

1 [Planning Code, Zoning Map - One Oak Street Project]

2

3 **Ordinance amending the Zoning Map of the Planning Code to change the height and**
4 **bulk districts for the One Oak Street project, Assessor's Parcel Block No. 0836, Lot**
5 **Nos. 001, 002, 003, 004, and 005, to increase the allowed height for the podium of the**
6 **building, from the current base height limit of 120 feet to 140 feet; affirming the**
7 **Planning Department's determination under the California Environmental Quality Act;**
8 **and making public necessity, convenience, and welfare findings under Planning Code,**
9 **Section 302, and findings of consistency with the General Plan, and the eight priority**
10 **policies of Planning Code, Section 101.1.**

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

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

19 Section 1. Land Use Findings.

20 (a) On _____, the Planning Commission, in Resolution No. _____,
21 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
22 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
23 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
24 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

25 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
amendments will serve the public necessity, convenience, and welfare for the reasons set

1 forth in Planning Commission Resolution No. _____, and the Board adopts such
2 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of
3 Supervisors in File No. _____ and is incorporated herein by reference.

4

5 Section 2. General Legislative and Environmental Findings.

6 (a) The One Oak Street residential project (Assessor's Parcel Block No. 0836, Lot
7 Nos. 001-005, referred to herein as the "Project") is planned for a site that consists of five
8 contiguous lots totaling 18,219 square feet (0.42 acres) in area at the northwest corner of the
9 intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion
10 of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan
11 Area (the "Property").

12 (b) As originally approved in 2017, the Project proposed a 400-foot-tall building with
13 304 dwelling units (the "Original Project").

14 (c) The City prepared an Environmental Impact Report ("EIR") for the Original Project.
15 On June 15, 2017, the Planning Commission, through in Motion No. 19938, certified the EIR,
16 finding it fulfilled all procedural requirements of the California Environmental Quality Act (Cal.
17 Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal.
18 Admin. Code Title 14, Section 15000 et seq., (hereinafter "CEQA Guidelines") and Chapter 31
19 of the San Francisco Administrative Code (hereinafter "Chapter 31"). The EIR is available for
20 review at the San Francisco Planning Department, 49 South Van Ness Avenue, San
21 Francisco, California, 94103.

22 (d) On June 15, 2017, in Motion No. 19939, the Planning Commission adopted CEQA
23 findings for each of the significant effects identified in the EIR, including findings that changes
24 or alterations had been required in, or incorporated into, the Project which avoid or
25 substantially lessen the significant environmental effects as identified in the EIR, and that

1 specific economic, legal, social, technological, or other considerations make infeasible the
2 mitigation measures or project alternatives identified in the final EIR. Also through Planning
3 Commission Motion No. 19939, the Planning Commission made a Statement of Overriding
4 Considerations, finding that the Project's economic, legal, social, technological, and other
5 benefits outweighed its unavoidable adverse effects.

6 (e) On June 15, 2017, the Planning Commission, through Motion No. 19940, adopted
7 findings and determined that net new shadows cast by the Original Project on Patricia's
8 Green, Page & Laguna Mini-Park, and the proposed park at 11th and Natoma Streets would
9 not be adverse to the use of the subject parks. The Planning Commission approved a
10 Downtown Project Authorization for the Original Project pursuant to Planning Code Section
11 309 through Motion No. 19943 and approved a Conditional Use Authorization pursuant to
12 Planning Code Sections 303 and 151.1 through Motion No. 19944.

13 (f) The Original Project was modified on July 14, 2022, when the Planning Commission
14 approved a new Section 309 Downtown Project Authorization for modifications of the
15 approved Original Project through Motion No. 21141 (the "Modified Project"). Under the
16 Modified Project, the tower remained 400 feet tall (with a 120-foot podium) but was revised to
17 include approximately 460,000 gross square feet of floor area and 460 dwelling units, as well
18 as 115 parking spaces (3 car share spaces), a retail area, and open space. The Modified
19 Project received exceptions for rear yard/lot coverage, open space, bulk, unit exposure, and
20 wind reduction requirements, among others.

21 (g) At present, the project sponsor proposes to further modify the Modified Project
22 through a new Section 309 Downtown Project Authorization, increasing the number of
23 dwelling units from 460 to 541 and the total floor area to 507,754 square feet. As part of this
24 modification, the project sponsor seeks to increase the podium height from 120 feet to 140
25 feet and increase the footprint (and massing) of both the podium and the tower. To allow the

1 increase in the Project's podium height, the Project seeks an amendment of the Zoning Map.

2 (h) The Project is located on Assessor's Block No. 0836, across lots 001, 002, 003,
3 004, and 005. Lots 001, 002, 003, and 004 are located within the 120/400//140/450-R-4
4 height and bulk district. Lot 005 is located within the 120//140/450-R-4 height and bulk district.
5 The Project requires a Zoning Map amendment to increase the base height limit of the podium
6 from 120 feet to 140 feet. This height limit would allow the Project to develop a 140-foot
7 podium necessary to add dwelling units and floor area, adding much needed housing stock to
8 the City. It also allows the Project to develop a more thoughtfully designed building at the
9 intersection of Market and Van Ness, contributing to the area's neighborhood character and
10 providing an important and significant contribution to the City's architectural profile.

11 (i) The legislative amendment also furthers the intent of the City's height and bulk
12 requirements. Planning Code Section 251 provides that the City's height and bulk districts
13 are, in part, intended to relate "the height of buildings to important attributes of the City pattern
14 and to the height and character of existing development." The new 140-foot podium height
15 achieves this because it is the same podium height limit as the neighboring parcels directly
16 across Market Street at 10 South Van Ness (Block 3506, Lot 004) and directly across Van
17 Ness at 30 Van Ness (Block 0835, Lot 004). A 140-foot podium height limit at the property
18 would allow for a cohesive and well-designed group of towers and podiums at one of the
19 City's most notable intersections.

20 (j) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with CEQA. Specifically, the Planning Department has determined that
22 there are no substantial changes in the Project or the Project circumstances that would
23 require major revisions to the EIR due to the involvement of new significant environmental
24 effects or a substantial increase in the severity of previously identified significant effects, and
25 that no new information of substantial importance, which was not known and could not have

1 been known with the exercise of reasonable diligence at the time the EIR was certified, shows
2 that the Project any of the following: that the Project will have one or more significant effects
3 not discussed in the EIR; that significant effects previously examined will be substantially
4 more severe than shown in the EIR; that mitigation measures or alternatives previously found
5 not to be feasible would in fact be feasible, and would substantially reduce one or more
6 significant effects of the Project, but the project proponents decline to adopt them; or that
7 mitigation measures or alternatives which are considerably different from those analyzed in
8 the EIR would substantially reduce one or more significant effects on the environment, but the
9 project proponents decline to adopt them. Said determination is on file with the Clerk of the
10 Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board
11 affirms this determination.

12

13 Section 3. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheet HT07 of
14 the Zoning Map is amended as follows:

15

Description of Property (Assessor's Block - Lot)	Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved
0836-001	120/400//140/450-R-4	140/400//140/450-R-4
0836-002	120/400//140/450-R-4	140/400//140/450-R-4
0836-003	120/400//140/450-R-4	140/400//140/450-R-4
0836-004	120/400//140/450-R-4	140/400//140/450-R-4
0836-005	120//140/450-R-4	140/400//140/450-R-4

22

23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4

5 Section 5. Effective Date. This ordinance shall become effective at 12:00 a.m. on the
6 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
7 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
8 or the Board of Supervisors overrides the Mayor's veto of the ordinance.

9

10

11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/ Andrea Ruiz-Esquide
14 ANDREA RUIZ-ESQUIDE
Deputy City Attorney

15

16 4900-2359-7962, v. 1

17

18

19

20

21

22

23

24

25