

FILE NO. 040147

ORDINANCE NO. 70-04

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~~March 18, 2004, by Motion No.
7 16745, on file with the Department (File No. 040147) the Planning Commission made
8 findings and adopted the Mitigated Negative Declaration in compliance with the California
9 Environmental Quality Act ("CEQA") (California Public Resources Code sections 21000 et
10 seq.), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et
11 seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Board
12 adopts the findings and conclusion of Planning Commission ~~Resolution~~^{Motion} No. 16745, a copy
13 of which is on file with the Clerk of the Board of Supervisors in File No. 040147, and that
14 Resolution is incorporated by reference herein.

15 (d) At the same public hearing on ~~February 19~~March 18, 2004, in Resolution No.
16 16749, the Planning Commission approved and recommended for adoption by the Board
17 an amendment to Map 5 referred to in Policy 13.1 in the Downtown Area Plan of the General
18 Plan to reflect a change in the Height and Bulk classification proposed in the Downtown
19 Housing Demonstration SUD from 250-S to 285-S. Planning Commission Resolution No.
20 16749, a copy of which is on file with the Clerk of the Board of Supervisors in File No.
21 040147, is incorporated by reference herein.

22 (e) On ~~February 19~~March 18, 2004, the Planning Commission held a duly noticed
23 public hearing and in Resolution No. 16750, the Planning Commission approved and
24 recommended for adoption by the Board the Downtown Housing Demonstration SUD. The
25 SUD would eliminate floor area restrictions and maximum dwelling unit densities and would

1 allow exceptions to the open space requirement and dwelling unit exposure requirements for
2 new residential uses be granted through the process outlined in Planning Code Section 309.
3 The SUD would also increase the maximum height and bulk allowed in the district from 250-S
4 to 285-S and require that residential projects be subject to the Inclusionary Affordable
5 Housing Program Requirements found in Planning Code Section 315(a)(2). Planning
6 Commission Resolution No. 16750, a copy of which is on file with the Clerk of the Board of
7 Supervisors in File No. 040147, 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. 16747 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. 16747") 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. 16747, 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. 040147.

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.

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

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
Susan Cleveland-Knowles
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 040147

Date Passed:

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

April 13, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

April 20, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

File No. 040147

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 20, 2004 by the Board of Supervisors of the City and County of San Francisco.

APR 22 2004

Date Approved

Ray Halberstam

Gloria L. Young
Clerk of the Board

Gavin Newsom

Mayor Gavin Newsom