



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary General Plan Amendment Initiation

HEARING DATE: OCTOBER 6, 2016

*Project Name:* **1270 Mission Street  
Mission and 9<sup>th</sup> Street Special Use District**

*Case Number:* 2014.0926GPA

*Initiated by:* Brian Baker  
100 Bush Street, Suite 1450  
San Francisco, CA 94104

*Staff Contact:* Tina Chang, Planner  
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*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
[anmarie.rodgers@sfov.org](mailto:anmarie.rodgers@sfov.org), 415-558-6395

*Recommendation:* **Initiate the Proposed General Plan Amendment**

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### INTRODUCTION

The action before the Commission is the initiation of amendments to the General Plan further described below, to allow the Commission to consider adoption of the Mission and 9<sup>th</sup> Street Special Use District on or after October 27, 2016.

It is anticipated that Supervisor Kim will introduce the Planning Code Text and Zoning Map Amendments prior to October 27, 2016. The anticipated amendments would change existing height limits that are also described in the Downtown Area Plan of the General Plan. Planning Code Section 340(c) establishes that only the Planning Commission may initiate changes to the General Plan. Initiation of this proposed General Plan amendments would enable the Planning Commission to fully consider changes to the height maps while maintaining consistency between the General Plan and the Zoning Map at a future Commission hearing, as required by Planning Code Section 101.1(d).

### BACKGROUND

The affected parcels include Assessors Block 3701, Lots 020 and 021 located on the northwest corner of Mission and Laskie Streets within a portion of the San Francisco's South of Market (SoMa) neighborhood and also within the Downtown Area Plan. The parcels are located in the C-3-G, Downtown General, Zoning District and 120-X Height and Bulk District.

The General Plan, Planning Code Text and Zoning Map Amendments would facilitate the creation of the Mission and 9<sup>th</sup> Street Special Use District which would provide affordable units in the amount of 21.5% of the number of units constructed on-site, with 13.5% of the units affordable to very low income households (those earning 55% of Area Median Income), 4% of the units affordable to low income households (those earning 70% or less of Area Median Income), and 4% of units affordable to households earning 90% of Area Median Income. The amount of affordability would be in excess of the requirement of Planning Code Section 415.3, which requires that 13.5 percent of on-site dwelling units be affordable units for projects with completed Environmental Evaluation Applications filed prior to January 1, 2015. It

should be noted that the Planning Department will be recommending that the on-site affordable units be provided in the amount of 25% of the total constructed units.

The SUD would also permit a certain portion of the usable open space required pursuant to Planning Code Section 135 to be provided off-site, either within the SUD or within 900 feet of the boundaries of the SUD, and would waive the floor area ratio (FAR) limits otherwise applicable for projects that comply with the SUD's affordable housing requirements.

The project site is partially occupied by an approximately 1,200-square-foot, one-story, 12-foot-tall commercial building that is currently occupied by a pizza shop. A surface parking lot occupies the remainder of the project site.

The proposed project includes the construction of a 200-foot-tall, 21-story building that would contain up to approximately 299 dwelling units in a combination of studios and one-, two-, and three-bedroom units. The residential unit mix would consist of approximately 75 studios (25 percent of the total), 59 junior one-bedroom units (19 percent of the total), 98 one-bedroom units (33 percent of the total), 56 two-bedroom units (19 percent), and 11 three-bedroom units (4 percent). Of the 299 dwelling units, 21.5% or 64 would be below-market rate.

## **GENERAL PLAN AMENDMENT, MAP 5 (INITIATION UNDER CONSIDERATION OF THE PLANNING COMMISSION)**

The proposed General Plan amendment would amend Map 5, "Proposed Height and Bulk Districts" of the Downtown Area Plan to change the height and bulk district of Assessor's Block 3701 Lots 020 and 021 from 120-X to 200-X.

### **The Way It Is Now:**

Map 5 of the Downtown Area Plan within the General Plan shows that the height and bulk of the affected parcels at Assessors Block 3701, Lots 020 and 021 is 120-X, which limits buildings to a height of 120-feet. Bulk is controlled by the slope of the site. For sites that are generally flat, such as that for this project, there are no bulk controls.

### **The Way It Would Be:**

Map 5 of the Downtown Area Plan within the General Plan would be amended for Assessor's Block 3701, Lots 020 and 021, to show a 200-X height and bulk district allowing buildings up to 200-feet in height. The allowable bulk would not change.

## **PLANNING CODE AMENDMENT, ZONING MAP (TO BE INITIATED BY SUPERVISOR KIM)**

The proposed Zoning Map amendment would amend the following maps to reflect the creation of the Mission and 9<sup>th</sup> Street Special Use District (Assessor's Block 3701, Lots 020 and 021):

1. Special Use District Map No. 11 (SU07) and
2. Height & Bulk District Map No. 11 (HT07)

The SUD would require the provision of on-site affordable units at a rate higher (21.5%) than what would otherwise be required (13.5%) and permit a certain portion of the usable open space required pursuant to Planning Code Section 135 to be provided off-site, either within the SUD or within 900 feet of the project site. Additionally, the SUD would waive the applicable floor area ratio (FAR) limits. Waiving FAR limits for the project subject to this SUD would effectively waive the requirement that the project sponsor purchase Transferrable Development Rights (TDR). The TDRs that would be needed for this project if no waiver were provided is estimated to be \$1,120,000, if TDR was purchased for the increment between 6.1 to 9.0 to 1 FAR and \$2,411,000 if TDR was required for all floor area above an FAR of 6.0 to 1.

**The Way It Is Now:**

1. Special Use District Map No. 07 (SU07) does not currently show the boundaries of the Mission and 9<sup>th</sup> Street Special Use District, located on Assessor's Block 3701, Lots 020 and 021.
2. Height & Bulk District Map No. 07 (HT07) shows a 120-X height and bulk limit for Assessor's Block 3701, Lots 020 and 021.

**The Way It Would Be:**

1. Special Use District Map No. 07 (SU07) would be amended to show the boundaries of the Mission and 9<sup>th</sup> Street Special Use District, located on Assessor's Block 3701, Lots 020 and 021.
2. Height & Bulk District Map No. 07 (HT07) would be amended to show a 200-X height and bulk limit for Assessor's Block 3701, Lots 020 and 021.

**PLANNING CODE AMENDMENT, TEXT**

The proposed Planning Code text amendment would add a new section within new Section 249.15 to establish the Mission and 9<sup>th</sup> Street Special Use District to require the provision of on-site affordable units at a rate higher (21.5%) than what would otherwise be required (13.5%), and would include controls pertaining to:

- **On-Site Affordable Housing:** The SUD would require the provision of on-site affordable units in the amount of 21.5% of the number of units constructed on-site at the following income levels:
  - 13.5% of the units affordable to 55% or less of Area Median Income;
  - 4% of the units affordable to those earning 70% or less of Area Median Income; and
  - 4% of units affordable to households earning 90% or less of Area Median Income.

The amount of affordability would be in excess of the requirement of Planning Code Section 415.3, which requires that 13.5 percent of on-site dwelling units be affordable units.

It should be noted that the Planning Department will be recommending that the on-site affordable units be provided in the amount of 25% of the total constructed units.

- **Floor Area Ratio:** The SUD would waive the floor area ratio (FAR) limits otherwise applicable.
- **Open Space:** The SUD would permit a certain portion of the usable open space required pursuant to Planning Code Section 135 to be provided off-site, either within the SUD or within 900 feet of the boundaries of the SUD.

**The Way It Is Now:**

The Planning Code does not currently include a section for the Mission and 9<sup>th</sup> Street Special Use District.

- **On-Site Affordable Housing:** Pursuant to Section 415.3 Projects that submitted a complete Environmental Application prior to January 1, 2015 have a requirement to provide on-site affordable units in the amount of 13.5%. Since the Project submitted a complete Environmental Application prior to January 1, 2015, 13.5% on-site affordable units would be required to comply with Planning Code Section 415.3
- **Floor Area Ratio:** Parcels in the C-3-G Zoning District have a basic floor area ratio of 6.0 to 1 and can go up to 9.0 to 1 with the purchase of Transferable Development Rights
- **Open Space:** Planning Code Section 135 requires that at least 36 square feet of private or 48 square feet of common open space be provided on-site within C-3 zoning districts. The Van Ness Market Residential Special Use and the Rincon Hill Downtown Residential Districts both allow for open space to be provided off-site, as would be allowed in the subject SUD.

### The Way It Would Be:

A new section would be created to add the Mission and 9<sup>th</sup> Street Special Use District, providing the following controls:

- **On-Site Affordable Housing:** The SUD would require the provision of on-site affordable units in the amount of 21.5% of the number of units constructed on-site at the following income levels:
  - 13.5% of the units affordable to 55% or less of Area Median Income;
  - 4% of the units affordable to those earning 70% or less of Area Median Income; and
  - 4% of units affordable to households earning 90% or less of Area Median Income.

The amount of affordability would be in excess of the requirement of Planning Code Section 415.3, which requires that 13.5 percent of on-site dwelling units be affordable units.

However, to reach a greater diversity of households, the Planning Department will also be recommending that the project provide on-site units in the amount of 3.5% of the total constructed units that are affordable to households whose incomes do not exceed 150% of AMI. This would increase the amount of on-site affordable units to 25% of the total constructed units.

- **Floor Area Ratio:** The SUD would waive the floor area ratio (FAR) limits set forth in Sections 123 and 124 of the Planning Code.
  - **Transferrable Development Rights (TDR):** Since FAR limits are waived, the project would not be required to purchase TDR. The City's TDR program supports the preservation of known historic resources and waiving the requirement to purchase TDR results in less financial support for Historic Preservation in the Downtown Plan Area. Although the purchase of TDR is an exchange that occurs between private parties, an estimate of at least \$1.1 million of TDR would have otherwise been required to be purchased if FAR was not waived.
- **Open Space:** The SUD would permit a certain portion of the usable open space required pursuant to Planning Code Section 135 to be provided off-site, either within the SUD or within 900 feet of the boundaries of the SUD. Consistent with similar provisions in the Market and Van Ness Residential Special Use and Rincon Hill Downtown Residential Districts, the following types of open space would be acceptable:
  - An unenclosed plaza at street grade, with seating areas and landscaping;
  - A terrace or roof garden with landscaping;

- Streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or building setbacks; or
- Streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic street tree planting or street lighting as otherwise required by this this and other Municipal Codes.

## ISSUES AND CONSIDERATIONS

- The subject site, Assessor's Block 3701 Lot 020 and 021, is located immediately adjacent to the 200-S Height and Bulk district as well as other height and bulk districts permitting building heights greater than 120 feet, such that the Project's proposed 200 foot height would be consistent with other nearby existing and proposed buildings
- The Project would address the City's severe need for additional housing for 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); and
  - In addition to providing housing affordable to households whose incomes do not exceed 55% of Area Median Income (AMI), the project would also provide housing affordable to households whose incomes do not exceed 70% and 90% of AMI. To reach a greater diversity of households, the Planning Department will also be recommending that the project provide on-site units in the amount of 3.5% of the total constructed units that are affordable to households whose incomes do not exceed 150% of AMI.
- The only action before the Commission today is the initiation of the General Plan Amendment. The Planning Code Text and Zoning Map amendments will come before the Planning Commission on or after October 27, 2016 along with the associated Downtown Project Authorization.

## REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may approve or disapprove the initiation of the General Plan Amendment.

## RECOMMENDATION

The Department recommends that the Commission *initiate* the proposed General Plan Amendment and adopt the attached Draft Resolution so that the Commission may consider approval of the General Plan, Planning Code Text and Zoning Map amendments on or after October 27, 2016.

## BASIS FOR RECOMMENDATION

The Department recommends initiation of the proposed General Plan amendment so the Commission can consider the value of the proposed project and associated General Plan, Planning Code Text and Zoning

Map amendments at a later date. Currently, the Department anticipates a combined hearing on both the project and the ordinances on or after October 27, 2016.

## **ENVIRONMENTAL REVIEW**

The project has completed environmental review. A Preliminary Mitigated Negative Declaration (PMND) was published on August 24, 2016. Since no appeals or comments were filed within 20 days of the publication date, the MND is considered final. The Project's Mitigation Monitoring and Reporting Program (MMRP) will be provided for the Commission's review and approval with the October 27, 2016 (or later) Commission packet.

## **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any public comment regarding the project.

<b>RECOMMENDATION:</b> <b>Initiate the Proposed Ordinance</b>
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### **Attachments:**

Draft Commission Resolution for Initiation of General Plan Amendment  
Draft General Plan Amendment Ordinance  
Map 5 of the Downtown Area Plan  
Draft Planning Code and Map Amendment Ordinance



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE: OCTOBER 6, 2016

*Project Name:* **1270 Mission**  
*Case Number:* 2014.0926GPA  
*Project Sponsor:* Brian Baker  
AGI Avant  
100 Bush Street, Suite 1450  
San Francisco, CA 94104  
*Staff Contact:* Tina Chang, Planner  
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*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
[anmarie.rodgers@sfov.org](mailto:anmarie.rodgers@sfov.org), 415-558-6395  
*Recommendation:* **Initiate the General Plan Amendment and Adopt the Draft Resolution**

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**MOTION OF INTENT TO INITIATE AN AMENDMENT TO THE GENERAL PLAN IN ORDER TO FACILITATE THE CREATION OF THE MISSION AND 9<sup>TH</sup> STREET SPECIAL USE DISTRICT, INCLUDING AN AMENDMENT TO GENERAL PLAN MAP 5 OF THE DOWNTOWN AREA PLAN TO CHANGE THE HEIGHT DESIGNATION SHOWN ON THE MAP FOR ASSESSOR'S BLOCK 3701, LOT 020 AND 021.**

### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the General Plan consists of goals, policies and programs for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the General Plan shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, 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; and

Hearing Date: OCTOBER 6, 2016

WHEREAS, the Project is located on the Mission Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located immediately adjacent to the 200-S Height and Bulk district as well as other height and bulk districts permitting building heights greater than 120 feet, such that the Project's proposed 200 foot height would be consistent with other nearby existing and proposed buildings and is justified by the by public necessity, convenience and welfare to provide additional housing at close proximity to transit and at a location that would not shadow parks or cause wind hazards; and

WHEREAS, San Francisco faces a continuing shortage of affordable housing for very low and low-income residents. The San Francisco Planning Department reported that for the five-year period between 2005 and 2009, 14,397, total new housing units were built in San Francisco. This number includes 3,707 units for low and very low-income households out of a total need of 6,815 low and very low-income housing units for the same period. According to the state Department of Housing and Community Development, there will be a regional need for 214,500 new housing units in the nine Bay Area counties from 2007 to 2014. Of that amount, over 58%, or 125,258 units, are needed for moderate/middle, low and very low-income households. The Association of Bay Area Governments (ABAG) is responsible for allocating the total regional need numbers among its member governments which includes both counties and cities. ABAG estimated that San Francisco's low and very low-income housing production need from 2007 through 2014 is 12,124 units out of a total new housing need of 31,193 units, or 39 percent of all units built. The production of low and moderate/middle income units fell short of the ABAG goals; and

WHEREAS, the 2015 Consolidated Plan for July 1, 2015 to June 30, 2020, issued by the Mayor's Office of Housing, establishes that extreme housing pressures face San Francisco, particularly in regard to low- and moderate/middle-income residents. Many elements constrain housing production in the City. This is especially true of affordable housing. San Francisco is largely built out, with very few large open tracts of land to develop. There is no available adjacent land to be annexed, as the cities located on San Francisco's southern border are also dense urban areas. Thus new construction of housing is limited to areas of the City not previously designated as residential areas, infill sites, or to areas with increased density. New market-rate housing absorbs a significant amount of the remaining supply of land and other resources available for development and thus limits the supply of affordable housing; and

WHEREAS, the findings of former Planning Code Section 313.2 for the Jobs-Housing Linkage Program, now found in Planning Code Sections 413 *et seq.*, relating to the shortage of affordable housing, the low vacancy rate of housing affordable to persons of lower and moderate/middle income, and the decrease in construction of affordable housing in the City are hereby reaffirmed; and

WHEREAS, 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); and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, a Proposed Ordinance has been drafted in order to make the necessary amendments to the General Plan to implement the Project. The Office of the City Attorney has approved the Proposed Ordinance as to form; and

WHEREAS, a General Plan Amendment Initiation is not a project under California Environmental Quality Act; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

MOVED, that pursuant to Planning Code Section 340, the Commission Adopts a Motion of Intent to Initiate amendments to the General Plan;

AND BE IT FURTHER MOVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced General Plan Amendment contained in the draft Ordinance, approved as to form by the City Attorney in **Exhibit A**, to be considered at a publicly noticed hearing.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on October 6, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

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1 [General Plan Amendment – Downtown Area Plan Map 5]

2  
3 **Ordinance amending the General Plan by revising the height designation for**  
4 **Assessor's Block 3701 Lots 20 and 21 on Map 5 of the Downtown Area Plan from 120-X**  
5 **to 200-X; adopting and making findings regarding the Mitigated Negative Declaration**  
6 **prepared in compliance with the California Environmental Quality Act; and making**  
7 **findings of consistency with the General Plan and the eight priority policies of Planning**  
8 **Code Section 101.1.**

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

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

17 Section 1. Findings. The Board of Supervisors hereby finds and determines that:

18 (a) Pursuant to Charter Section 4.105 and Planning Code Section 340, any  
19 amendments to the General Plan shall first be considered by the Planning Commission and  
20 thereafter recommended for approval or rejection by the Board of Supervisors. On  
21 \_\_\_\_\_, by Resolution No. \_\_\_\_\_, the Planning Commission conducted a duly  
22 noticed public hearing on this General Plan Amendment pursuant to Planning Code Section  
23 340, found that the public necessity, convenience and general welfare required the General  
24 Plan Amendment, adopted the General Plan Amendment, and recommended it for approval to  
25 the Board of Supervisors. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file

1 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and the Board hereby  
2 incorporates these findings herein by reference.

3 (b) The Board of Supervisors finds that this ordinance is, on balance, in conformity  
4 with the priority policies of Planning Code Section 101.1 and consistent with the General Plan  
5 as it is proposed for amendment herein for the reasons set forth in Planning Commission  
6 Resolution No. \_\_\_\_\_, and the Board hereby incorporates these findings herein by  
7 reference.

8 (c) On August 24, 2016, the Planning Department's Environmental Review Officer  
9 finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Street Project,  
10 including this General Plan Amendment, and Planning Code and Zoning Map Amendments  
11 and determined that the MND was adequate, accurate and complete and reflected the  
12 independent judgment of the Planning Department. A copy of the MND and this  
13 Determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
14 and is incorporated herein by reference. At the same hearing, the Planning Commission  
15 adopted the MND and a Mitigation Monitoring and Reporting Program in its Resolution  
16 No \_\_\_\_\_ on \_\_\_\_\_. In accordance with the actions contemplated herein, this  
17 Board has reviewed the MND and the record as a whole, and adopts and incorporates by  
18 reference, as though fully set forth herein, the findings, including the Mitigation Monitoring and  
19 Reporting Program, pursuant to the California Environmental Quality Act (California Public  
20 Resources Code Section 21000 et seq.), adopted by the Planning Commission on  
21 \_\_\_\_\_, in Resolution No. \_\_\_\_\_. A copy of said Resolution No. \_\_\_\_\_ is on file  
22 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
23 reference. The Planning Department, Jonas Ionin, is the custodian of records, located in File  
24 No.2014.0926ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.  
25

1 Section 2. The San Francisco General Plan is hereby amended by revising Map 5 of  
2 the Downtown Area Plan to reclassify the height and bulk limits of Assessor's Block 3701,  
3 Lots 20 and 21 from 120-X to 200-X.  
4

5 Section 3. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.  
9

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

12 By:

  
13 AUDREY PEARSON  
14 Deputy City Attorney

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**PROPOSED HEIGHT AND BULK DISTRICTS**

0 400FT  
**Map 5**

**MAP TO BE EDITED**

- Remove 80-X label from freeway lands in Transbay and replace with notation that says "See Transbay Redevelopment Plan Development Controls"
- Reclassify height and bulk limits of Lot 063 in Assessor's Block 3701 from 120-X to 200-S.
- Reclassify height and bulk limits of Lot 006 in Assessor's Block 031, currently zoned C-3-O at the corner of Market Street Kearny Street and Geary Avenue (690 Market St) to 285-S.
- Reclassify height and bulk limits of Lots 039, 051, 052 and 053 in Assessor's Block 3702, as well as a portion of the former Jesse Street, from 120-X, 150-S and 240-S to 160-X, 180-X and 240-S. (2006.1343)
- Reclassify height and bulk limits of Lot 047 in Assessor's Block 3735 from 150-S to 250-S. (2004.0852)
- Reclassify height and bulk limits of Lot 003 in Assessor's Block 0312 from 80-130-F to 150-X. (2004.0165)
- Reclassify height and bulk limits of Lot 066 in Assessor's Block 3724 from 160-F to 320-S. (2000.790)
- Reclassify height and bulk limits of the west corner of Lot 063 in Assessor's Block 3735 from 150-S to 350-S, consistent with the rest of the Lot.

**NOTE:** The notations shown in italics represent recent amendments to the General Plan. This map is intended only as a temporary placeholder, and will be replaced by final maps illustrating these amendments in graphic form.

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1 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]

2  
3 **Ordinance amending the San Francisco Planning Code to add Section 249.15 to create**  
4 **the Mission and 9th Street Special Use District in the area generally bounded by**  
5 **Mission Street on the south, Laskie Street on the east, Assessor's Block 3701, Lots 22,**  
6 **23 and 24 on the west, and Assessor's Block 3701, Lot 66 to the north; amending the**  
7 **Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District;**  
8 **amending Zoning Map Sheet HT07 to change the height limit on Assessors Block 3701,**  
9 **Lots 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination**  
10 **under the California Environmental Quality Act; and making findings of consistency**  
11 **with the General Plan and the eight priority policies of Planning Code Section 101.1.**

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.  
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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.

21 (a) On August 24, 2016, the Planning Department's Environmental Review Officer  
22 finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Street Project,  
23 including this General Plan Amendment, and Planning Code and Zoning Map Amendments  
24 and determined that the MND was adequate, accurate and complete and reflected the  
25 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. \_\_\_\_\_ and is  
incorporated herein by reference. At the same hearing, the Planning Commission adopted

1 the MND and a Mitigation Monitoring and Reporting Program in its Resolution No \_\_\_\_\_ on  
2 \_\_\_\_\_. In accordance with the actions contemplated herein, this Board has reviewed  
3 the MND and the record as a whole, and adopts and incorporates by reference, as though  
4 fully set forth herein, the findings, including the Mitigation Monitoring and Reporting Program,  
5 pursuant to the California Environmental Quality Act (California Public Resources Code  
6 Section 21000 et seq.), adopted by the Planning Commission on \_\_\_\_\_, in Resolution  
7 No. \_\_\_\_\_. A copy of said Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board  
8 of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Planning  
9 Department, Jonas Ionin, is the custodian of records, located in File No.2014.0926ENV, at  
10 1650 Mission Street, Fourth Floor, San Francisco, California.

11 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
12 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
13 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
14 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
15 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

16 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
17 amendments will serve the public necessity, convenience, and welfare for the reasons set  
18 forth in Planning Commission Resolution \_\_\_\_\_ and the Board incorporates such  
19 reasons herein by reference, as though fully set forth herein. A copy of Planning Commission  
20 Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No.  
21 \_\_\_\_\_.

22 Section 2. The Planning Code is hereby amended by adding Section 249.15 to read as  
23 follows:

24 **Sec. 249.15 Mission and 9th Street Special Use District**

25

1           (a) In order to provide for a mixed use development project on the Mission Street transit  
2 corridor with ground floor retail, and an increased amount and unique combination of very-low, low,  
3 moderate and market rate rental housing, than what would otherwise be allowed in a C-3-G zoning  
4 district with a 120-X height limit, there shall be a Mission and 9th Street Special Use District at 1270  
5 Mission Street located at Lots 20 and 21 of Assessor's Block 3701, as designated on Sectional Map  
6 SU07 of the Zoning Map. The exceptions to the applicable open space and floor area ratio  
7 requirements set forth below, the rezoning of the applicable height district set forth in this ordinance  
8 number \_\_\_\_\_, and the resulting increased number of Dwelling Units allowed by the SUD, shall be  
9 considered forms of assistance specified in Chapter 4.3 of the California Government Code.

10           (b) Controls. All provisions of the Planning Code applicable to a C-3-G District shall apply  
11 except as otherwise provided in this Section.

12           (1) Inclusionary Housing Requirements For Buildings Taller than 120 Feet. In  
13 order to allow for the increased amount of Dwelling Units and other exceptions to the Code provided  
14 by this Special Use District, on-site inclusionary Dwelling Units pursuant to Planning Code Section  
15 415.6 shall be required. Notwithstanding the provisions of Section 415.6(a)(1) and (2), the number of  
16 inclusionary Dwelling Units constructed shall be 21.5% of all units constructed, with a minimum of  
17 13.5% affordable to households whose total household income does not exceed 55% of Area Median  
18 Income for purposes of renting an affordable unit; and 4% of the units affordable to low income  
19 households, defined in this subsection as households whose total household income does not exceed  
20 70% of Area Median Income for purposes of renting an affordable unit; and 4% of the units affordable  
21 to households earning 90% of Area Median Income for purposes of renting an affordable unit. If  
22 provided as rental units, the requirements of Section 415.5(g)(ii) shall apply. Except as expressly  
23 provided in this subsection, all other provisions of Section 415 shall apply.

24           (2) Inclusionary Housing Requirements For Buildings Less Than or Equal to 120  
25 Feet. Section 415 shall apply in its entirety.

1                   (3) Open Space for Dwelling Units. Up to 40 percent of the usable open space  
2 required by Section 135 may be provided off-site, but shall be located within the SUD or within 900 feet  
3 of the boundaries of the SUD. Open space must be of one or more of the following types:

4                   (A) An unenclosed plaza at street grade, with seating areas and landscaping:

5                   (B) A terrace or roof garden with landscaping:

6                   (C) Streetscape improvements with landscaping and pedestrian amenities  
7 that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or  
8 building setbacks; or

9                   (D) Streetscape improvements with landscaping and pedestrian amenities on  
10 alleyways from building face to building face, beyond basic street tree planting or street lighting as  
11 otherwise required by this or other Municipal Codes.

12                  (4) Floor Area Ratio. The floor area ratio limits set forth in Sections 123 and 124 of this  
13 Code for C-3-G Districts shall not apply to Residential Uses as defined in Section 102.

14  
15                  Section 3. The Planning Code is hereby amended by revising Sheet SU07 of the  
16 Zoning Map as follows:

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	C-3-G	Mission and 9th Street SUD

22  
23                  Section 4. The Planning Code is hereby amended by revising Sheet HT07 of the  
24 Zoning Map as follows:

1	Description of Property	Height/Bulk District	Height/Bulk District Hereby
2		to be Superseded	Approved
3	Assessor's Block 3701, Lots 20	120-X	200-X
4	and 21		

Section 5. Effective and Operative Date.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative upon its effective date or upon the effective date of the related General Plan Amendment contained in Board of Supervisors File No. \_\_\_\_\_, whichever occurs later. If the effective date of the related General Plan Amendment does not occur within 90 days of the effective date of this ordinance, this ordinance shall expire by operation of law.

Section 6. Sunset Provision. This ordinance shall expire by operation of law five years after its initial effective date unless the project described in Section 2 has received a first construction document on or before that date, or the Board of Supervisors, on or before that date, extends or re-enacts it. Upon expiration of this ordinance, the City Attorney shall cause the ordinance to be removed from the Planning Code.

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

By: \_\_\_\_\_  
AUDREY PEARSON  
Deputy City Attorney

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