



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution 18169 Zoning Map Amendment

HEARING DATE: AUGUST 12, 2010

Date: July 22, 2010
Case No.: **2006.1106BMXZ**
Project Address: **222 SECOND STREET**
Zoning: C-3-O(SD) (Downtown Office Special Development)
350-S/150-S Height and Bulk District
Block/Lot: 3735/063
Project Sponsor: TS 222 Second Street, LP
c/o Andrew Junius of Reuben & Junius LLP
One Bush Street, Suite 600
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RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET HT1 TO RECLASSIFY BLOCK 3735, LOT 063, FROM A 350-S/150-S HEIGHT AND BULK DISTRICT TO A 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO ZONING MAP SHEET HT1 IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

1. WHEREAS, TS 222 Second Street, LP (“Project Sponsor”) owns the real property located in the City and County of San Francisco, California at 222 Second Street, Block 3735, Lot 063 (“Project Site”).
2. WHEREAS, the Project Sponsor proposes to demolish an existing surface parking lot and loading dock and construct a 26-story, 350-foot tall building containing approximately 430,650 gross square feet of office space, approximately 5,000 square feet of ground floor retail space, approximately 28,000 square feet of subterranean parking area, and approximately 8,600 square feet of publicly-accessible open space (“Project”).
3. WHEREAS, Approval of the Project requires an amendment to Map HT1 of the Zoning Maps of the City and County of San Francisco (“Zoning Maps”) to reclassify the height and bulk district for a portion of the Project Site from 350-S/150-S to 350-S.

4. WHEREAS, On May 28, 2010, the Project Sponsor filed Application No. 2006.1106Z to amend Map 1H (Proposed Zoning Map Amendment).
5. WHEREAS, The Project Sponsor has filed other applications with the San Francisco Planning Department ("Department"), including (a) a Section 309 Determination of Compliance and Request for Exceptions, including exceptions for bulk requirements, ground-level wind currents, and sunlight access to public sidewalks, (b) allocation of office space under Planning Code Section ("Section") 321 and Section 322 (Office Development Annual Limit), and (c) a Downtown Plan (General Plan) Amendment changing the height map to increase the height limit to 350 feet across the Project Site.
6. WHEREAS, The Department published a Draft Environmental Review Report (DEIR) on January 27, 2010 analyzing the Proposed Zoning Map Amendments and other actions related to the Project (Case No. 2006.1106E). On August 12, 2010, the Planning Commission ("Commission") certified the Project's Final Environmental Impact Report (FEIR), as set forth in Motion No. 18166 and adopted findings pursuant to CEQA, as set forth in Exhibit B of Resolution No. 18167, and adopted the Mitigation, Monitoring, and Reporting Program, as set forth in Exhibit C of Resolution No. 18167, which are incorporated herein by this reference thereto as if fully set forth in this Resolution.
7. WHEREAS, The Project will promote the public necessity, convenience, and general welfare in that it will provide an office building with ground floor retail, which is consistent and compatible with the scale, use, and character of existing development in the surrounding area. The Project would replace a surface parking lot with a structure containing office space and active ground level uses, which are desirable for the local area and the City. The Project Sponsor proposes to add up to 430,650 square feet of office space to the City's office supply. The Downtown Core where the Project will be located has been specifically identified as a location for future office development.
8. WHEREAS, The City's General Plan encourages the development of high density office space in the Downtown Plan area, because it is well served by public transit and a highly developed infrastructure and would contribute to a compact Downtown Core while minimizing displacement of other uses.
9. WHEREAS, The proposed height change will affect a relatively small area at the westerly portion of the Project Site, within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet. The proposed height change would make the applicable height limit consistent with the remainder of the Project Site.
10. WHEREAS, The proposed office building at 222 Second Street will improve an underutilized site, creating a project that is desirable for and compatible with the existing downtown development and the nearby community. The Project will add up to 430,650 square feet of office space to the City's office supply. The addition of office space is necessary and desirable

at this location as it will be well-served by existing public transit and infrastructure. Moreover, the Project will minimize any detrimental impacts to the area by paying fees pursuant to the Downtown Park Fund, the Jobs Housing Linkage Program, the Child Care Capital Fund, and the Transit Impact Development Fee.

11. WHEREAS, The height of the proposed building, at 350 feet, is consistent and compatible with the other large buildings in the area.
12. WHEREAS, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Section #8 of Motion No. 18168, Case #2006.1106X (Determination of Compliance and Granting of Exceptions Under Planning Code Section 309) which are incorporated herein as though fully set forth.
13. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project Site does not contain any existing retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. The addition of office uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the vicinity of the Project Site.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Site is currently used as a surface parking lot, and thus, the Project will have no effect on existing housing. The Project is compatible with the character of the area, which is somewhat varied in scale, but is generally defined by intense urban development.

- C. That the City's supply of affordable housing be preserved and enhanced.

The Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just two blocks from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition,

the Project Site is within one block from the proposed Transbay Terminal (approximately two blocks from the existing Transbay Terminal) providing convenient access to other transportation services. The Project includes minimal off-street parking to discourage commuting via private automobile.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The Project Site is currently occupied by a temporary surface parking lot operation.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any existing historic resources and is not located in any historic or preservation district. The Project would not affect any off-site historic resources.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.

13. WHEREAS, A proposed ordinance, attached hereto as Exhibit A, has been drafted in order to make necessary amendment to the Zoning Maps to implement the Project (Proposed Ordinance).
14. WHEREAS, The Proposed Ordinance would amend Map HT1 of the Zoning Maps by reclassifying the height and bulk district for a portion of the Project Site from 150-S to 350-S.
15. WHEREAS, the Office of the City Attorney has reviewed the Proposed Ordinance and approved it as to form.
16. WHEREAS, Section 4.105 of the City Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning

Maps and Planning Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

15. WHEREAS, On August 12, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment.
16. WHEREAS, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Zoning Map Sheet HT1 be amended to reclassify a portion of the property located at 222 Second Street, Block 3735, Lot 063, from a 350-S/150-S Height and Bulk District to a 350-S Height and Bulk District, as proposed in Zoning Map Amendment Application No. 2006.1106Z; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on August 12, 2010.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Lee, Sugaya

NOES: Moore, Olague

ABSENT:

ADOPTED: August 12, 2010

**EXHIBIT A:
DRAFT ORDINANCE**

1 [Zoning Map Amendment for a portion of 222 2nd Street (Assessor's Block 3735, Lot 063).]

2
3 **Ordinance amending the Zoning Map of the City and County of San Francisco by**
4 **amending Zoning Map 1HT to change the height and bulk district classification of the**
5 **west corner (within a rectangular area measuring 45 feet in length along the**
6 **westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the**
7 **property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-S to 350-S**
8 **and adopting findings, including environmental findings and findings of consistency**
9 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are ~~*strikethrough italics Times New Roman*~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

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

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

17 A. On May 28, 2010, Andrew Junius acting on behalf of TS 222 Second Street,
18 L.P. ("Project Sponsor") filed an application for an amendment of Zoning Map HT1 of the
19 Zoning Map of the City and County of San Francisco, to change the height and bulk
20 classification of the west corner (within the rectangular area measuring 45 feet in length along
21 the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet ("West
22 Corner")) of the property located at 222 2nd Street (Assessor's Block 3735, Lot 063) from 150-
23 S to 350-S ("Proposed Zoning Map Amendment").

24 B. The Proposed Zoning Map Amendment is part of a project proposed by the
25 Project Sponsor to build a 26-story, 350-foot tall building containing approximately 430,650
square feet of office space, approximately 5,000 square feet of ground floor retail space,

1 approximately 28,000 square feet of subterranean parking area, and approximately 8,600
2 square feet of publicly-accessible interior open space at the ground floor ("Proposed Project").

3 C. On August 12, 2010, at a duly noticed public hearing, by Motion 18166, the
4 Planning Commission certified the Final Environmental Impact Report ("FEIR") for the
5 Proposed Project, including the Zoning Map Amendment. The Planning Commission certified
6 that the FEIR for the Proposed Project reflects the independent judgment and analysis of the
7 City and County of San Francisco, is adequate, accurate and objective, contains no significant
8 revisions to the Draft EIR, and that the content of the FEIR and the procedures through which
9 it was prepared, publicized and reviewed comply with the provisions of the California
10 Environmental Quality Act ("CEQA") (California Public Resources Code section 21000 et
11 seq.), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et
12 seq.) and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A copy of the
13 FEIR is on file with the Clerk of the Board of Supervisors in File No. _____.

14 D. On August 12, 2010, the Planning Commission adopted Resolution No. 18167
15 adopting CEQA Findings with respect to the approval of the Proposed Project, including the
16 Proposed Zoning Map Amendment. This Board of Supervisors hereby affirms and adopts said
17 findings based on the reasons set forth therein, and incorporates such reasons by reference.

18 E. On August 12, 2010 the Planning Commission adopted Resolution No. 18169,
19 approving and recommended adoption by the Board of Supervisors of the Proposed Zoning
20 Map Amendment.

21 F. The letter from the Planning Department transmitting the Proposed Zoning Map
22 Amendment to the Board of Supervisors, the Final EIR, the CEQA Findings adopted by the
23 Planning Commission with respect to the approval of the Proposed Project, including a
24 mitigation monitoring and reporting program, are on file with the Clerk of the Board in File No.
25

1 _____ . These and any and all other documents referenced in this Ordinance have
2 been made available to, and have been reviewed by, the Board of Supervisors, and may be
3 found in either the files of the City Planning Department, as the custodian of records, at 1650
4 Mission Street in San Francisco, or in File No. _____ with the Clerk of the Board of
5 Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by
6 reference.

7 G. The Board of Supervisors has reviewed and considered the Final EIR, the
8 environmental documents on file referred to herein, and the CEQA Findings adopted by the
9 Planning Commission in support of the approval of the Proposed Project, including the
10 mitigation monitoring and reporting program. The Board of Supervisors has adopted the
11 Planning Commission's CEQA findings as its own and hereby incorporates them by reference
12 as though fully set forth herein.

13 H. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
14 Zoning Map Amendment will serve the public necessity, convenience and welfare for the
15 reasons set forth in Planning Commission Motion No. 18170 (approving the Section 321 office
16 allocation application for the Project), and Motion No. 18168 (adopting findings relating to a
17 determination of compliance under Planning Code Section 309 for the Project), and
18 Resolution No. 18167 (adopting environmental findings and recommending that the Board of
19 Supervisors approve a General Plan Amendment), and Resolution No. 18169 (recommending
20 that the Board of Supervisors approve this Zoning Map Amendment), and incorporates such
21 reasons by reference herein.

22 I. Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that
23 the Proposed Zoning Map Amendment is consistent with the General Plan, as amended, and
24 with the Priority Policies of Planning Code Section 101.1 (b), and hereby adopts the findings
25

1 of the Planning Commission, as set forth in Planning Commission Motion Nos. 18168 and
2 18170 and Planning Commission Resolution Nos. 18167 and 18169, and incorporates said
3 findings by reference herein.

4 Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following
5 change in height and bulk district classification, duly approved and recommended to the
6 Board of Supervisors by Resolution of the Planning Commission, is hereby adopted as an
7 amendment to Zoning Map Sheet 1HT of the City and County of San Francisco:

<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts to Be Approved</u>
Assessor's Block 3735 Lot 063	350-S/150-S	<u>350-S</u>

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

14
15 By: 
ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney