

BOARD of SUPERVISORS



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MEMORANDUM

TO: John Rahaim, Director, Planning Department
Olson Lee, Director, Mayor's Office of Housing and Community
Development
Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: *ll*
bm Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: April 11, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on April 4, 2017:

File No. 170348

Ordinance amending the Planning Code to create the 1500 Mission Street Special Use District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use District, to modify Zoning Map SU07 to place the project site into this Special Use District, and Zoning Map HT07 to establish the height and bulk district designations for the project site; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Scott Sanchez, Planning Department
Lisa Gibson, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

Joy Navarrete, Planning Department

Jeanie Poling, Planning Department

Eugene Flannery, Mayor's Office of Housing and Community Development

Kate Hartley, Mayor's Office of Housing and Community Development

Amy Chan, Mayor's Office of Housing and Community Development

Janet Martinsen, Municipal Transportation Agency

Kate Breen, Municipal Transportation Agency

Dillon Auyoung, Municipal Transportation Agency

Viktoriya Wise, Municipal Transportation Agency

1 [Planning Code, Zoning Map - 1500 Mission Street Special Use District]

2
3 **Ordinance amending the Planning Code to create the 1500 Mission Street Special Use**
4 **District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block**
5 **No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use**
6 **District, to modify Zoning Map SU07 to place the project site into this Special Use**
7 **District, and Zoning Map HT07 to establish the height and bulk district designations for**
8 **the project site; adopting findings under the California Environmental Quality Act;**
9 **making findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**
11 **and welfare under Planning Code, Section 302.**

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

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

20 Section 1. Findings.

21 (a) This ordinance is related to companion legislation that amends two General Plan
22 height maps for the 1500 Mission Street (Assessor's Block 3506, Lots 006 and 007) project.
23 The companion legislation is on file with the Clerk of the Board of Supervisors in File No.
24 _____ and incorporated herein by reference.

25 (b) This ordinance also is a companion to legislation that ratifies the City's purchase
and sale agreement with the Project Sponsor for the City to purchase the office building site

1 portion of the development. This legislation is on file with the Clerk of the Board of
2 Supervisors in File No. _____.

3 (c) The legislation referenced in subsection (a) that amends the General Plan provides
4 a description of the project and adopts findings under the California Environmental Quality Act
5 ("CEQA," California Public Resources Code Sections 21000 et seq.). For purposes of the
6 actions contemplated herein, this ordinance adopts the environmental findings from the
7 General Plan amendment legislation.

8 (d) On December 15, 2016, in Motion No. 19822, the Planning Commission initiated
9 this ordinance in accordance with Planning Code Section 302. This Resolution is on file with
10 the Clerk of the Board of Supervisors in File No. _____.

11 (e) On March 23, 2017, in Resolution No. 19886, the Planning Commission found that
12 this ordinance is, on balance, in conformity with the General Plan and the priority policies of
13 Planning Code Section 101.1. A copy of this Resolution is on file with the Clerk of the Board
14 of Supervisors in File No. _____ and is incorporated herein by reference. The
15 Board hereby adopts the Planning Commission General Plan and Planning Code Section
16 101.1 findings as its own.

17 (f) Also in Resolution No. 19886, the Planning Commission adopted findings under
18 Planning Code Section 302 determining that this ordinance serves the public necessity,
19 convenience, and general welfare. The Board of Supervisors adopts as its own these
20 findings.

21
22 Section 2. The Planning Code is hereby amended by adding Section 249.12, to read
23 as follows:

24 **SEC. 249.12. 1500 MISSION STREET SPECIAL USE DISTRICT.**
25

1 (a) Purpose. There shall be a 1500 Mission Street Special Use District, which is comprised of
2 Lots 006 and 007 in Assessor's Block 3506, whose boundaries are designated on Zoning Map SU07 of
3 the Zoning Map of the City and County of San Francisco. This district is intended to facilitate a
4 transit-oriented, high-density, mixed-use residential project and a City and County of San Francisco
5 office development. This area was identified in the Downtown Plan and the Market and Octavia Area
6 Plan of the General Plan as an area to encourage housing adjacent to the downtown and government
7 offices near other governmental functions in the Civic Center and City Hall.

8 (b) Use Controls. References to the 1500 Mission Street Special Use District in this subsection
9 shall be as of the effective date of this Section 249.12.

10 (1) Ground Floor Uses. Public agency office space shall be permitted at the ground
11 floor.

12 (2) Residential Affordable Housing Program. The provisions of Section 249.33(b)(3)
13 of this Code shall apply within this Special Use District, except that the Affordable Housing Fee and
14 the off-site housing alternative shall be equivalent to 27.5% of the number of units in the project, and
15 the on-site percentage shall be 13.5% of the number of units in the project.

16 (3) Usable Open Space for Dwelling Units. Requirements for common usable open
17 space pursuant to Section 135 may be met by providing one of the publicly-accessible types delineated
18 in Section 249.33(b)(4).

19 (4) Obstructions over Streets and Usable Open Space. Overhead horizontal
20 projections intended primarily to reduce ground level wind speeds which leave at least 7½ feet of
21 headroom may extend over a street, common usable open space, sidewalk, or setback where the depth
22 of any such projection is no greater than the headroom it leaves, and in no case is greater than 20 feet.

23 (5) Lot Coverage. The provisions of Section 249.33(b)(5) shall apply within this
24 Special Use District.

1 (6) **Floor Area Ratio.** The maximum FAR allowed shall be that described in Section
2 123(c), provided that it shall not be greater than 9:1. Gross Floor Area shall have the meaning as
3 defined in Section 102, and shall include all residential uses, except for residential uses that are
4 affordable units as defined in Section 401 and the affordable units' proportional share of residential
5 common areas and amenities. Floor Area Bonuses, as set forth in Section 249.33(b)(6)(B), shall apply
6 within this Special Use District.

7 (7) **Mid-Block Alley.** An east-west mid-block pedestrian alley of not less than 25 feet
8 in width shall extend from South Van Ness Avenue to the western main lobby entrance of the proposed
9 City office building. Additionally, a north-south alley of not less than 25 feet in width shall extend from
10 Mission Street to the aforementioned east-west mid-block pedestrian alley. These two alleys shall be
11 subject to the provisions of Section 270.2(e) through 270.2(i), except for subsections 270.2(e)(5) and
12 270.2(e)(14). Additionally, the Planning Director may waive or modify subsection 270.2(e)(9) in the
13 case of documented exceptional circumstances and operational conditions relating to the unique nature
14 of the City's tenancy on the site. Other provisions of Section 270.2 shall not apply within this Special
15 Use District.

16 (8) **Off-Street Parking.** To accommodate public agency fleet parking and short-term
17 parking associated with a public-serving permit center, the maximum amount of off-street parking that
18 may be provided within the proposed City office building shall be one space for each 3,000 gross
19 square feet of floor area. Off-street parking within other buildings in this Special Use District may be
20 used on a temporary or ongoing basis as additional accessory parking for the proposed public agency
21 office space.

22 (9) **Dwelling Unit Exposure.** Provisions of Section 140(a)(1) shall apply within this
23 Special Use District. The additional five horizontal feet of open space required at subsequent floors
24 pursuant to Section 140(a)(2) shall be capped at 65 feet in every horizontal dimension.

1 (10) Access to Off-Street Parking and Loading. In consideration of City policy to
2 restrict curb cuts and off-street parking and loading access on South Van Ness Avenue and Mission
3 Street, the residential component and the City office component shall each be permitted to provide
4 separate parking and loading ingress and egress openings on the 11th Street frontage of no greater
5 than 24 feet in width each, in lieu of the limitations set forth in Sections 145.1(c)(2) and 155(s)(5). To
6 the extent feasible as determined by the Planning Director, in consultation with the Director of Real
7 Property, in order to facilitate the preservation of a portion of the 11th Street façade of the existing
8 1500 Mission Street building, enhance pedestrian conditions, and further activate 11th Street, a shared
9 ingress (but not egress) to both the residential component and the City office component shall be
10 provided to reduce the residential component opening to no greater than 12 feet in width.

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12 Section 3. The Planning Code is hereby amended by revising Section 270, to read as
13 follows:

14 **SEC. 270. BULK LIMITS: MEASUREMENT.**

15
16 * * * *

17 (g) 1500 Mission Street Special Use District (Planning Code Section 249.12). In Bulk
18 District R-3, bulk limitations are as follows:

19 (1) In height districts 130/240-R-3 and 130/400-R-3, there are no bulk limitations
20 below 130 feet in height, and structures above 130 feet in height shall meet the following bulk
21 limitations.

22 (A) Buildings between the podium height limit and 240 feet in height may not
23 exceed a plan length of 170 feet and a diagonal dimension of 225 feet.

24 (B) Buildings between 241 and 400 feet in height may not exceed a plan length
25 of 156 feet and a diagonal dimension of 165 feet, and may not exceed a maximum average floor area of

1 13,100 gross square feet. To encourage tower sculpting, the gross floor area of the top one-third of the
2 tower shall be reduced by 7% from the maximum floor plate of the tower above the podium height limit
3 unless the overall tower floor plate is reduced by an equal or greater volume.

4 (C) To provide adequate sunlight and air to streets and open spaces, a
5 minimum distance of 115 feet must be preserved between all structures above 130 feet in height at all
6 levels above 130 feet in height. Spacing shall be measured horizontally from the outside surface of the
7 exterior wall of the subject building to the nearest point on the closest structure above 130 feet in
8 height.

9 (2) The procedures for granting special exceptions to bulk limits described in Section
10 272 shall not apply.

11
12 Section 4. The Planning Code is hereby amended by revising Zoning Map SU07 as
13 follows:

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Description of Property	Special Use District to be Superseded	Special Use District Hereby Approved
Assessor's Block 3506, Lots 006 and 007	Van Ness & Market Downtown Residential Special Use District	1500 Mission Street Special Use District (Planning Code Section 249.12)

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23 Section 5. The Planning Code is hereby amended by revising Zoning Map HT07 as
24 follows:
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Description of Property	Height/Bulk District to be Superseded
Assessor's Block 3506, Lot 006	85/250-R-2, 120/320-R-2
Assessor's Block 3506, Lot 007	85/250-R-2, 85-X

Description of Property for Assessor's Block 3506, Lots 006, 007	Height/Bulk District Hereby Approved
Along the northerly portion of the South Van Ness Avenue and 11th Street frontages measuring approximately 170 feet in depth and 422 feet in width; Assessor Block and Lot to be assigned.	130/240-R-3
Along the southerly portion of the 11 th Street frontage and the easterly portion of the Mission Street frontage measuring approximately 105-feet in depth from Mission Street and 156-feet in width along Mission Street; Assessor Block and Lot to be assigned.	85-X
The westerly portion of the Mission Street frontage and southerly portion of the South Van Ness frontage measuring approximately 308 feet in width along Mission Street and approximately 110	130/400-R-3

1 feet in depth from Mission Street;
2 Assessor Block and Lot to be assigned.

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4
5 Section 6. Exception to Inclusionary Housing Requirements of Planning Code Section
6 415.3(b)(1)(B).

7 (a) In Section 1.A. of Ordinance No. 254-14, the Board of Supervisors acknowledged
8 that the '[d]eveloper has designated the remainder of the Goodwill Site for a high density
9 multifamily residential complex of approximately 110 affordable and 440 market rate units . . ."
10 A copy of Ordinance No. 254-14 is on file with the Clerk of the Board of Supervisors in File
11 No. 141120 and is incorporated herein by reference. The level of inclusionary affordable
12 housing for the project identified in Ordinance No. 254-14 (20% or 110 units) exceeds the
13 amount of affordable housing that would have applied under Planning Code Section
14 415.3(b)(1)(B) (13.5% or 74 units). The Board of Supervisors recognizes that but for this
15 higher level of affordable housing, it would not have approved the conditional purchase
16 agreement in Ordinance No. 254-14.

17 (b) Consequently, the Board of Supervisors hereby creates an exception to the
18 inclusionary housing requirements of Planning Code Section 415.3(b)(1)(B) to require no less
19 than 20% inclusionary affordable housing for this project.
20

21 Section 7. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.
25

1 Section 8. Scope of Ordinance. Except as to uncodified Sections 4, 5, and 6, in
2 enacting this ordinance, the Board of Supervisors intends to amend only those words,
3 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,
4 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this
5 ordinance as additions, deletions, Board amendment additions, and Board amendment
6 deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 
John D. Malamut
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - 1500 Mission Street Special Use District]

Ordinance amending the Planning Code to create the 1500 Mission Street Special Use District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use District, to modify Zoning Map SU07 to place the project site into this Special Use District, and Zoning Map HT07 to establish the height and bulk district designations for the project site; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The 1500 Mission Street project site currently is zoned C-3-G (Downtown General) and comprised of various height and bulk districts on two separate lots. Planning Code Section 270 establishes standards for addressing the bulk of buildings. The 1500 Mission Street project involves the creation of a new City office building and a separate mixed-use development on reconfigured lots.

Amendments to Current Law

This ordinance would add Planning Code Section 249.12 to establish the 1500 Mission Street Special Use District ("SUD"). The SUD would overlay the existing C-3-G zoning to create an additional set of controls unique to the property located within the SUD. The legislation would amend Planning Code Section 270 regarding bulk controls for the SUD. The ordinance also would modify the Zoning Map to recognize the geographic location of the SUD and to establish new height and bulk limits for the SUD. The legislation would make findings under the California Environmental Quality Act and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

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