



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution 18879 Zoning Map Amendment Planning Code Text Amendment

HEARING DATE: MAY 23, 2013

*Date:* March 28, 2013  
*Case No.:* **2008.1084EHKXRTZ**  
*Project Address:* **706 Mission Street**  
*Project Site Zoning:* C-3-R (Downtown, Retail, Commercial)  
 400-I Height and Bulk District  
*Block/Lots:* 3706/093, 275, portions of 277 (706 Mission Street)  
 0308/001 (Union Square)  
*Project Sponsor:* 706 Mission Street, LLC  
 c/o Sean Jeffries of Millennium Partners  
 735 Market Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94107  
*Staff Contact:* Kevin Guy – (415) 558-6163  
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RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET HT01 TO RECLASSIFY THE PROPERTY AT 706 MISSION STREET, BLOCK 3706, LOT 093 AND PORTIONS OF LOT 277, FROM THE 400-I HEIGHT AND BULK DISTRICT TO THE 480-I HEIGHT AND BULK DISTRICT, AND RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET SU01 AND THE TEXT OF THE PLANNING CODE TO ADOPT THE "YERBA BUENA CENTER MIXED-USE SPECIAL USE DISTRICT" AT 706 MISSION STREET, BLOCK 3706, LOT 093 AND PORTIONS OF LOT 277, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE PLANNING CODE AND ZONING MAPS IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### RECITALS

1. WHEREAS, On October 24, 2012, 706 Mission Street Co LLC ("Project Sponsor") filed entitlement applications with the San Francisco Planning Department for the development of a mixed-use

development project ("Project") at the northwest corner of Third and Mission Streets, including an application for a Planning Code Text Amendment to create a new Yerba Buena Center Mixed-Use Special Use District, and an application for a Height Reclassification to reclassify the property at 706 Mission Street from the 400-I Height and Bulk District to the 520-I Height and Bulk District. On May 20, 2013, the Project Sponsor reduced the height of the proposed Project from 520 feet (with a 30-foot-tall elevator/mechanical penthouse) to 480 feet (with a 30-foot-tall elevator/mechanical penthouse). In association with the reduced height of the Project, the Project Sponsor revised the request for a Height Reclassification to reclassify the Project site from the 400-I Height and Bulk District to the 480-I Height and Bulk District.

2. **WHEREAS**, The Project is proposed to be developed on three parcels: (1) the entirety of Assessor's Block 3706, Lot 093, which is currently owned by the Applicant and which is improved with an existing 10-story, 144-foot-tall building with a 10-foot-tall mechanical penthouse ("Aronson Building"); (2) a portion of Assessor's Block 3706, Lot 277, which is currently owned by the Successor Agency to the Redevelopment Agency of the City and County of San Francisco ("Successor Agency"), and which was chosen by the former Redevelopment Agency Commission and The Mexican Museum Board of Trustees as the future permanent home of The Mexican Museum (the "Mexican Museum Parcel"); and (3) a portion of Assessor's Block 3706, Lot 277 and the entirety of Lot 275, which is currently owned by the Successor Agency, and which is improved with the below-grade, 442 parking space Jessie Square Garage (the "Garage Parcel"). The Aronson Building is designated as a Category I Significant Building within the expanded New Montgomery-Mission-Second Street Conservation District.
3. **WHEREAS**, As part of the Project, and pursuant to transaction documents to be entered into between the Successor Agency and the Applicant, the Successor Agency would convey the Garage Parcel and the Mexican Museum Parcel to the Applicant. The Applicant would then construct a new 43-story, 480-foot-tall tower (with a 30-foot-tall elevator/mechanical penthouse), with two floors below grade. The new tower would be adjacent to and physically connected to the existing Aronson Building, which would be rehabilitated in compliance with the Secretary of Interior's Standards.
4. **WHEREAS**, The new tower would contain up to 39 floors of residential space. The Mexican Museum would occupy the ground through fourth floors of the tower and the second and third floors and possibly some of the ground floor of the Aronson Building. The overall project would contain up to 190 residential units, space for The Mexican Museum, a ground-floor retail/restaurant use, and associated building services. The project would also entail certain reconfigurations of the Jessie Square Garage.
5. **WHEREAS**, Pursuant to transaction documents to be entered into between the Successor Agency and the Applicant, the Project would result in several public benefits, including the rehabilitation of the Category I Aronson Building, the construction of a core-and-shell for future occupancy by the Mexican Museum, a \$5,000,000 operating endowment for the Mexican Museum, and the creation of affordable housing opportunities through the payment of an in-lieu fee equal to 20% of the residential units, pursuant to the Inclusionary Affordable Housing Program in Sections 415 through

- 415.9, as well as the payment of an additional affordable housing fee to the Successor Agency equal to 8% of the residential units.
6. **WHEREAS**, In order for the Project to proceed and be developed as contemplated by the Applicant, the Successor Agency, and The Mexican Museum, a height reclassification and amendments to certain provisions of the Planning Code are required, including modifications of regulations related to permitted uses, the provision of a cultural/museum use within the SUD, floor area ratio limitations, dwelling unit exposure, height of rooftop equipment, bulk limitations, and curb cut locations.
  7. **WHEREAS**, On June 27, 2012, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR was available for public comment until August 13, 2012. On August 2, 2012, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On March 7, 2013, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project. On March 21, 2013, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the Final EIR was adequate, accurate and objective, reflected 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 approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2008.1084E, at 1650 Mission Street, Fourth Floor, San Francisco, California.
  8. **WHEREAS**, Three separate appeals of the Commission's certification were filed before the April 10, 2013 deadline. The Board of Supervisors considered these appeals at a duly noticed public hearing on May 7, 2013, and unanimously voted to affirm the Planning Commission's certification of the Final EIR. The Board of Supervisors reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines and Chapter 31. The Board of Supervisors found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Board of Supervisors, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR in compliance with CEQA, the CEQA Guidelines and Chapter 31.
  9. **WHEREAS**, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Item #8 of Motion No. 18894, Case No. 2008.1084X, which are incorporated herein as though fully set forth.

10. **WHEREAS**, The Project complies with the eight priority policies of Planning Code Section 101.1, for the reasons set forth set forth in Item #9 of Motion No. 18894, Case No. 2008.1084X, which are incorporated herein as though fully set forth.
11. **WHEREAS**, A proposed ordinance, attached hereto as Exhibit A, has been prepared in order to make the amendment to the Sheet HT01 of the Zoning Map by changing the height and bulk district for the Project Site, from the existing 400-I Height and Bulk District to a height limit of 480 feet. The proposed ordinance would also amend Zoning Map SU01 and the text of the Planning Code to establish the "Yerba Buena Center Mixed-Use" SUD on the property.
12. **WHEREAS**, the Office of the City Attorney has approved the proposed ordinance as to form.
13. **WHEREAS**, Section 4.105 of the San Francisco Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning Maps or Planning Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.
14. **WHEREAS**, On May 23, 2013, the Commission adopted Motion No. 18875, adopting CEQA findings, including a Statement of Overriding Considerations, and adopting the MMRP, which findings and adoption of the MMRP are hereby incorporated by reference as though fully set forth herein. The Commission found that the reduction in the height of the Project has resulted in no substantial changes that would require major revisions to the Final EIR or result in new or substantially more severe significant environmental impacts that were not evaluated in the Final EIR, no new information has become available that was not known and could not have been known at the time the Final EIR was certified as complete and that would result in new substantially more severe significant environmental impacts not evaluated in the Final EIR, and no mitigation measures or alternatives previously found infeasible would be feasible or mitigation measures or alternatives considerably different than those analyzed in the Final EIR would substantially reduce significant environmental impacts, but the project proponent declines to adopt them.
15. **WHEREAS**, On May 23, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment and Zoning Text Amendment.
16. **WHEREAS**, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Sheet HT01 of the Zoning Maps be amended to reclassify the height limit for the property from the existing 400-I Height and Bulk District to a height limit of 480 feet, and to amend Zoning Map SU01 and the text of the Planning Code to establish the "Yerba Buena Center Mixed-Use" SUD on the property, as proposed in Application No. 2008.1084TZ; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment and Planning Code Text Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on May 23, 2013.



Jonas P. Ionin  
Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis

NOES: Moore, Sugaya, Wu

ABSENT:

ADOPTED: May 23, 2013

Proposed Zoning Map Amendments

