



SAN FRANCISCO PLANNING DEPARTMENT

February 12, 2018

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

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**Re: Transmittal of Planning Department Case Number 2015-01299PRJ:
Legislative Approvals – 200 Van Ness Avenue Mixed-Use Project
Board File No. 180114 and No. 180115
Planning Commission Recommendation: *Approval***

Dear Ms. Calvillo and Supervisor Kim,

On February 8, 2018, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the following ordinances associated with a mixed-use project proposed at 200 – 214 Van Ness Avenue:

1. Adoption of the General Plan Amendment pursuant to Planning Code Section 340 and adopt the findings of consistency with the General Plan and Priority Policies of Planning Code Section 101.1;
2. Approval of the Zoning Map and Planning Code Text Amendments;
3. Approval of a Development Agreement (“DA”) and recommendation that the Board adopt the DA;

On February 6, 2018, Supervisor Jane Kim also introduced Ordinances related to the Planning Code Text and Map Amendments and the Development Agreement (File No. 180114, and No. 180115).

In accordance with Planning Code Section 340, a copy of the General Plan Amendment along with two copies will be delivered to the Clerk following this email.

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,

Transmittal Materials

CASE NO. 2015-012994
Legislative Approvals – 200 Van Ness Avenue



Aaron D. Starr
Manager of Legislative Affairs

cc:

Judy Boyasian, Deputy City Attorney
Heidi Gewertz, Deputy City Attorney
Barbara Lopez, Aide to Supervisor Jane Kim
Alisa Somera, Office of the Clerk of the Board

Attachments:

Planning Commission Resolutions
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20104

HEARING DATE: FEBRUARY 8, 2018

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Case No.: 2015-012994GPA
Project Address: 200 – 214 Van Ness Avenue Street
Existing Zoning: C-3-G Downtown General
96-X Height and Bulk District
Proposed Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0811/010 and 012
Project Sponsor: Suzanne Brown, on behalf of
SF Conservatory of Music
50 Oak Street
San Francisco, CA 94102
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.asbagh@sfgov.org

RESOLUTION TO ADOPT A GENERAL PLAN AMENDMENT FOR MAP 5 OF THE DOWNTOWN AREA PLAN PURSUANT TO PLANNING CODE SECTION 340. THE PROPOSED AMENDMENT WOULD AMEND MAP 5 OF THE DOWNTOWN AREA PLAN IN ORDER TO CHANGE THE HEIGHT DESIGNATION OF ASSESSOR'S BLOCK 811, LOTS 10 AND 12 (200-214 VAN NESS AVENUE) FROM 96-X TO 120-X. THE PROPOSED GENERAL PLAN AMENDMENT IS RELATED TO PLANNING CODE TEXT AND MAP AMENDMENTS TO ALLOW THE CONSTRUCTION OF A NEW BUILDING PROPOSED ON THE SUBJECT SITE.

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the San Francisco Conservatory of Music ("Project Sponsor") has filed an application requesting amendments to the General Plan, Planning Code, and Zoning Maps to facilitate the construction of a mixed use residential, educational/cultural development project known as the ("Project"); and

WHEREAS, pursuant to Planning Code Section 340(C), the Planning Commission ("Commission") initiated a General Plan Amendment for the 200 – 214 Van Ness Avenue Mixed-Use Project ("Project"), per Planning Commission Resolution No. 20089 on January 11, 2018; and

WHEREAS, the General Plan Amendment would revise map 5 of the Downtown Area Plan in order to change the height designation of assessor's block 811, lots 10 and 12 (200-214 van ness avenue) from 96-X to 120-X.

WHEREAS, the General Plan Amendment would enable the 200 – 214 Van Ness Avenue Mixed-Use Project. The 200 – 214 Van Ness Avenue Mixed-Use Project would demolish the existing structures and construct a 12-story (above two basement levels), 120-foot tall, approximately 168,200 square-foot building. The new building would include 420 student beds for students of the San Francisco Conservatory of Music (SFCM), 30 dwelling units, approximately 49,600 square feet of educational and performance space, 4,320 square feet of broadcasting studio space, and 2,600 square feet of ground-floor restaurant/retail space. Of the new dwelling units, 27 would be replacement units and three would be new units for SFCM faculty; and

WHEREAS, the Project proposes public benefits, including new ground floor retail, educational, ground floor and rooftop performance spaces that will expand and be available to the public for free and low-cost performances; and

WHEREAS, a Proposed Ordinance has been drafted in order to make the necessary amendments to the General Plan to implement the Project. The Office of the City Attorney has approved the Proposed Ordinance as to form; and

WHEREAS, on December 27, 2017, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration (PMND) for the project that included a Mitigation Monitoring and Reporting program (MMRP) which is included as a Condition of Approval for the project. The comment period for the PMND expired on January 17, 2018 with no appeals. The PMND/IS. The Final Mitigated Negative Declaration (MND) was issued on January 23, 2018, and is available online at <http://tinyurl.com/sfceqadocs>. The Commission has reviewed and considered and hereby adopts the MND and concurs in the Planning Department's determination that the MND is adequate, accurate and complete and reflects the independent judgment of the Planning Department. The Planning Department Planning Department Commission Secretary is the custodian of records, located in File No. 2015-012994ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, this Resolution approving this General Plan Amendment is a companion to other legislative approvals relating to the Project, including recommendation of approval of Planning Code Text and Map Amendments and recommendation for approval of the Development Agreement; and

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

WHEREAS, the Commission has reviewed the proposed General Plan Amendment; and

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the General Plan Amendment on February 8, 2018; and,

MOVED, that pursuant to Planning Code Section 340, the Commission adopts a Resolution to amend the General Plan based on the following:

FINDINGS

1. The General Plan Amendment would enable construction of a project that will replace 27 dwelling units currently on-site on a one-for-one basis and provide tenants with a robust program for interim housing and relocation assistance during construction.
2. The General Plan Amendment would enable the construction of 113 student housing units with 420 beds for SFMC to house their own students, thus freeing up the City's existing housing stock for other residents.
3. The General Plan Amendment would enable the construction of a dense, mixed-use development on a relatively constrained site and enable a unique cultural building with teaching and performance spaces within the Civic Center District.
4. **General Plan Compliance.** The Planning Code and General Plan Compliance Findings set forth in Motion No. 20107, Case No. 2015-012994DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
5. **Planning Code Section 101.1(b).** The Planning Code Priority Policy Findings set forth in Motion No. 20107, Case No. 2015-012994DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
6. **Planning Code Section 340 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 340.

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 8, 2018.


Jonas P. Ionin
Commission Secretary

AYES: Moore, Koppel, Richards, Hillis, Fong, Melgar

NOES: None

ABSENT: Johnson

ADOPTED: February 8, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20105

HEARING DATE: FEBRUARY 8, 2018

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Case No.: 2015-012994PCA/MAP
Project Address: 200 – 214 Van Ness Avenue Street
Existing Zoning: C-3-G Downtown General
96-X Height and Bulk District
Proposed Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0811/010 and 012
Project Sponsor: Suzanne Brown, on behalf of
SF Conservatory of Music
50 Oak Street
San Francisco, CA 94102
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.asbagh@sfgov.org

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO AUTHORIZE A HEIGHT LIMIT EXCEPTION FOR THE SAN FRANCISCO CONSERVATORY OF MUSIC PROJECT AT 200-214 VAN NESS AVENUE FOR ADDITIONAL BUILDING ENVELOPE THAT WILL BE USED TO ENCLOSE OR SCREEN SPECIFIED FEATURES FROM VIEW, ALLOW INCREASED ROOF HEIGHT FOR PERFORMANCE AND COMMON SPACE, AND PROVIDE ADDITIONAL VISUAL INTEREST TO THE ROOF OF THE STRUCTURE; AMEND THE ZONING MAP TO CHANGE THE HEIGHT DESIGNATION OF ASSESSOR'S BLOCK 811, LOTS 10 AND 12, FROM 96-X TO 120-X; AFFIRM THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKE FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPT FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on September 29, 2015, Lawrence Badiner on behalf of the San Francisco Conservatory of Music ("Project Sponsor" or "SFCM") filed an application with the Planning Department ("Department") for Environmental Review, to demolish the existing three-story residential building at 200 Van Ness Avenue and the two-story commercial building at 214 Van Ness Avenue and construct a 12-story over two-level basement, approximately 120-foot tall building with up to 420 student beds in 113 group housing units, up to 30 dwelling units (including 27 replacement units), approximately 49,600 Gross Square Feet (GSF) of educational/institutional use with approximately 2,900 gsf of ground floor restaurant/retail space; and

WHEREAS, on September 28, 2016, the Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309 as modified and supplemented on November 14, 2017, with exceptions to the requirements for Rear Yard (Section 134), Open Space (Section 135), Obstructions Over Streets and Alleys (Section 136), Group Housing Exposure (Section 140), Ground (Section

145.1), Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), and Off-Street Loading (Section 161) within the C-3-G (Downtown General) District; and

WHEREAS, on September 28, 2016, the Project Sponsor also filed an application with the Department for a Conditional Use Authorization as modified and supplemented on November 14, 2017, under Planning Code Sections 124(k), 210.2, 303 and 317, to remove and replace 27 existing dwelling units to allow additional square footage above that permitted by the base FAR limit for Student Housing as defined in Section 102 within the C-3-G (Downtown General) District and a 96-X Height and Bulk District; and

WHEREAS, on November 14, 2017, the Project Sponsor filed an application to reclassify the existing 96-X Height and Bulk District to a 120-X Height and Bulk District, amend Map 5 of the Downtown Plan of the General Plan, amend the HT02 Height Map of the Zoning Map and amend Section 260 of the Planning Code; and

WHEREAS, on December 27, 2017, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration (PMND) for the project that included a Mitigation Monitoring and Reporting program (MMRP) which is included as a Condition of Approval for the project. The comment period for the PMND expired on January 17, 2018 with no appeals. The PMND/IS. The Final Mitigated Negative Declaration (MND) was issued on January 23, 2018, and is available online at <http://tinyurl.com/sfceqadocs>. The Planning Department Planning Department Commission Secretary is the custodian of records, located in File No. 2015-012994ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, on January 10, 2018, after extensive discussions with City staff, the Project Sponsor also filed an application with the Department for a Development Agreement, under Administrative Code Article 56, which include the specified public benefits above and beyond that required by City codes, including the expanding the City's supply of student housing, replacing 27 existing units on site, assuring the interim relocation and right to return of the existing tenants, creating much needed state-of- the-art educational and performance space, providing added artistic and cultural resources, while providing development certainty to the Project Sponsor; and

WHEREAS, the Commission has reviewed and considered and hereby adopts the MND and concurs in the Planning Department's determination that the MND is adequate, accurate and complete and reflects the independent judgment of the Planning Department.

WHEREAS, on January 11, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and to consider the proposed Ordinance on February 8, 2018; 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, this Resolution approving these Planning Code Text Amendments is a companion to other legislative approvals relating to the Project, including recommendation of approval of General Plan Amendments and recommendation for approval of the Development Agreement; 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 based on the following:

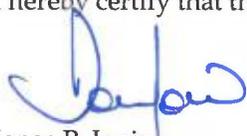
FINDINGS

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 Planning Code Text Amendments would enable construction of a project that will replace 27 dwelling units currently on-site on a one-for-one basis and provide tenants with a robust program for interim housing and relocation assistance during construction.
2. The Planning Code Text Amendments would enable the construction of 113 student housing units with 420 beds for SFMC to house their own students, thus freeing up the City's existing housing stock for other residents.
3. The Zoning Map Amendment would enable the construction of a dense, mixed-use development on a relatively constrained site and enable a unique cultural building with teaching and performance spaces within the Civic Center District.
4. **General Plan Compliance.** The Planning Code and General Plan Compliance Findings set forth in Motion No.20107, Case No. 2015-012994DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
5. **Planning Code Section 101.1(b).** The Planning Code Priority Policy Findings set forth in Motion No. 20107, Case No. 2015-012994DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
6. **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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 8, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Moore, Koppel, Richards, Hillis, Fong, Melgar

NOES: None

ABSENT: Johnson

ADOPTED: February 8, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20106

HEARING DATE: FEBRUARY 8, 2018

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Case No.: 2015-012994DVA
Project Address: 200 – 214 Van Ness Avenue Street
Existing Zoning: C-3-G Downtown General
96-X Height and Bulk District
Proposed Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0811/010 and 012
Project Sponsor: Suzanne Brown, on behalf of
SF Conservatory of Music
50 Oak Street
San Francisco, CA 94102
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.asbagh@sfgov.org

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE SAN FRANCISCO CONSERVATORY OF MUSIC, FOR CERTAIN REAL PROPERTY LOCATED AT 200 – 214 VAN NESS AVENUE, ASSESSOR'S BLOCK 0811, LOTS 010 AND 012, AND ADOPTING 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, the Development Agreement would enable the 200 – 214 Van Ness Avenue Mixed-Use Project. The 200 – 214 Van Ness Avenue Mixed-Use Project ("Project") would demolish the existing structures and construct a 12-story (above two basement levels), 120-foot tall, approximately 168,200 square-foot building. The new building would include 420 student beds for students of the San Francisco Conservatory of Music (SFCM), 30 dwelling units, approximately 49,600 square feet of educational and performance space, 4,320 square feet of broadcasting studio space, and 2,600 square feet of ground-floor restaurant/retail space. Of the new dwelling units, 27 would be replacement units and three would be new units for SFCM faculty; and

WHEREAS, in furtherance of the Project and the City's role in subsequent approval actions relating to the Project, the City and SFCM negotiated a development agreement for development of the Project site, a copy of which is attached as Exhibit A (the "Development Agreement").

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.

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

WHEREAS, on December 27, 2017, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration (PMND) for the project that included a Mitigation Monitoring and Reporting program (MMRP) which is included as a Condition of Approval for the project. The comment period for the PMND expired on January 17, 2018 with no appeals. The PMND/IS. The Final Mitigated Negative Declaration (MND) was issued on January 23, 2018, and is available online at <http://tinyurl.com/sfceqadocs>. The Planning Department Planning Department Commission Secretary is the custodian of records, located in File No. 2015-012994ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California. The Commission has reviewed and considered and hereby adopts the MND and concurs in the Planning Department's determination that the MND is adequate, accurate and complete and reflects the independent judgment of the Planning Department.

WHEREAS, on February 8, 2018, by Motion Nos. 20104, 20105, 20107, and 20108, concurrently considered herewith, the Commission adopted findings in connection with its approval Project, including General Plan Amendment, Planning Code Text and Map Amendments, , Downtown Project Authorization, and Conditional Use Authorization which findings are hereby incorporated herein by this reference as if fully set forth.

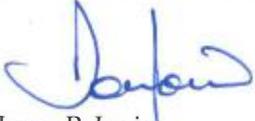
WHEREAS, on February 8, 2018, by the aforementioned motions, the Commission also adopted findings regarding the Project's consistency with the General Plan and Planning Code Section 101.1.

NOW THEREFORE BE IT RESOLVED that the Commission recommends approval of 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 other City agencies and/or the Board, provided that such changes 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 8, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Moore, Koppel, Richards, Hillis, Fong, Melgar

NOES: None

ABSENT: Johnson

ADOPTED: February 8, 2018