



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19767

Planning Code Text Amendment Zoning Map Amendment

HEARING DATE: OCTOBER 27, 2016

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Case No.: 2014.0926PCAMAP
Project Address: 1270 Mission Street
Current Zoning: C-3-G (Downtown General)
120-X Height and Bulk District
Proposed Zoning Mission and Ninth Street SUD
200-X
Block/Lot: 3701 / 021, 021
Project Sponsor: Brian Baker – (415) 775.7005
AGI Avant
100 Bush Street, Suite 1450
San Francisco, CA 94104
Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT FINDINGS RELATING TO THE PLANNING CODE, INCLUDING 1) AMENDMENT OF PLANNING CODE TEXT TO ADD SECTION 249.15 TO ESTABLISH THE MISSION AND 9TH STREET SPECIAL USE DISTRICT, TO REQUIRE THE PROVISION OF ON-SITE AFFORDABLE UNITS IN THE AMOUNT OF 21.5% OF THE NUMBER OF UNITS CONSTRUCTED ON-SITE; WAIVE FLOOR AREA RATIO LIMITS SET FORTH IN SECTIONS 123 AND 124 OF THE PLANNING CODE FOR BUILDINGS EXCEEDING 120-FEET IN HEIGHT; ALLOW UP TO 40 PERCENT OF USABLE OPEN SPACE REQUIRED BY PLANNING CODE SECTION 135 TO BE PROVIDED OFF-SITE EITHER WITHIN THE SPECIAL USE DISTRICT OR WITHIN 900 FEET OF THE BOUNDARIES OF THE SPECIAL USE DISTRICT; AND 2) AMENDMENTS TO SPECIAL USE DISTRICT MAP SU07 AND HEIGHT AND BULK DISTRICT MAP HT07 TO REFLECT THE CREATION OF THE SPECIAL USE DISTRICT AND ALLOW AN INCREASE IN HEIGHT FOR ASSESSOR'S BLOCK 3701, PARCELS 020 AND 021 FROM 120-X TO 200-X; AND (3) MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302, ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

On May 5, 2015, 1270 Mission, LLC ("Project Sponsor") filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code to facilitate the construction of a mixed-use residential project located at 1270 Mission Street ("Project") with a 200-foot tall building providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for a density bonus conveyed by amendment of the Planning Code, Zoning Map and the General Plan to increase the permitted building height at the project site from 120 feet to 200 feet. The Downtown Project Authorization application included exceptions from rear yard requirements per Section 134 and ground-level wind currents per Section 148 of the Planning Code.

On June 28, 2016, the Project Sponsor filed a Variance application with the Planning Department from exposure requirements pursuant to Planning Code Section 140.

On August 24, 2016, a Preliminary Mitigated Negative Declaration ("PMND") was published. Since no appeals or comments were filed within 20 days of the publication date, the Planning Department's Environmental Review Officer finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Project, including the General Plan, Planning Code Text and Zoning Map Amendment and determined that the MND was adequate, accurate and complete and reflected the independent judgment of the Planning Department. A copy of the MND and this Determination is on file with the Clerk of the Board of Supervisors in File No. 161067 and is incorporated herein by reference.

On October 4, 2016, Supervisor Jane Kim introduced the legislation entitled, "Ordinance amending the San Francisco Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Block 3701, Lots 22, 23 and 24 on the west, and Assessor's Block 3701, Lot 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessors Block 3701, Lots 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 6, 2016, the Planning Commission initiated legislation entitled, "Ordinance amending the General Plan by revising the height designation for Assessor's Block 3701 Lots 20 and 21 on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment; and (2) the ordinance amending the Planning Code to add the Mission and Ninth Street Special Use District, and revise Zoning Map SU07 and H07. At that meeting, the Commission adopted (1) Resolution No. 19766, recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 197767 recommending that the Board of Supervisors approve the requested Planning Code and Text and Map Amendment. The

Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

The Commission has reviewed the proposed Planning Code Text and Zoning Map Amendments Ordinance; and

RESOLVED, that the Planning Commission hereby adopts the MMRP attached as Exhibit C of Motion No. 19768, based on the findings as stated below.

FURTHER RESOLVED, that the Commission hereby recommends that the Board of Supervisors approve the proposed Planning Code and Zoning Map Amendment Ordinances, and adopt the attached Resolution to that effect.

FINDINGS

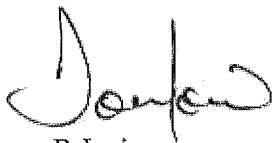
Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the Mission and 9th Street Special Use District and the Project at 1270 Mission Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Project would address the City's severe need for additional housing for very low, low and moderate income households, by providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415).
3. The Planning Commission recommends that the Planning Code Text Amendment Ordinance be amended to require an additional 3.5% of affordable unit made affordable to households whose incomes do not exceed 150% area median income.
4. The proposed General Plan Amendment and Special Use District would permit the development of a greater number of residential uses than currently permitted at the project site. As the General Plan recognizes, building standards can be relaxed in order to promote lower cost home construction. An additional portion of San Francisco's affordable housing needs can be supplied (with no public subsidies or financing) by private sector housing developers developing

inclusionary affordable units in their market-rate projects in exchange for the density and other bonuses. The Project would provide on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for the density bonus conveyed by the proposed General Plan Amendment and Special Use District.

5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Planning Code and Zoning Map Amendments are necessary in order to approve the Project;
7. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19768, which are incorporated by reference as though fully set forth herein.
8. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19768 which are incorporated by reference as though fully set forth herein.
9. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19768, which are incorporated by reference as though fully set forth herein, and also in that, as designed, the Project would address the City's severe need for additional housing for very low, low and moderate income households, by providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415).
10. Based on the foregoing, the public necessity, convenience and general welfare require the proposed Planning Code and Zoning Map amendments.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on October 27, 2016.



Jonas P. Ionin
Commission Secretary

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

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1270 Mission Street

NOES: None

ABSENT: Melgar

ADOPTED: October 27, 2016