



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary General Plan, Planning Code, Business and Tax Regulations Code, Map Amendment, Implementation Program Adoption HEARING DATE: MAY 14, 2020

Project Name: Market and Octavia Area Plan Amendments
Case Number: 2015-000940EGPAPCA-01PCA-02MAPCWP-02
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Recommendation: **Approval**

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SUMMARY

The San Francisco Planning Department is seeking to amend the Market and Octavia Area Plan, an area plan that was adopted in 2008. The proposed amendments are the result of a multi-year public and cooperative interagency planning process that began in 2016. The overall Market and Octavia Area Plan includes the general area within a short walking distance of Market Street between the Van Ness Avenue and Church Street Muni stations and along the new Octavia Boulevard that replaced the Central Freeway. The area known as “the Hub”, which was a key sub-area of the Market and Octavia Area Plan, was envisioned as a “vibrant new mixed-use neighborhood” with several thousand new housing units and a transformation of the streets and open spaces to support the new population. Numerous policies and zoning actions in the adopted Market and Octavia Area Plan support this vision including the creation of the Van Ness & Market Downtown Residential Special Use District (SUD) which facilitates the development of a transit-oriented, high-density, residential development around the intersections of Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue. This vision for the Hub area enabled by the Market and Octavia Area Plan is slowly being realized with several development projects already built or currently under construction and major infrastructure projects identified in the area plan, such as Van Ness BRT, under construction.

The currently proposed Market and Octavia Area Plan Amendments seek to amend the existing Market and Octavia Area Plan to generate more housing and affordable housing units, to develop and coordinate designs for streets and alleys and to update the Market and Octavia Community Improvements Neighborhood program with specific infrastructure projects in the Hub area.

This Plan amendment package consists of several actions. These include adoption of amendments to the General Plan, Planning Code, Business and Tax Regulations Code, Zoning Map and Implementation Program. Together with actions related to certification of the Final Environmental Impact Report and adoption of CEQA findings, these actions will constitute the Commission’s approval of the amendments to the Market and Octavia Area Plan.

PRELIMINARY STAFF RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinances and adopt the attached Draft resolutions and motion to that effect.

PLAN BACKGROUND

In 2008 the City adopted the Market and Octavia Area Plan, including new land use controls, height controls and proposed community improvements. The area known as “the Hub”¹, which was a key sub-area of the Market and Octavia Area Plan, was envisioned as a “vibrant new mixed-use neighborhood” with several thousand new housing units and a transformation of the streets and open spaces to support the new population. Numerous policies and zoning actions in the adopted Market and Octavia Area Plan support this vision including the creation of the Van Ness & Market Downtown Residential Special Use District (SUD) which facilitates the development of a transit-oriented, high-density, residential development around the intersections of Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue.

While the Market and Octavia Area Plan established a new framework for development, the Planning Department didn’t receive many major development applications in the Hub neighborhood until 2012 (four years after the plan was adopted), largely due to the Great Recession. In 2016, the Planning Department initiated a community planning process to re-look at the area holistically and identify opportunities to increase the amount of housing and affordable housing near transit, to develop and coordinate updated designs for the public realm, and to update the Market and Octavia Community Improvements Neighborhood program with specific infrastructure projects in the Hub area.

The zoning currently in effect for the area facilitates a major transformation of the area, accommodating approximately 8,070 new housing units and up to 728 million dollars in direct public benefits from new development for the City. The proposed zoning changes could allow for up to 9,710 new housing units and up to 958 million dollars in public benefits for the City. Thus, the proposed height increases on 18 sites would generate an additional 1,640 housing units and an additional 235 million dollars in public benefits.

When the Market and Octavia Area Plan was adopted in 2008, the legislation included the creation of new area plan impact fees that would be used to fund affordable housing and new infrastructure. In addition to the area plan-wide impact fees, an additional impact fee was established for the Van Ness & Market Downtown Residential Special Use District (SUD). The Hub area is unique in that it has four discrete area plan impact fees that generate funding for affordable housing and other infrastructure projects. These fees are in addition to the citywide inclusionary housing requirements and other fees, including the Transportation Sustainability Fee (TSF). The two additional impact fees for affordable housing, added on top of the inclusionary housing requirements, mean that housing projects in the Hub area have substantially higher affordable housing requirements than any other areas of the City.

¹ The Market and Octavia Area Plan referred to this area as “SoMa West.” The “Hub” is the historic name for this area from the 1880s through the 1950s, because no fewer than four streetcar lines converged there. Many businesses in the area used the word “Hub” in their naming. To avoid confusion with the Western SoMa Area Plan adopted subsequently in 2013 and to reflect the historic name for this neighborhood, the Plan Amendment revives the name “Hub” and changes it in the Market and Octavia Area Plan.

Amending the Market and Octavia Area Plan to allow additional height on 18 sites as proposed would result in the following:

- An additional 1,640 housing units
- An additional 434 affordable units
- Up to 2,200 affordable units created or funded by development in the plan area
- \$958M in direct public benefits through development fees, including funding for affordable housing, streets, alleys, transit, parks and open spaces, schools and childcare.

The Planning Department commenced the California Environmental Quality Act (CEQA) process in October 2017 and released the Draft Environmental Impact Report in July 2019.

The planning process has included robust community engagement and public input, including large public open houses; hearings at the Planning Commission and the Historic Preservation Commission, close coordination with multiple City agencies; and many meetings with neighborhoods groups and other community stakeholders.

PLAN ELEMENTS

This section discusses the information contained in the packet, including the key documents whose adoption or approval will constitute amendments to the Market and Octavia Area Plan, as well as supplemental information to help convey the proposed changes. The packet is organized around items that require Commission action, as follows:

- Part II – CEQA Findings
- Part III – General Plan Amendments
- Part IV – Planning Code Amendments
- Part V – Hub Housing Sustainability District: Planning Code and Business and Tax Regulation Code Amendments
- Part VI – Zoning Map Amendments
- Part VII – Implementation Program
- Part VIII - Supplemental Information to help inform decision makers and stakeholders.

The content of each section is briefly described below:

(II) CEQA Findings

Per the California Environmental Quality Act (CEQA), prior to considering approval of the proposed Market and Octavia Plan Amendment and related approval actions, the San Francisco Planning Commission must make and adopt the findings of fact and statement of overriding considerations and adopt recommendations regarding mitigation measures and alternatives based on substantial evidence in the whole record. Exhibit II contains all of the information related to the proposed CEQA Findings, including (II-1) the draft motion to make findings and a Statement of Overriding Considerations, (II-1A) the draft CEQA Findings, and (II-1B) the draft Mitigation Monitoring and Reporting Program

(III) General Plan Amendments

The primary General Plan Amendments proposed are to the Market and Octavia Area Plan, adopted in 2008. The Amendments include new policies pertaining to racial and social equity, sustainability and climate resilience, tenant protections and housing for families with children, and updating the name of the neighborhood from “SoMa West” to “the Hub”. The Amendments also include general revisions to accurately reflect updated and/or completed projects. The General Plan Amendments include various map

updates and text amendments to the Market and Octavia Area Plan to reflect the specifics of this amendment to the Market and Octavia Area Plan. There are also conforming amendments to the Housing Element and the Arts Element, which include encouragement of ground floor non-profit arts and policies to promote housing for families with children. The proposed General Plan ordinance and draft Resolution to approve the Ordinance are included in Exhibit III.

(IV) Planning Code Amendments

The primary regulatory changes proposed to implement the Plan Amendment are reflected in proposed amendments to the Planning Code and include changes to controls related to land use, parking, building height and mass, and use of impact fees. The proposed Planning Code ordinance and draft Resolution to approve the Ordinance are included in Exhibit IV.

(V) Hub Housing Sustainability District (Planning Code and Business and Tax Regulation Code Amendments)

The primary regulatory change would amend the Business and Tax Regulation Code and create a new Planning Code Section, 344, establishing the Hub Housing Sustainability District (Hub HSD). The proposed ordinance and draft Resolution to approve the Ordinance are included in Exhibit V.

(VI) Zoning Map Amendments

The Zoning Map amendments reclassify properties as necessary throughout the Plan area to enable application of the Plan's policies via the Planning Code controls. The amendments include changes to the Zoning Use District Maps, the Special Use District Maps and the Height and Bulk Districts Map. The proposed Zoning Map ordinance and draft Resolution to approve the Ordinance are included in Exhibit VI.

(VII) Implementation Program

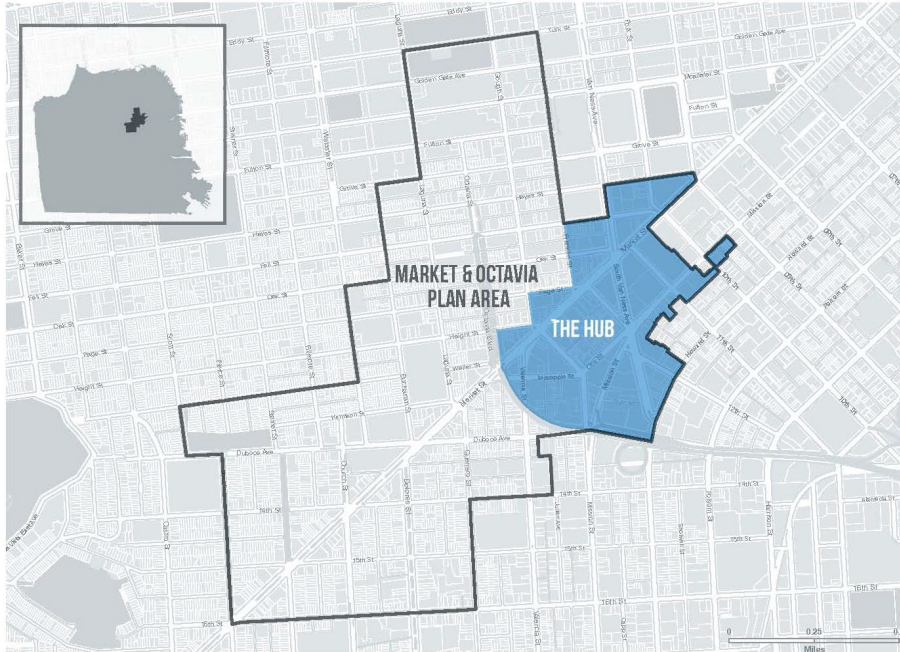
The Implementation Program contains two components intended to facilitate the implementation of this plan amendment, including: the Market and Octavia Area Plan: Hub Public Benefits Document and the Market and Octavia Community Improvements Program (Appendix C). The proposed draft Resolution to approve the Implementation Program are included in Exhibit VII.

(VIII) Supplemental Information to help inform decision makers and stakeholders

Supplementation information included in this packet in Exhibit VIII include the Market and Octavia Area Plan: Hub Public Realm Plan, Summary of Revisions – General Plan, Summary of Revisions – Planning Code, and Market and Octavia Area Plan Maps 1-12.

PLAN AREA

The Hub shown in blue falls within the Market and Octavia Area Plan boundary and covers the eastern-most portions of the Market and Octavia Area Plan.



CEQA FINDINGS

Before agencies of the City can take approval actions that will amend the Market and Octavia Area Plan, they must consider the EIR and adopt certain findings required by CEQA. The CEQA Findings set forth the basis for amending the Market and Octavia Area Plan and its implementing actions (the "Project") and the economic, social and other policy considerations, which support the rejection of alternatives in the EIR, which were not incorporated into the Project. The Findings provide for adoption by the Planning Commission all of the mitigation measures in the EIR. Finally, the Findings identify the significant adverse environmental impacts of the project that have not been mitigated to a level of insignificance by adoption of mitigation measures, and contain a Statement of Overriding Considerations, setting forth the specific reasons in support of the approval of the implementing actions and the rejection of alternatives not incorporated into the project.

In reviewing the amendments to the Market and Octavia Area Plan and preparing the amendments to the General Plan, Planning Code, Business and Tax Regulations Code, and Zoning Maps as well as the Implementation Program document, staff has considered the EIR mitigation measures. Staff has also concluded that approval of these amendments and actions now under consideration will not create new environmental effects or substantially increase the severity of previously identified significant effects and no new information has come to light that would require a review of the EIR. Therefore, Staff recommends that the Planning Commission adopt the proposed CEQA Findings. To see the CEQA Findings, see Exhibit II-1A

GENERAL PLAN AMENDMENT

The proposed Ordinance would amend the Market and Octavia Area Plan and would make conforming amendments to the Housing Element and the Arts Element.

The following are highlights of General Plan amendments to the Market and Octavia Area Plan, organized by topic. For a detailed section-by-section explanation of the proposed amendments, see Exhibit VIII-2 Summary of Revisions – General Plan.

- **Racial and Social Equity:**
 - Incorporates a policy to apply a racial and social equity lens to decision making within land use planning processes.
- **Land Use and Urban Form:**
 - Update the purpose and related policies of the Van Ness & Market Special Use District (SUD) to emphasize and incorporate uses that are neighborhood serving and accessible to sustainable transportation.
 - Add ‘arts organizations’ to the policy as an institution to be preserved and enhanced in the plan area.
 - Update Land Use Districts map and Height Districts map to reflect the changes are described in this case report.
- **Housing:**
 - Incorporate policy direction that promotes housing for families with children
 - Amend an existing policy to incorporate language on tenant protections
- **Sustainability and Climate Resilience:**
 - Incorporate various policy direction that supports sustainability and climate resilience such as air quality, biodiversity, energy efficiency, water conservation, and zero waste.
- **Historic Preservation:**
 - As previously written, the objective referred only to landmarks locally designated under Article 10 of the Planning Code and buildings that are formally listed in the California and National Registers. The objective has been revised to also refer to buildings identified under Article 11 of the Planning Code and buildings that have been determined eligible for listing in the California and National Registers.
- **Streets and Open Spaces:**
 - Update policies to reflect the conceptual designs from the Hub Public Realm Plan.
- **Area name:**
 - Update the name of this area. The Market and Octavia Area Plan referred to this area as “SoMa West.” The “Hub” is the historic name for this area. To avoid confusion with the Western SoMa Area Plan adopted subsequently in 2013 and to reflect the historic name for this neighborhood, the Plan Amendment revives the name “Hub” and changes it in the Market and Octavia Area Plan.
- **Maps:**
 - Map 1: Amend map with generalized land use districts
 - Map 3: Amend map with generalized maximum height districts
 - Map 4a: Amend map with most recent historic resource information for the Market and Octavia Plan area.
 - All maps: update with the Market and Octavia Area Plan boundary.

The key General Plan amendment for the Arts Element includes the following:

- Incorporate a policy to encourage non-profits arts on the ground floor as avenues to the creative life and vitality of San Francisco

The key General Plan amendments for the Housing Element includes the following:

- Incorporate and update policies that promote housing for families with children in new and existing housing

Changes since the Initiation Hearing

An initiation hearing on the proposed legislation was held on February 13, 2020.

The following changes have been made to the General Plan ordinance and are included in Exhibit III-2:

- Map 2: Frontages Where Active Ground Floor Uses are Required has been corrected to accurately reflect existing planning code requirements. The north/east frontage on Van Ness Avenue north of Market Street is now included on the map and is consistent with the existing code requirement. The name of the map has been updated to accurately reflect the Planning Code.
- Minor text changes to the family friendly policy in the Housing Element to take out specific code provisions and reframe the policy as general policy direction.

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to give effect to the Market and Octavia Area Plan Amendment.

The following are highlights of key planning code changes, organized by topic. For a detailed section-by-section explanation of the proposed amendments, see Exhibit VIII-3 Summary of Revisions – Planning Code.

Area Name

In Section 249.22 (and throughout as needed), the name of the Special Use District (SUD) is proposed to remove “Downtown” to read as “Van Ness & Market Residential Special Use District”. This is intended to clarify this neighborhood is distinct from downtown in its character, the types of uses and the geographic location.

Neighborhood-Supporting Uses

Per Market and Octavia Area Plan Policy 1.1.4, “As Soma West evolves into a high-density mixed-use neighborhood, encourage the concurrent development of neighborhood serving uses to support an increasing residential population”. As such, planning code amendments are proposed to reflect this intention.

To retain the essence of the NCT-3 controls and to support local, affordable and community serving retail, Section 249.33 would be amended to require a conditional use authorization for retail use sizes over 6,000 sq/ft and for formula retail uses. In addition, micro retail would be required in new development on certain lots.

This legislation establishes maximum height and bulk districts that could be granted by the Planning Commission as part of the 309 approval process. A criterion in granting additional height and bulk is the provision of ground floor uses that are neighborhood serving.

Residential Orientation

To ensure that the primary land use in the area is residential, the required residential to non-residential ratio for new construction and major additions in the Van Ness & Market Residential Special Use District would increase from 2:1 to a ratio of 3 square feet of residential uses to 1 square foot of non-residential uses. The dwelling unit mix requirements in the NCT-3 zoning districts would be carried over and applied to the entire area to provide more two- and three-bedroom units.

Parking

To minimize the amount of personal automobile trips and encourage active means of transportation, the Van Ness & Market Residential Special Use District would limit the amount of off-street parking allowed in this area. Conditional use authorization for additional parking would no longer be permitted and the maximum amount of off-street parking permitted in the area is .25 spaces per dwelling unit.

Living Roofs

New Objective 3.2 “Enhance environmental sustainability through building design” is proposed to be added to the Market and Octavia Area Plan. To meet this objective, the Planning Code is proposed to be amended to expand the existing living roof requirements for certain parcels in the Plan area.

Building Massing and Setback

The Plan conforms with the Urban Design Element and the Market and Octavia Area Plan through a number of zoning strategies. Per Section 249.33, lot coverage controls are updated so that projects would only be allowed 80% lot coverage for all floors containing residential uses. This is to ensure that projects provide open space and to reduce building mass. Height controls on alleys outlined in Planning Code Section 261.1 would continue to apply to those parcels that are currently zoned NCT-3. In addition, to ensure building forms that reflect the height proposal and conform with the plan’s design and policy objectives, projects would be allowed to seek certain exceptions outlined in Planning Code Section 270 (f)(1).

Public Benefits

The Plan proposes to update the Market and Octavia Community Improvements Neighborhood program and the Planning Code with specific infrastructure projects in the Hub area that have been identified through the community planning process and included in the Market and Octavia Area Plan: Hub Public Benefits Document. The Plan proposes to expand the geographic boundary in which impact fee money can be spent to serve more people and to provide additional flexibility for the location of certain infrastructure projects, including new childcare centers and parks. The Plan proposes to allow development projects the option of providing in-kind improvements and receiving a fee-wavier for the Transportation Sustainability Fee (TSF) from the MTA Board. The Plan also proposes to allow projects to receive in-kind credit for the area plan affordable housing impact fees through additional provision of on-site units if they voluntarily choose to exceed the required amount. This strategy encourages the provision of on-site affordable units.

Process

The Plan also provides additional exceptions to requirements that could be granted by the Planning Commission as part of the 309 approval process. These exceptions include but are not limited to micro-retail, height and bulk, and minimum dwelling mix.

Changes since the Initiation Hearing

An initiation hearing on the proposed legislation was held on February 13, 2020.

The following changes have been made to the Planning Code ordinance and are included in Exhibit IV-2:

- Amend Planning Code Section 155 to require a Driveway and Loading Operations Plan (DLOP) for projects of a certain size.
- Amend the Van Ness & Market Special Use District to establish a Living Roofs requirement for certain projects in this area and require 30% living roof and 15% solar.
- Amend the Van Ness & Market Special Use District to add Instructional Uses to the list of ground floor uses that if provided and are larger than 1,000 sq/ft, the micro retail requirement can be waived.
- Amend the Van Ness & Market Special Use District to allow Arts Activities and Institutional Community Uses to be considered “active uses,” under Planning Code Section 145.4
- Amend the Van Ness & Market Special Use District to provide a land dedication option for projects to meet their inclusionary housing requirement.
- Amend the Van Ness & Market Special Use District to allow development projects that utilize 80/20 financing to be exempt from the AMI percentages specified in Planning Code Section 415.6 (a) (2) and provide 20% of the units constructed on-site affordable to low-income households.
- Amend Planning Code Section 309 to allow the Commission to grant additional height and bulk on certain parcels if projects provide ground floor uses that serve a range of income levels that enriches the social landscape of the area such as: Arts Activities, Child Care Facility, Community Facility, Instructional Service, Public Facility, Social Service, priority medical service use or neighborhood-oriented retail.
- Amend Planning Code Section 309 to allow for an exception to the permitted obstructions requirements in Section 136. The Planning Commission shall only grant such an exception if the Planning Commission finds that the proposed obstructions assist the proposed development to meet the requirements of Section 148, or otherwise reduce wind speeds at the ground-level or at upper level open spaces.
- Amend Planning Code Section 341.5 to limit the Market and Octavia CAC to nine members to reflect the existing ratios for members to be appointed (2/3 Board and 1/3 Mayor) and expand the criteria to allow two members to live or work in the plan area or within 1,250’ of the plan area.

PLANNING CODE AND BUSINESS AND TAX REGULATION CODE AMENDMENTS

The proposed Ordinance would amend the Business and Tax Regulations Code and create a new Planning Code Section 344 establishing the Hub Housing Sustainability District (Hub HSD). The proposed HSD would meet all requirements of AB 73, the state law adopted in 2017 enabling the creation of Housing Sustainability Districts (California Government Code Sections 66200 et seq.) , including specifying

eligibility requirements for projects wishing to participate in the Hub HSD and establishing procedures for application, review, and approval. Eligible housing projects in the Hub HSD would be able to pursue a ministerial approval process. The HSD would apply to projects up to 120' in height and would not apply to any projects seeking or requiring any discretionary approvals or exceptions by the Planning Commission.

Geography

The Hub HSD would include all parcels within the Van Ness & Market Residential Special Use District. Within that geography, individual projects would have to meet all of the eligibility criteria outlined below in order to qualify for entitlement under the HSD. The parcels within the Van Ness & Market Residential Special Use District comprise approximately 85 acres, or less than 1 percent of San Francisco's land area, thus meeting AB73's requirement that an individual HSD must be no larger than 15 percent of a city or county's land area.

AB73 Environmental Review Requirement

AB73 requires local agencies to prepare an EIR to identify and mitigate, to the extent feasible, the environmental impacts of designating a Housing Sustainability District. Residential and mixed-use developments approved under the HSD must implement applicable mitigation measures identified in this EIR.

The proposed Hub HSD does not change any height, bulk, land use, or density standards proposed in the Market and Van Ness Area Plan. Projects seeking approval under the HSD must demonstrate compliance with all applicable zoning and design review standards, and will be required to implement any mitigation measures identified in the Hub EIR that the Planning Department determines are applicable to the project. The Hub EIR analyzes the potential creation of the Hub HSD.

Project Eligibility

Within the Hub HSD, a housing project would need to meet all of the following eligibility criteria in order to participate in the HSD's streamlined, ministerial approval process:

1. The project must be located in a zoning district that principally permits residential uses.
2. The project must propose no less than 100 dwelling units per acre and no more than 750 dwelling units per acre.
3. At least half of the project's gross square footage must be residential uses. Any non-residential uses proposed in the project must be principally permitted, and the project may not include greater than 24,999 gross square feet of office space that would be subject to the annual limit on office development.
4. The project must not exceed a height of 120 feet, unless it is a 100% affordable housing project, in which case it is exempt from this height limit.
5. If seeking a density bonus, the project must demonstrate to the satisfaction of the Planning Department that the project would not result in a significant shadow impact.
6. The project must not be located on a parcel containing a structure listed in Articles 10 or 11 of the Planning Code.
7. The project must include at least 10% of dwelling units on-site as units permanently affordable to very low or low income households.
8. The project must not demolish, remove or convert to another use any existing dwelling unit(s).
9. The project must comply with all applicable zoning and adopted design review standards.

10. The project must comply with all Mitigation Measures in the Hub EIR that the Planning Department determines are applicable to the project.
11. If proposing 75 units or more, the project must use a skilled and trained workforce to construct the project. This threshold drops to projects of 50 or more on January 1, 2022.
12. If proposing 74 units or fewer, the project must pay prevailing wages to all workers involved in the construction of the project. This threshold drops to 49 units or fewer on January 1, 2022.

Application

In order to allow for timely review of Hub HSD projects, Section 344 would include a detailed list of required application materials and specific criteria for deeming an application complete. Prior to submission of an HSD application, all HSD projects would be required to file a Preliminary Project Assessment (PPA) with the Department. Required application materials include:

1. A full plan set, showing total number of units, including the number and location of units affordable to Very Low or Low Income households;
2. All documentation required by the Department in its response to the project sponsor's previously-submitted PPA application;
3. Documentation sufficient to support a determination that the project sponsor will implement any and all Mitigation Measures in the Hub EIR that the Planning Department determines are applicable to the project, including but not limited to: a. An affidavit agreeing to implement any and all Mitigation Measures identified as applicable to the project; and b. Scope(s) of work for any studies required as part of any and all Mitigation Measures identified as applicable to the project; an application will not be deemed complete until such studies are completed to the satisfaction of the Environmental Review Officer;
4. An affidavit agreeing to pay prevailing wages or hire skilled and trained workforce for all construction workers involved in completing the project, if that is required.

Once a Hub HSD application is deemed complete, the Department will have 120 days to review and make a determination of approval or disapproval of the project.

Design Review and Approval Process

AB73 mandates a 120 day timeline for an approving authority (in this case, the Planning Department) to issue a written decision on the project. As noted above, the 120 day timeline would not start until the Department deems an HSD project's application complete. In addition to the Planning Code, HSD projects would be reviewed in accordance with the recently adopted Urban Design Guidelines, as well as the Market and Octavia Area Plan Design Guidelines. Projects found to meet all requirements of Section 344, including compliance with all design review standards and Mitigation Measures, will be approved ministerially by the Department.

The Department may only deny an application for a Hub HSD project in the following cases:

1. The proposed project does not fully comply with Section 344, including full compliance with adopted design review standards and all applicable Mitigation Measures.
2. The project sponsor has not submitted all of the information or paid the application fee required by Section 344.
3. The Department determines, based on substantial evidence, that a physical condition on the site of development that was not known would have a specific adverse impact on the public health or safety, and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

Public Hearing

AB73 requires that a public hearing, conducted in accordance with the Brown Act, be held on all HSD projects. The proposed Hub HSD would require such a hearing be held at the Planning Department, within 100 days of receipt of a complete application, and before a final decision is issued on the project. This hearing would be noticed in accordance with the Department's proposed standard notification procedures.

Appeal Process

Projects meeting all requirements of the proposed Section 344 and electing to take part in the Hub HSD will receive ministerial approval. As such, they would not require further environmental review or Discretionary Review. Any appeals of an HSD project approval must be filed with the Board of Appeals within 10 days of the approval decision. The Board of Appeals is required to set a hearing on an HSD project appeal within 10 days of the filing of that appeal and must make a decision within 30 days of the filing.

Progress Requirement

Section 344 will require Hub HSD projects to submit a first site or building permit to the Department of Building Inspection within 36 months of Planning approval. If this milestone is not met, the Planning Director must hold a hearing and revoke the approval if the project sponsor cannot demonstrate good faith efforts to begin construction.

Monitoring and Enforcement

Hub HSD projects shall have compliance with wage and/or labor standards and Mitigation Measures written into their conditions of approval. Projects found to be in violation of these conditions will be subject to enforcement procedures in Section 176.1 of the Planning Code. Additionally, Section 344 requires Hub HSD project sponsors to submit weekly reports to the Office of Labor Standards Enforcement (OLSE) and directs OLSE to monitor and enforce compliance with wage and/or labor standards. Projects found in violation are required to pay any penalties assessed by the Planning Department or OLSE prior to issuance of the project's First Certificate of Occupancy.

Section 344 also directs the Planning Department to monitor the number of projects electing to participate in the HSD, as well as the number and affordability levels of units within those projects.

Operative and Sunset Dates

Should the Hub Housing Sustainability District be approved by the Board of Supervisors, the ordinance would then be sent to the California Department of Housing and Community Development (HCD) for approval. Only upon approval by HCD would the ordinance become operative. AB73 mandates that HSDs have an effectiveness period of no more than ten years, with an extension of up to an additional ten years. The proposed ordinance would have the District sunset seven years from the effective date, unless the Board of Supervisors acts to renew the ordinance. Any project application submitted prior to the sunset date would be eligible for processing under the terms of the HSD.

Implementation

Allowing for ministerial approvals of housing projects within a specified timeframe, as AB 73 requires, will involve some changes to the Department's current procedures. However, many of those changes

already being proposed as part of the Department's process improvements, or are similar to procedures adopted as part of the Department's implementation of SB35. Processing and approving Hub HSD projects within AB73's specified 120 day timeframe will require increased focus and attention at the beginning of the entitlement process, particularly during the Preliminary Project Assessment (PPA) process and when determining an application's completeness. The 120-day approval timeline required by AB73 is roughly two months shorter than the shortest timeline proposed in the Mayor's process improvements Executive Directive (6 months for housing projects not requiring CEQA review). As proposed for all projects under the Executive Directive related process improvements, the Planning Department will start the timeline for review and approval upon receipt of a complete application for a "stable project".

ZONING MAP AMENDMENT

The proposed Ordinance would amend the Zoning Use District Map, the Height and Bulk District Map and Special Use Districts Map of the Planning Code consistent with the Market and Octavia Area Plan Amendment.

The following is a summary of the proposed changes:

Zoning

The Planning Department is proposing to expand the boundary of the Van Ness & Market Residential Special Use District (SUD) and modify the zoning within the SUD boundary to create consistent land use controls and fee requirements across the area. This amendment would generally reclassify areas in the Plan area currently zoned NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to C-3-G (Downtown General Commercial). This amendment would also rezone some publicly owned parcels from NCT-3 to P. For further details, see Exhibit VI-3 Zoning Districts Maps (Existing and Proposed).

Height and Bulk Districts

This plan amendment would establish maximum height and bulk limits on 18 sites within the Van Ness & Market Residential Special Use District. The maximum height districts would be represented after the double slash (/). These maximum height districts could be granted by the Planning Commission as part of the 309 approval process. For further details, see Exhibit VI-4 Height and Bulk Districts Maps (Existing and Proposed).

Special Use District

Currently the Van Ness & Market Residential Special Use District covers all parcels zoned C-3-G. Under the proposal, the Van Ness & Market Special Use District would be expanded to include all parcels in the Hub area including those that are currently zoned NCT-3. For further details, see Exhibit VI-5 Special Use Districts Maps (Existing and Proposed).

Changes since the Initiation Hearing

An initiation hearing on the proposed legislation was held on February 13, 2020.

The following changes have been made to the Zoning Map ordinance and are included in Exhibit VI-2:

- Remove block/lot 3513/207 from the Veterans Commons SUD so the SUD boundary corresponds to the existing building at 150 Otis.

IMPLEMENTATION PROGRAM

The Implementation Program contains two components intended to facilitate the implementation of this plan amendment, including:

1. The “Market and Octavia Area Plan: Hub Public Benefits Document” containing the proposed public benefits package, including a description of the range of infrastructure and services that will serve new growth anticipated under this plan amendment, a summary of how those benefits will be funded, and a description of how this program will be administered and monitored. The revenue allocations shown in the Public Benefits Program are for projection purposes only and represent allocation to the various public improvements based on the revenues projected at the time of Plan adoption. Actual revenues will vary from these projections based on many factors, including the amount and timing of new development, which cannot be predicted. The Board of Supervisors, with input from the Interagency Plan Implementation Committee and Market and Octavia Citizens Advisory Committee, will monitor and allocate revenues based on actual revenues over time and the readiness of the various public improvements for expenditure. See Exhibit VII-2.
2. The “Market and Octavia Community Improvements Program (Appendix C)” containing specific projects in the Hub area that could be implemented with funding from impact fee revenue as well as other revenue sources. Appendix C was adopted in 2008 as part of the Market and Octavia Area Plan and has been updated to include infrastructure projects in the Hub. Exhibit VII-3.

ISSUES AND CONSIDERATIONS

Racial and Social Equity and Community Stabilization

Department Work Program

The Department is working with community and City agency partners to advance racial and social equity and community stabilization through a number of different initiatives and projects. This includes projects at a citywide scale as well as targeted neighborhood specific efforts. Examples of initiatives and projects underway include:

- Citywide: Racial and Social Equity Initiative, Community Stabilization Initiative (CSI), Housing Affordability Strategy (HAS), and the Environmental Justice updates to the General Plan.
- Community specific efforts: Cultural Districts Program, Mission Action Plan 2020, Tenderloin community planning, Accessory Dwelling Unit (ADU) pilot in District 4, Housing for families in District 7, Civic Center Public Realm Plan, Excelsior Action Plan, and Sustainable Chinatown.

Racial and Social Equity Initiative

The Planning Department launched the Racial and Social Equity Initiative in late 2016. It is an essential component of Planning’s work and is supported by the City’s Office of Racial Equity and Mayor Breed’s policy priorities. The Board of Supervisors passed legislation in August 2019 creating a San Francisco Office of Racial Equity, which requires all city departments to create Racial Equity Action Plans by 2020. In December of 2019, the Department completed Phase 1 of the Action Plan which is focused on the

Department's internal functions such as hiring, capacity building, resource allocation, and contracting. Phase 2 is currently underway and is focused on the Department's external functions such as community outreach, engagement, and communication; data analysis and reporting; regulatory review; historic preservation; and, policy, community plans, and legislation development.

To implement and operationalize this work, the Department developed an Interim Assessment Tool ("Tool") to provide a racial and social equity lens to the Department's decisions, including internal and external policies, practices, programs and planning efforts. This Tool has been applied to date in a number of projects such as Calle 24 Design Guidelines, Japantown Design Guidelines, and the Market and Octavia Plan Amendment (the Hub). The assessment tool is a framework and method for inquiry for looking at a specific project or a plan to consider its context and implications from a racial and social equity lens; it provides a structure for reflection and analysis and for integrating explicit equity considerations. The assessment tool does not provide a quantitative methodology or formula that provides answers or measurements, nor does it contain specific policy suggestions. However, the process of analyzing a project or applying the tool usually results in policy or programmatic strategies and actions to reduce racial and social inequities, advance equity, and improve success for all groups. As part of Phase II, the Planning Department will adapt and finalize the tool and in addition to integration into Planning processes, will determine individual planning projects to receive its analysis.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

To implement Phase 2 of the Department's racial Equity Action Plan, the Department completed a racial and social equity assessment for this project using the Tool. The Tool's assessment begins with an attempt to gain a better understanding of the existing racial and social disparities, understanding who benefits from and who might be burdened by the project, and finally identifying strategies to advance racial and social equity.

As a key step in the racial and social equity assessment process, the following equity goals were established:

- Increase affordable housing options for low income residents and communities of color;
- Ensure sidewalks are comfortable and safe for everyone;
- Program impact fee money with an equity lens and engage vulnerable populations in the process to ensure that they benefit from investment and opportunities;
- Decrease displacement pressure of low income, people of color and other vulnerable groups in and adjacent to the Hub;
- Decrease displacement pressure of small businesses in and adjacent to the Hub.

The benefits of government policies, programs, and plans have historically been unevenly distributed—generally away from people of color and other historically marginalized groups. As the City seeks to improve equity outcomes for people of color and other vulnerable populations, government action may result in a shift of the distribution of benefits to a larger proportion of its residents and businesses.

As is often the case with equity assessments, the answers for addressing racial and social inequities are complex and cannot be addressed by a single policy, project, or approach. This does not mean that we

should not pursue policies that broadly address city objectives (e.g. building more housing, making streets safer, etc.), but rather that we craft regulatory and programmatic changes to more equitably benefit households with lower incomes and households of color.

The table below outlines the benefits and potential burdens from the project. In addition, during the community planning process, additional community concerns have been raised and are included in this assessment, including three additional concerns that were submitted as comments at the initiation hearing on February 13, 2020.

	DESCRIPTION
ANTICIPATED BENEFITS	<ul style="list-style-type: none"> ▪ More housing near major local and regional transit lines, providing access to jobs, amenities, and opportunities
	<ul style="list-style-type: none"> ▪ Significant new housing to improve the city’s job-housing ratio and fit without increasing the number of workers, and absorbing some housing demand from adjacent neighborhoods facing pressures
	<ul style="list-style-type: none"> ▪ Significant number of new affordable housing units and money for affordable housing for the City, maximizing the legally allowed requirements
	<ul style="list-style-type: none"> ▪ Improved streets and alleys, improved safety for people to walk and bike.
	<ul style="list-style-type: none"> ▪ New and improved open space and recreational amenities.
	<ul style="list-style-type: none"> ▪ No direct loss of existing housing units.
POTENTIAL BURDENS	<ul style="list-style-type: none"> ▪ Potential modest loss of retail and industrial jobs
	<ul style="list-style-type: none"> ▪ Over time, risk of small businesses direct displacement and turnover due to changing demographics and new retail demands.
	<ul style="list-style-type: none"> ▪ Less tolerance for homeless encampments.
ADDITIONAL COMMUNITY CONCERNS	<ul style="list-style-type: none"> ▪ Concerns that ground floor uses may not be neighborhood serving due to high retail rents in new development.
	<ul style="list-style-type: none"> ▪ Concerns that the design of new buildings, could be uninviting to a diverse population.
	<ul style="list-style-type: none"> ▪ Concerns that new market rate housing could add to gentrification pressures in adjacent neighborhoods, especially the North Mission.
	<ul style="list-style-type: none"> ▪ Concerns that many market-rate projects may elect to fee-out affordable housing requirements rather than provide affordable housing units in the district
	<ul style="list-style-type: none"> ▪ Social / cultural disparities in new upscale residences and district as a whole could lead to much less actual racial / cultural diversity in the inclusionary affordable housing in particular and the district as a whole
	<ul style="list-style-type: none"> ▪ There is no community-based mechanism proposed as part of the Plan to pro-actively address any of these issues.

The Market and Octavia Area Plan Amendment has a relatively broad focus that touches many topic areas including housing, transportation, the public realm including streets and open spaces, economic development and community stabilization. Many of these topics are interconnected and have broader citywide and even regional implications. Thus, strategies need to be coordinated at a local and regional

level with relevant city agencies and community members to accentuate the benefits and mitigate the burdens to the greatest extent possible.

In addition to the strategies provided below, additional strategies including the Planning Department’s broader Racial & Social Equity Initiative, Community Stabilization Initiative, and the City’s Cultural Districts Program are applicable to the Hub neighborhood.

Below is a list of proposed strategies to improve equitable outcomes in the Hub.

	<i>DESCRIPTION</i>
PROPOSED STRATEGIES TO MITIGATE BURDENS	<ul style="list-style-type: none"> ▪ Build more housing, including affordable housing.
	<ul style="list-style-type: none"> ▪ Limit direct displacement by not increasing heights on sites with existing housing.
	<ul style="list-style-type: none"> ▪ Expand boundary in which impact fee money can be spent to serve a larger population including low income residents and communities of color in adjacent neighborhoods.
	<ul style="list-style-type: none"> ▪ Work with private development to conduct outreach to better reach low income residents and communities of color
	<ul style="list-style-type: none"> ▪ Harness existing city programs around housing and small business protection, preservation and production.
	<ul style="list-style-type: none"> ▪ Transition potential homeless encampments with support from the Department of Homelessness and Supportive Housing (HSH).
	<ul style="list-style-type: none"> ▪ Add a new policy in the Market and Octavia Area Plan to apply a racial and social equity lens to future planning decisions.
	<ul style="list-style-type: none"> ▪ Amend the planning code to encourage neighborhood serving uses at the ground floor including limitations on retail use size and formula retail, requirements for micro retail and the provision of ground floor neighborhood serving uses as a criteria for the Commission to grant additional height and bulk.
	<ul style="list-style-type: none"> ▪ Amend the planning code to expand the criteria for the Market and Octavia CAC to include two members that live or work in the plan area or within 1,250’
	<ul style="list-style-type: none"> ▪ Expand the unit mix requirements to require more 2- and 3-bedroom units to support more family friendly units over time.
	<ul style="list-style-type: none"> ▪ Amend the planning code to increase the ratio of residential to non-residential uses to ensure that residential land uses are the primary land use in the area.
	<ul style="list-style-type: none"> ▪ Amend the planning code to provide a land dedication option to meet affordable housing requirements, to increase the amount of affordable housing in the Hub and the adjacent neighborhoods.
<ul style="list-style-type: none"> ▪ Identify future sites for 100% affordable housing. 	

Monitoring of government programs, policies, and processes using a consistent set of metrics is a critical element in advancing racial and social equity. There are several existing monitoring processes in place to

evaluate housing production and residential and commercial displacement trends. These are helpful resources to understand and track both citywide and neighborhood trends around these topics. The Interagency Plan Implementation Committee (IPIC) produces an annual report that provides a snapshot of certain area plans including impact fee projections and a summary of how impact fee money is spent. This is a resource that could be used to understand and track how impact fee money is being spent in communities of color. Most relevant to the Hub area, the City produces a 5-year monitoring report of the Market and Octavia Area Plan. The report covers office and retail development and employment trends; housing production and conversion trends; affordable housing; and project entitlement requirements and fees.

The table below summarizes specific monitoring elements that could be used to address the five racial and social equity goals that have been established for this project.

EQUITY GOAL	Monitoring Element
Decrease displacement risk of low income, people of color and other vulnerable populations.	Track neighborhood demographics, specifically the black, native American/American Indian, Latino, and Asian population such as such as Filipino, Samoan, and Vietnamese among other groups. ² Track other vulnerable populations such as seniors, low income households and homeless individuals.
Decrease displacement risk of small businesses in and adjacent to the Hub.	Work with Mayor’s Office of Economic and Workforce Development (OEWD) to monitor commercial displacement for businesses owned by people of color and address the issue through their programs.
Increase affordable housing options for low income residents and communities of color.	Work with Mayor’s Office of Housing and Community Development (MOHCD) to support their efforts to increase awareness about affordable housing opportunities in the Hub and understand the racial composition of new residents.
Ensure sidewalks are comfortable and safe for everyone.	Track severe and fatal injuries on streets within the Hub area.
Program impact fee money with an equity lens and engage vulnerable populations in the process to ensure that they benefit from investment and opportunities.	Apply the racial and social equity tool to impact fee programming.

² Assessing and tracking demographics in a small area like the Hub, distinct from the larger surrounding neighborhoods, is very challenging using available Census tools which typically provide data for larger geographies and boundaries that do not align with this area. The Hub is divided into several much larger Census tracts that cover significant parts of the Mission, Hayes Valley, SoMa, and Civic Center/Tenderloin neighborhoods.

Community Stabilization Citywide Efforts

Planning Commissioners and members of the public shared comments and asked questions regarding the City's existing community stabilization efforts at the February 13, 2020 Planning Commission hearing. The following are examples of existing efforts that respond to some of the input received at the Planning Commission and represent existing programs to advance racial and social equity. The programs are available citywide and applicable to the Hub area. The City's community stabilization policies and programs respond to the needs of the businesses and residents in the city. A comprehensive inventory of the City's community stabilization programs and policies are summarized in the [Community Stabilization Initiative](#).

- Workforce development, employment, and business retention programs
 - OEWD manages workforce development and employment programs citywide that are available for employees in the area: sector workforce programming, construction industry training and employment, hospitality industry training and employment, adult employment and job readiness workforce programs, access points, job readiness services, adult workforce programming, and young adult workforce programs.
 - OEWD manages business retention and stabilization programs citywide that are available for businesses in the area: legal and lease assistance services, Small Business Development Center, OpenSF, San Francisco Business Portal, Community Development Block grant, Women's entrepreneurship assistance, commercial space ownership strategies, business succession planning, SF Shines Facade and Tenant Improvement Program, Code Compliance Improvement/Accessible Building Entrance Program, funding assistance programs, targeted business support programs, Shop and Dine, Construction Mitigation Program, and SF Biz Connect. Citywide business services are available to provide free technical assistance, lease negotiations, and other resources.
 - The Legacy Business Program is designed to retain and stabilize longstanding, anchor businesses and institutions by securing formal recognition as Legacy Businesses and making them and their landlords eligible to apply for Business Assistance Grants and Rent Stabilization Grants through the Legacy Business Historic Preservation Fund.
 - OEWD does not have an extensive survey of small business leases. Leases are private contractual agreements between tenant and property owners. Generally partners funded by OEWD conduct business outreach and may collect this information or some grants may request this information if a business applies.
 - The area is serviced through Invest in Neighborhoods (IIN) in collaboration with the Cultural District program framework of SOMA Pilipinas.
- Cultural heritage
 - A Cultural District is a geographic area or location within San Francisco that embodies a unique cultural heritage. Current cultural districts include: Japantown Cultural District, Calle 24 Latino Cultural District (in the Mission), SoMa Pilipinas – Filipino Cultural District, Compton's Transgender Cultural District (in the Tenderloin), Leather and LGBTQ Cultural District (in the SOMA), African American Arts and Cultural District (in the Bayview), and Castro LGBTQ Cultural District. The Hub is directly adjacent to a few of these cultural districts where the City is actively working with the community and community based organizations to stabilize and celebrate the district.
- Affordable housing

- Affordable units are available to Lottery Preference Program applicants which includes preferences for people who meet certain requirements, such as the Certificate of Preference (COP) (households that were displaced due to government action), the Displaced Tenant Housing Preference Program (DTHP) (20% of lottery units are for DTHP renters displaced by an Ellis Act or Owner Move-in eviction or by fire to find new housing), or Neighborhood Resident Housing Preference (NRHP) (40% of lottery units are for NRHP households who must currently live within a half-mile radius from the property or in the same Supervisor District as the property). In addition, zoning applicable to the use of ground floor spaces permits community-serving uses.
- Below Market Rate (BMR) units are advertised through multiple venues by MOHCD and leasing agencies: 1) rental and ownership BMRs are listed on [DAHLLIA](#), San Francisco's affordable housing portal; 2) an email notification is sent to 50,000 interested people; 3) flyer is sent to 10 nonprofits in the neighborhood; 4) email is sent to housing counselors; 5) online advertisements; 6) at least five newspaper advertisements; 7) informational session with leasing agency and MOHCD; 8) three open houses on-site; 9) banner on property; and, 10) District Supervisor promotions on social media. BMR applications are available in multiple languages and assistance for visually and hearing impaired individuals is available. COP households receive mailed postcards for every affordable housing lottery.

RECOMMENDATION

The Department recommends that the Commission approve the proposed Ordinances and adopt the attached Draft Resolutions and motion to that effect.

REQUIRED COMMISSION ACTION

The proposed resolutions and CEQA findings motion are before the Commission so that it may adopt them, reject them, or adopt them with modifications.

ENVIRONMENTAL REVIEW

The Department published the Draft Environmental Impact Report in July 2019 and the Response to Comments on March 12, 2020. The Planning Commission will consider certification of the Final Environmental Impact Report on The Hub Plan, 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District (HSD) and adoption of CEQA findings at a hearing on or after May 14, 2020 prior to considering action on the ordinances and other items implementing the Market Octavia Plan Amendment.

RELATED ACTIONS

The legislation before the Planning Commission is described in this executive summary and includes CEQA findings, amendments to the Market and Octavia Area Plan and other General Plan amendments, amendments to the Planning Code, amendments to the Business and Tax Regulations Code, amendments to the Zoning Maps and approving the Implementation Program.

PUBLIC COMMENT

At the initiation hearing on February 13, 2020, the Planning Commission directed Department Staff to provide an opportunity for representatives from community organizations in the Mission and in Soma to meet with the new Planning Director, Rich Hillis, prior to an adoption hearing. The Department has held three meetings with this group to hear their concerns as expressed in two letters submitted to the Planning Commission on February 13th and on March 4th. Department staff, the Planning Director and the Director of the Office of Racial Equity have shared the Department's and the City's broader community stabilization work and racial and social equity work, discussed the Department's racial and social equity analysis of the Market and Octavia Area Plan Amendment and specific ways the proposed legislation relates to racial and social equity goals and considerations.

On February 24, 2020, the Market Octavia Citizen Advisory Committee (CAC) passed a resolution (motion number 2020-02-24-01) endorsing the Market and Octavia Area Plan Amendment on the basis of several recommendations. This resolution was provided to the Planning Commission on March 26, 2020.

Residents of the enclave of LMN (Lafayette, Minna and Natoma) have expressed opposition to the proposed height limit changes at 99 South Van Ness Avenue (Public Storage site on the southeast corner of Mission Street and South Van Ness Avenue). Residents of these adjacent alleys are concerned that the proposal to increase building heights from 120' to 250' would cast a shadow on Lafayette, Minna and Natoma and negatively impact the well being of the residents who live on these alleys. The Department has met twice with a representative from this group along with Supervisor Haney. At the time of preparing this summary, the Department has received five letters in opposition to the height proposal at this site.

RECOMMENDATION:	Approve
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Attachments:

- Exhibit II-1: CEQA Findings Draft Motion
- Exhibit II-1A: CEQA Findings
- Exhibit II-1B: Mitigation Monitoring and Reporting Program
- Exhibit III-1: General Plan Amendments Initiation Draft Resolution
- Exhibit III-2: General Plan Amendments Proposed Ordinance
- Exhibit IV-1: Planning Code Amendments Initiation Draft Resolution
- Exhibit IV-2: Planning Code Amendments Proposed Ordinance
- Exhibit V-1: Business and Tax Regulation Code and Planning Code Amendments Initiation Draft Resolution
- Exhibit V-2: Business and Tax Regulation Code and Planning Code Amendments Proposed Ordinance
- Exhibit VI-1: Zoning Map Amendments Initiation Draft Resolution
- Exhibit VI-2: Zoning Map Amendments Proposed Ordinance
- Exhibit VI-3: Zoning Districts Maps (Existing and Proposed)
- Exhibit VI-4: Height and Bulk Districts Maps (Existing and Proposed)
- Exhibit VI-5: Special Use Districts Maps (Existing and Proposed)
- Exhibit VII-1: Implementation Program Draft Resolution
- Exhibit VII-2: Market and Octavia Area Plan: Hub Public Benefits Document
- Exhibit VII-3: Market and Octavia Community Improvements Program (Appendix C)
- Exhibit VIII-1: Market and Octavia Area Plan: Hub Public Realm Plan
- Exhibit VIII-2: Summary of Revisions – General Plan

- Exhibit VIII-3: Summary of Revisions – Planning Code
- Exhibit VIII-4: Market and Octavia Area Plan Maps 1-12