



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20708 HEARING DATE: MAY 21, 2020

*Project Name:* Market and Octavia Area Plan Amendment: CEQA Findings  
*Case Number:* 2015-000940ENV  
*Initiated by:* Planning Commission  
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### **ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE ADOPTION OF AN AMENDMENT TO THE MARKET AND OCTAVIA AREA PLAN, AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN.**

#### **PREAMBLE**

The Planning Department ("Department"), the Lead Agency responsible for the implementation of the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., ("CEQA"), the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") has undertaken a planning and environmental review process for the proposed Market and Octavia Area Plan Amendment and provided appropriate public hearings before the Planning Commission ("Commission"). In 2008, the City and County of San Francisco ("City") adopted the Market and Octavia Area Plan into the General Plan to guide growth in the Market and Octavia neighborhood. Recognizing the potential for transit-oriented growth in the vicinity of neighborhood at the junction of three of the city's grid systems, colloquially known as "the Hub," the Market and Octavia Area Plan called for a vibrant new mixed-use neighborhood.

While the Market and Octavia Area Plan established a new framework for development, the Department did not receive many major development applications in the Hub neighborhood until 2012 (four years after the Market and Octavia Area Plan was adopted), largely due to the 2009 recession. In 2016 the Department initiated a community planning process to reconsider the area holistically and identify and coordinate updated designs for the public realm, and to update the Market and Octavia Community Improvements Neighborhood programs with specific infrastructure projects in the Hub area and streets adjacent to the Hub area.

The Market and Octavia Area Plan Amendment (the "Hub Plan") supports and builds on the Market and Octavia Area Plan's vision for the area around Market Street and Van Ness Avenue as a vibrant mixed-use

residential neighborhood. The Hub Plan enhances and augments the Market and Octavia Area Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes adjustments to this specific sub-area based on today's understanding of the issues and constraints facing the area, particularly in light of the infrastructure improvements and the City's current housing needs. The Plan's core recommendations include: Increase housing and affordable housing near transit; Develop and coordinate designs for the public realm; Update the Market and Octavia public benefits package and prioritize projects for implementation.

The Department is seeking to make amendments to the existing Market and Octavia Area Plan and other elements of 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 amend the Market and Octavia Area Plan.

The actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

Environmental review for the Hub Plan ("Project") was coordinated with environmental review of separate private development projects at 30 Van Ness Avenue and 98 Franklin Street. On May 23, 2018, the Department published a Notice of Preparation of an Environmental Impact Report ("NOP") and Notice of Public Scoping Meeting for the Hub Plan, 30 Van Ness Avenue, 98 Franklin Street, and Hub Housing Sustainability District. Publication of the NOP initiated a 30-day public review and comment period that ended on June 22, 2018. On June 12, 2018, the Department held a public scoping meeting regarding the Project.

On July 24, 2019, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Department on July 24, 2019. The DEIR contains both analysis at a "program-level" pursuant to CEQA Guidelines section 15168 for adoption and implementation of the Hub Plan, and "project-level" environmental review for the streetscape and street network improvements, the project at 30 Van Ness Avenue and the project at 98 Franklin Street. This DEIR also evaluates the designation of portions or all of the Hub Plan area as a Housing Sustainability District ("HSD"), in accordance with Assembly Bill 73 (Government Code sections 66202 to 66210 and Public Resources Code sections 21155.10 and 21155.11). Designation of an HSD, through adoption of an ordinance by the San Francisco Board of Supervisors, would allow the City to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements within the HSD.

On August 29, 2019, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on September 9, 2019. The Department prepared responses to comments on environmental issues received during the 46 day public review period for the DEIR, prepared revisions

to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On March 12, 2020, the Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter “FEIR”) has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document, all as required by law.

On February 13, 2020, the Commission adopted Resolutions R-20653, R-20654, R-2065, R-20655 to initiate the following pieces of legislation: (1) Ordinance amending the General Plan to amend the Market and Octavia Area Plan (“general plan amendments”); (2) Ordinance amending the Planning Code to amend the Van Ness & Market Downtown Residential Special Use District, to encourage more housing and uses that support the neighborhood residents and businesses, and to give effect to the Market and Octavia Area Plan (“planning code amendments”); (3) Ordinance amending the Zoning Map of the Planning Code to amend the boundaries of the Van Ness & Market Downtown Residential Special Use District, and to make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with amendments to the Market and Octavia Area Plan (“zoning map amendments”); and (4) Ordinance amending the Business and Tax Regulations and Planning Codes to create the Hub Housing Sustainability District (“Hub HSD”).

On May 21, 2020, the Commission reviewed and considered the FEIR and found that the 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 FEIR was certified by the Commission on May 21, 2020 by adoption of its Motion No. 20708.

At the same hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to CEQA, particularly Sections 21081 and 21081.5, the CEQA Guidelines, particularly Sections 15091 through 15093, and Chapter 31, by its Motion No. 20708 The Commission adopted these findings as required by CEQA, separate and apart from the Commission’s certification of the EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 20708.

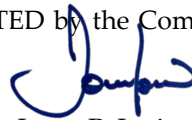
On May 21, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the general plan amendments; (2) the planning code amendments; (3) the zoning map amendments; (4) the Hub HSD Ordinance; and (5) the implementation program. At that meeting the Commission adopted (1) Resolution 20709 recommending that the Board of Supervisors approve the requested General Plan Amendment; (2) Resolution 20710 recommending that the Board of Supervisors approve the requested Planning Code Amendments; (3) Resolution 20711 recommending that the Board of Supervisors approve the requested Zoning Map Amendments; (4) resolution 20712 recommending that the Board of Supervisors approve the requested Hub HSD; and (5) resolution 20713 recommending that the Board of Supervisors approve the Implementation Program.

The Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2015-000940ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

This Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A, regarding the alternatives, mitigation measures, environmental impacts analyzed in the FEIR, overriding considerations for approving the Project, and the proposed Mitigation Monitoring and Reporting Program ("MMRP") attached as Attachment B, which material was made available to the public.

MOVED, that the Commission hereby adopts findings under the CEQA, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, and adopts the Mitigation Measures identified for the Hub Plan in the MMRP, attached as Attachment B, based on the findings attached to this Motion as Attachment A as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Commission at its regular meeting on May 21, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Koppel, Diamond, Fung, Johnson

NOES: Imperial, Moore

ABSENT: None

ADOPTED: May 21, 2020