

1 [General Plan Amendment in connection with Downtown Housing Demonstration Special Use  
2 District]

3 **Ordinance amending the San Francisco General Plan to change the height and bulk**  
4 **classification in connection with approvals for the proposed Downtown Housing**  
5 **Demonstration Special Use District encompassing the property zoned Downtown**  
6 **Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue**  
7 **(690 Market Street, Assessor’s Block 0311, Lot 006) from 250-S to 285-S; adopting**  
8 **findings pursuant to the California Environmental Quality Act; and adopting findings**  
9 **that the General Plan amendment is consistent with the eight Priority Policies of**  
10 **Planning Code Section 101.1.**

11 Note: This entire section is new.

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

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

15 (a) City Charter Section 4.105 and Planning Code section 340 require that the San  
16 Francisco Planning Commission (the “Planning Commission”) consider any proposed  
17 amendments to the City’s General Plan and make a recommendation for approval or rejection  
18 to the Board of Supervisors before the Board of Supervisors acts on the proposed  
19 amendments.

20 (b) Approval of the Downtown Housing Demonstration Special Use District (“SUD”)  
21 encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market  
22 Street, Kearny Street and Geary Avenue (690 Market Street, Assessor’s Block 0311, Lot 006)  
23 (the “Property”) requires an amendment to the General Plan of the City and County of San  
24 Francisco (the “General Plan”) to re-designate the current Height and Bulk classification of the  
25 Property from 250-S to 285-S. Specifically, the proposed amendment is to change the Height

1 and Bulk classification from 250-S to 285-S solely on the Property on Map 5, "Proposed  
2 Height and Bulk Districts," referred to in Policy 13.1 of the Downtown Area Plan of the General  
3 Plan.

4 (c) The Planning Department published a Preliminary Mitigated Negative Declaration  
5 on November 22, 2003 ("Mitigated Negative Declaration") analyzing the Downtown Housing  
6 Demonstration SUD and related actions, and on February 19, 2004, by Motion No. \_\_\_\_\_,  
7 on file with the Department (File No. \_\_\_\_\_) the Planning Commission made findings and  
8 adopted the Mitigated Negative Declaration in compliance with the California Environmental  
9 Quality Act ("CEQA") (California Public Resources Code sections 21000 et seq.), the State  
10 CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and  
11 Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Board adopts the  
12 findings and conclusion of Planning Commission Resolution No. \_\_\_\_\_, a copy of which is  
13 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and that Resolution is  
14 incorporated by reference herein.

15 (d) At the same public hearing on February 19, 2004, in Resolution No. \_\_\_\_\_, the  
16 Planning Commission approved and recommended for adoption by the Board an amendment  
17 to Map 5 referred to in Policy 13.1 in the Downtown Area Plan of the General Plan to reflect a  
18 change in the Height and Bulk classification proposed in the Downtown Housing  
19 Demonstration SUD from 250-S to 285-S. Planning Commission Resolution No. \_\_\_\_\_, a  
20 copy of which is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, is  
21 incorporated by reference herein.

22 (e) On February 19, 2004, the Planning Commission held a duly noticed public hearing  
23 and in Resolution No. \_\_\_\_\_, the Planning Commission approved and recommended for  
24 adoption by the Board the Downtown Housing Demonstration SUD. The SUD would eliminate  
25 floor area restrictions and maximum dwelling unit densities and would allow exceptions to the

1 open space requirement and dwelling unit exposure requirements for new residential uses be  
2 granted through the process outlined in Planning Code Section 309. The SUD would also  
3 increase the maximum height and bulk allowed in the district from 250-S to 285-S and require  
4 that residential projects be subject to the Inclusionary Affordable Housing Program  
5 Requirements found in Planning Code Section 315(a)(2). Planning Commission Resolution  
6 No. \_\_\_\_\_, a copy of which is on file with the Clerk of the Board of Supervisors in File No.  
7 \_\_\_\_\_, is incorporated by reference herein.

8 (f) Pursuant to Planning Code Section 340, this Board of Supervisors finds that this  
9 General Plan Amendment will serve the public necessity, convenience and general welfare for  
10 the reasons set forth in Planning Commission Motion No. \_\_\_\_\_ adopting findings relating  
11 to approval of a Determination of Compliance under Section 309 of the Planning Code to  
12 permit an eight-story vertical addition, historic façade restoration, and conversion of an  
13 existing office building to a mixed-use project for up to approximately 64 residential dwelling  
14 units, up to approximately 73 hotel time-share units, approximately 6,500 square feet of  
15 ground level retail space, and a sub grade parking garage (capable of accommodating up to  
16 29 independently-accessible parking spaces with the capability of accommodating up to  
17 approximately 100 vehicles through the use of valet services and vehicle-stacking in place of  
18 the 29 independently-accessible spaces) (collectively, the “Project”), with exceptions to the  
19 Planning Code for rear yard requirements, residential open space requirements, publicly-  
20 accessible open space requirements, dwelling unit exposure requirements, ground-level wind  
21 currents, and independently-accessible parking (“Motion No. \_\_\_\_\_”) and incorporates  
22 such reasons by reference herein.

23 (g) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this  
24 ordinance is consistent with the priority policies of Section 101.1(b) of the Planning Code and  
25 the General Plan and hereby adopts the findings of the Planning Commission, as set forth in

1 Planning Commission Motion No. \_\_\_\_\_, and incorporates said findings by reference  
2 herein. A copy of said motion and resolution are on file with the Clerk of the Board of  
3 Supervisors in File No. \_\_\_\_\_.

4 (h) This General Plan Amendment, the Downtown Housing Demonstration SUD,  
5 and all discretionary authorizations by the Planning Commission related to the Project have  
6 been thoroughly analyzed in the Mitigated Negative Declaration and, since the publication of  
7 the Mitigated Negative Declaration on November 22, 2003, there are no changed  
8 circumstances or other factors present that would trigger the need or requirement for  
9 additional environmental review under CEQA, the CEQA Guidelines, or Chapter 31.  
10 Specifically, the Board finds that under CEQA Guidelines Section 15162, and based upon the  
11 Board of Supervisor's review of the Mitigated Negative Declaration, the Board finds that:  
12 (1) there are no substantial modifications in the Project that would require important revisions  
13 to the Mitigated Negative Declaration due to the involvement of new significant environmental  
14 effects or a substantial increase in the severity of previously identified significant effects;  
15 (2) no substantial changes have occurred with respect to the circumstances under which the  
16 Project is to be undertaken that would require major revisions to the Mitigated Negative  
17 Declaration due to the involvement of significant effects or a substantial increase in the  
18 severity of effects identified in the Mitigated Negative Declaration; and (3) no new information  
19 of substantial importance to the Project has become available that would indicate (a) the  
20 Project or the actions will have significant effects not discussed in the Mitigated Negative  
21 Declaration, (b) significant environmental effects would be substantially more severe,  
22 (c) mitigation measures or alternatives found not feasible that would reduce one or more  
23 significant effects have become feasible, or (d) mitigation measures or alternatives which are  
24 considerably different from those in the Mitigated Negative Declaration would substantially  
25 reduce one or more significant effects on the environment.

1 Section 2. The Board of Supervisors hereby approves amendments identifying Height  
2 and Bulk reclassification to the General Plan as follows: The Height and Bulk designation for  
3 the Downtown Housing Demonstration Special Use District encompassing the property zoned  
4 Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary  
5 Avenue (690 Market Street, Assessor's Block 0311, Lot 006 or the "Property"), found on Map  
6 5 referred to in Policy 13.1 in the Downtown Area Plan of the General Plan shall be amended  
7 to have a height and bulk designation of 285-S.

8

9 APPROVED AS TO FORM:

10 DENNIS J. HERRERA, City Attorney

11

12

13 By: \_\_\_\_\_  
14 Susan Cleveland-Knowles  
15 Deputy City Attorney

16

17

18

19

20

21

22

23

24

25