 significant number of units that are permanently affordable to lower income households."
17 Policy 3 of Objective 2 allows "flexibility in the number and size of units within permitted
18 volumes of larger multi unit structures, especially if the flexibility results in creation of a
19 significant number of dwelling units that are permanently affordable to lower income
20 households."

21 6. The proposed ordinance will increase the supply of housing without
22 overcrowding or adversely affecting the prevailing character of the existing neighborhood,
23 consistent with Objective 2 of the Residence Element. The proposed ordinance will allow for
24 the production of both market-rate and affordable rental housing units and is consistent with
25 Objective 13, policies 13-3 and 13-6 of the Residence Element.

1 7. The proposed ordinance will make necessary changes to the Rincon Hill Area
2 Plan (“Plan”) so that the plan text is more consistent with the primary goals of the Plan, and
3 the new Residential/Commercial Subdistrict.

4 8. The proposed ordinance will advance Objective 1 of the Plan (“To create a
5 unique residential neighborhood close to downtown which will contribute significantly to the
6 city’s housing supply”) by allowing taller buildings and higher residential densities near
7 downtown.

8 a. The proposed ordinance will allow the development of two large, underutilized,
9 vacant sites currently used for surface parking.

10 b. The proposed ordinance will encourage the construction within the new
11 subdistrict of high-rise residential structures built over bases, which would provide a
12 combination of residential, retail, office and other commercial uses.

13 9. The proposed ordinance will advance Objective 2 of the Plan (“To create space
14 for additional uses which will provide needed services for the residential population”) by
15 encouraging economically viable commercial and retail uses within the bases of new
16 buildings:

17 a. The Rincon Hill area still lacks many basic neighborhood serving retail and
18 commercial uses. Area residents must drive, in some cases across town, to shop for basic
19 goods and services. Existing smaller shops are insufficient to meet the needs of the
20 thousands of new residents that are expected to move to the area in future years. The
21 proposed ordinance will encourage the creation of sufficient retail and commercial space in
22 conjunction with the construction of more housing so that these new residents have access to
23 the goods and services that they need.

24 b. The proposed ordinance will allow sufficient off-street parking so that potential
25 commercial and retail uses will be economically viable.

1 10. The proposed ordinance is consistent with and furthers important smart growth
2 strategies because it is near downtown jobs and local and regional transit, thereby
3 dramatically reducing the need for many people to own or use a car to get to work. By
4 reducing the dependency of many new residents on cars, there will be fewer overall car trips,
5 less traffic and less air pollution.

6 11. The proposed ordinance will also further regional policies relating to the
7 preservation of open space and the reduction of urban sprawl. By concentrating new housing
8 in the City, the proposed ordinance reduces urban sprawl and lessens the pressure to
9 develop open space in other parts of the Bay Area.

10 12. One of the potential development sites within the new subdistrict is being used
11 by the United States Postal Service (USPS) as parking for employees and service vehicles. It
12 is possible for parking spaces that will service the USPS to be included within a residential
13 structure on the site, thereby allowing for the more efficient use of the site. The proposed
14 ordinance will allow a proposed developer to replace parking for any federal agency that
15 currently exists on a development site.

16 13. Planning Code Section 340 provides that the General Plan shall be periodically
17 amended in response to changing physical, social, economic, environmental or legislative
18 conditions. Such changes have occurred in the Rincon Hill area since the Plan was first
19 adopted in 1985, including the following:

20 a. In 1989, the Loma Prieta earthquake damaged many overhead connector ramps
21 in Rincon Hill as well as the Embarcadero Freeway. These large structures had effectively
22 “walled off” much of Rincon Hill from the downtown area. These connector ramps and the
23 Embarcadero Freeway were eventually torn down, dramatically changing the physical
24 environment in Rincon Hill.

25

1 b. The San Francisco residential real estate market continues to be one of the
2 most expensive in the United States. A February 1999 report from the National Association of
3 Realtors found that San Francisco had the highest median price of existing homes in the
4 United States. In the 1980's average home prices in San Francisco rose nearly three times as
5 fast as the overall cost of living in San Francisco according to data from the Bay Area Council
6 and 1990 Census.

7 Section 2. The Board of Supervisors finds that this ordinance is in conformity with the
8 Priority Policies of Section 101.1(b) of the Planning Code and with the General Plan as it is
9 amended herein, and hereby adopts the findings set forth in Planning Commission Resolution
10 No. 16444 and incorporates such findings by reference as if fully set forth herein.

11 Section 3. The Board of Supervisors hereby approves the following amendments to
12 the Rincon Hill Area Plan of the San Francisco General Plan of the City and County of San
13 Francisco:

14 A. Amend the Objectives and Policies for New Development and Conservation,
15 Land Use, section by amending Objective 3 on Page II.3.6, to read as follows:
16 TO ALLOW EXISTING INDUSTRIAL, SERVICE AND OFFICE USES TO REMAIN AND
17 CREATE NEW SUCH USES IN DESIGNATED LOCATIONS INCLUDING NEW SERVICE AND
18 OFFICE USES IN THE BASES OF PRIMARILY RESIDENTIAL BUILDINGS IN THE
19 “RESIDENTIAL/COMMERCIAL” SUBDISTRICT.

20 B. Amend the Objectives and Policies for New Development and Conservation,
21 Land Use, section by amending the Policies paragraph on Page II.3.6, to read as follows:
22 Rincon Hill should be divided into ~~two~~ three subareas: residential, ~~and~~ commercial/industrial,
23 and residential/commercial. The subarea boundaries are shown on Map 3.

24 C. Amend the Land Use Plan, Map 3, on Page II.3.7 to show the 300 Spear/201
25 Folsom and 160 Harrison lots as new “Residential/Commercial Subdistrict.

1 D. Amend the Policies subsection in the Objectives and Policies for New
2 Development and Conservation, Land Use, section by adding new paragraph just ahead of
3 the “Non-Conforming Uses” paragraph on Page II.3.8, to read as follows:

4 Residential/Commercial

5 This designation applies to those properties that previously were zoned “P” but which have
6 been or are in the process of being sold to private entities for private development. Most of this area,
7 including the northern half of Blocks 3745 and 3746, currently is used only for parking. The controls
8 represent a combination of the residential district controls for RC-4 districts (with the exception that all
9 institutional and community facilities uses would be permitted as of right) and certain uses permitted in
10 the adjacent C-3 districts, which are believed compatible with the high intensity residential uses in this
11 new subdistrict.

12 This area, consisting primarily of two very large vacant sites, should be developed
13 predominantly with high-rise residential structures built over bases, which could provide a
14 combination of residential, retail, office and other commercial uses.

15 E. Amend the Objectives and Policies for New Development and Conservation,
16 Housing, section by amending the last paragraph of Objective 5, Policies, on Page II.3.9, to
17 read as follows:

18 Mixed use and flexible parking provisions should be incorporated into zoning controls to
19 provide additional incentives for more affordable housing. Allowing one square foot of
20 commercial use for each six square feet of residential use in the Residential Midrise and
21 Highrise areas can help support lower cost units. Parking requirements can be reduced
22 because of the proximity of the area to Downtown and to transit service and the cost savings
23 translated into lower housing costs.

24 F. Amend the Objectives and Policies for New Development and Conservation,
25 Urban Design, section by amending Objective 12 on Page II.3.9, to read as follows:

1 WHERE FEASIBLE, TO REDUCE THE PRESENT INDUSTRIAL SCALE OF THE STREETS
2 BY CREATING A CIRCULATION NETWORK THROUGH THE INTERIOR BLOCKS,
3 CREATING A STREET SCALE COMPARABLE TO THOSE IN EXISTING RESIDENTIAL
4 AREAS ELSEWHERE IN THE CITY.

5 G. Amend the Objectives and Policies for New Development and Conservation,
6 Urban Design, section by amending the third bullet point in the fourth paragraph of Objective
7 15, Policies on Page II.3.10, to read as follows

8 Towers should be sited in a way that avoids excessive screening of downtown views from the
9 bridge and minimizes shadowing of open space. Therefore, distances between towers in the
10 same height district above 105' should not be less than approximately 150 feet. In the
11 Residential/Commercial Subdistrict, within a particular project site there shall be a minimum
12 separation of 82 ½ feet between towers above a height of 85 feet.

13 H. Amend the Objectives and Policies for New Development and Conservation,
14 Urban Design, section by adding a bullet point to the fourth paragraph of Objective 15,
15 Policies on Page II.3.10, to read as follows

16 Additional height should be allowed in the Residential/Commercial Subdistrict in order to take full
17 advantage of the potential of the large vacant sites to make a major contribution to meeting the city's
18 housing needs, while meeting urban design goals of providing slender towers which do not unduly
19 screen views from the Bay Bridge.

20 I. Amend the Objectives and Policies for New Development and Conservation,
21 Recreation and Open Space, section by amending Objective 20, Policies, Public Open Space,
22 on Page II.3.10, to read as follows:

23 Each development should provide publicly accessible open space in an amount equal to 20%
24 of the site area. Pedestrian streets, sidewalk widening are encouraged and reservations of
25 open space (by specifying maximum lot coverage) are mandated in the Plan for Blocks ~~3744-~~

1 ~~3748.~~ 3744, 3747-3748. These spaces can count in meeting a portion of each development's
2 public open space requirement provided the areas are publicly accessible and beautified with
3 lighting, decorative paving, seating and landscaping. In addition to these open spaces on the
4 designated blocks, public open space should be permitted to be provided in a variety of
5 outdoor forms, on ground floor or above, subject to review and approval by the City Planning
6 Commission.

7 For the Residential/Commercial Subdistrict, each development should provide publicly accessible open
8 space in an amount equal to one net square foot of open space per 50 square feet of gross floor area for
9 non-residential uses.

10 J. Amend Height Limits, Map 4, on Page II.3.11 to reflect overall height limits of
11 400 feet and 300 feet, respectively, for the Residential/Commercial Subdistrict.

12 K. Amend the Objectives and Policies for New Development and Conservation,
13 Recreation and Open Space, section by amending Objective 20, Policies, Private Residential
14 Open Space, on Page II.3.12 by adding a new second paragraph, to read as follows:

15 In the Residential/Commercial Subdistrict, residential open space should be provided in relation to the
16 number of residential units at a ratio of 36 (thirty-six) net square feet of open space for each dwelling
17 unit if all private, with a ratio of 1.33 of common open space that may be substituted for private open
18 space.

19 L. Amend the Objectives and Policies for New Development and Conservation,
20 Circulation, section by amending the second paragraph of Objective 26, Policies, Pedestrian
21 Street, on Page II.3.14, to read as follows:

22 Harrison and Folsom Streets, the Hill's two east-west streets, which are unpleasant for
23 pedestrians, will remain as major vehicular traffic corridors ~~regardless of what happens to the~~
24 ~~Embarcadero Freeway in the future.~~ Therefore, as a key organizing feature of the Rincon Hill
25 Plan, a new east-west circulation system should be created in the middle of the long blocks

1 between Folsom and Harrison Streets. These accessways will establish a domestic scale
2 reminiscent of the city’s established residential neighborhoods, and when completed, will
3 provide a pedestrian route from the top of the Hill to the Embarcadero Promenade on the
4 waterfront. In some cases the pedestrian street will also provide limited vehicular access.

5 M. Amend Pedestrian Street Location, Map 6, on Page II.3.15 by adjusting the
6 location of the pedestrian street network.

7 N. Amend the Objectives and Policies for New Development and Conservation,
8 Circulation, section by amending Objective 26, Policies, Pedestrian Street, on Page II.3.16 to
9 amend the paragraphs entitled “Assessor’s Block 3746” and “Assessor’s Block 3745,” to read
10 as follows:

11 Assessor’s Block 3746: (Beale, Folsom, Main, Harrison) Access should be provided across
12 this block at or near grade. Service retail should be provided at or near the Main and Beale
13 Street corners of the pedestrian street.

14 Assessor’s Block 3745: (Main, Folsom, Spear, Harrison) Access should be provided across
15 this block at or near grade. Service retail should be provided near the Spear and Main Street
16 ~~corners of the~~ entrances to the walkway. Access need not be provided at mid-block if another
17 location would result in an overall better design.

18 O. Amend the Objectives and Policies for New Development and Conservation,
19 Circulation, section by amending Objective 26, Policies, Parking, on Page II.3.16, read as
20 follows:

21 Accessory Parking: The parking requirements take into account the potential for joint use of
22 parking space made possible by mixed-use development. The proximity to downtown and
23 proposed new transit make it possible to limit residential parking to one space per unit.

24 Similarly, the parking requirement for offices can be reduced to one space per 1,500 square
25 feet of ~~commercial~~ office space. However, in order to encourage viable retail uses, including, if

1 possible, a grocery store, parking for retail uses shall be permitted at one space per 500 square feet for
2 the first 60,000 square feet of retail uses on any project site.

3 Furthermore, additional parking shall be allowed as of right for any project that submitted an
4 application for environmental review prior to December 31, 2001, where such parking is necessary to
5 replace parking for any agency or department of the United States Federal Government that is located
6 on, or immediately adjacent to, a development site.

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

10 By: _____
11 ELAINE C. WARREN
12 Deputy City Attorney

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