

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 28 – 2016

Adopted June 21, 2016

AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT CONTROLS AND DESIGN GUIDELINES FOR THE TRANSBAY REDEVELOPMENT PROJECT THAT INCREASES THE MAXIMUM HEIGHT OF TRANSBAY BLOCK 1 (160 FOLSOM STREET) FROM 300 FEET TO 400 FEET THAT IS WITHIN THE SCOPE OF THE TRANSBAY REDEVELOPMENT PROJECT APPROVED UNDER A PROGRAM ENVIRONMENTAL IMPACT REPORT AND THAT IS ADEQUATELY DESCRIBED IN THAT REPORT FOR PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; TRANSBAY REDEVELOPMENT PROJECT AREA

- WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco, a public body organized and existing under the laws of the State of California, commonly known as the Office of Community Investment and Infrastructure (“Successor Agency” or “OCII”), proposes to adopt amendments to the Development Controls and Design Guidelines for the Transbay Redevelopment Project (“Development Controls”), for consistency with a Plan Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area (“Plan Amendment”), approved, under Resolution 1-2016, by the Commission on Community Investment and Infrastructure (“Commission”) on January 19, 2016 and approved, under Ordinance No. 62-16 (April 28, 2016), by the Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”); and,
- WHEREAS, The Board of Supervisors originally approved the Redevelopment Plan for the Transbay Redevelopment Project Area (“Redevelopment Plan”) by Ordinance No. 124-05, adopted on June 21, 2005, and by Ordinance No. 99-06, adopted on May 9, 2006; and,
- WHEREAS, The Redevelopment Plan establishes the land use controls for the Transbay Redevelopment Project Area (“Project Area”) and divides the Project Area into two subareas: Zone One, in which the Redevelopment Plan defines the land uses, and Zone Two, in which the Planning Code applies. Zone One is intended to be developed with predominantly residential uses; and,
- WHEREAS, The Development Controls set forth development requirements and design recommendations that apply to development within the Project Area and implement the Redevelopment Plan’s authorization for the development of residential uses within Zone One and provide additional guidance for the development of Block 1. The Development Controls state that the maximum height of the Block 1 tower shall be 300 feet; and,

- WHEREAS, OCII staff is now recommending an amendment to the Development Controls consistent with the Redevelopment Plan, as amended, to specify the maximum allowable height range of the tower parcel within Block 1 be increased from 251 to 300 feet to 351 to 400 feet as depicted in its Map 5 Zone Heights Ranges (“Development Controls Amendment,” attached as Attachment A); and,
- WHEREAS, The Commission is concurrently considering approval of an Owner Participation/Disposition and Development Agreement with Block One Property Holder, L.P., a Delaware limited partnership, and a Schematic Design for a proposed residential project consisting of a 400-foot tower, 391 units and 10,210 square feet of retail area on Block 1 (the “Project”); and,
- WHEREAS, On April 22, 2004, the Commission of the Former Redevelopment Agency of the City and County of San Francisco (“Former Agency Commission”) adopted Resolution No. 45-2004, certifying the Final Environmental Impact Statement/Environmental Impact Report (the “FEIS/EIR”) for the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project, which included the Redevelopment Plan (the “Redevelopment Project”), and on January 25, 2005 adopted Resolution No. 11-2005, adopting findings under the California Environmental Quality Act (“CEQA”), a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program in connection with the adoption of the Redevelopment Plan. The Board of Supervisors and the City Planning Commission adopted similar findings; and,
- WHEREAS, The FEIS/EIR includes by reference a number of addenda. A total of eight addenda to the FEIS/EIR were adopted between June 2, 2006 and January 19, 2016; and,
- WHEREAS, OCII, as the lead agency, prepared, in consultation with the San Francisco Planning Department, an eighth addendum to the FEIS/EIR dated January 14, 2016 (“Eighth Addendum”), to evaluate the Project and the increase in the maximum height limit for Block 1 allowed by the Plan Amendment. The Eighth Addendum assessed whether the Project is within the scope of the FEIS/EIR and whether additional environmental review would be required; and,
- WHEREAS, The FEIS/EIR is a program environmental impact report (“EIR”) under CEQA Guidelines Section 15168 and a redevelopment plan EIR under CEQA Guidelines Section 15180. The FEIS/EIR is also a project EIR under CEQA Guidelines Section 15161 for certain structures and facilities. The FEIS/EIR expressly contemplated the development of residential and retail uses within the Project Area, including up to 581 residential units and 34,900 square feet of retail uses on Block 1 of Zone One; and,

WHEREAS, The only substantive modification to the Block 1 site resulting from the Project that was not previously studied in the FEIS/EIR was the proposed tower height limit change from 300 feet to 400 feet. Therefore, the only CEQA topics requiring additional evaluation in the Eighth Addendum were those for which impacts could worsen due to additional building height. These topics included wind and shadow. All other features of the Project, including demolition, land use types, building square footage, retail square footage, and number of dwelling units, were found to be consistent with the Redevelopment Plan and the FEIS/EIR; and,

WHEREAS, Based on the Eighth Addendum's analyses, the Commission, at its January 19, 2016 hearing, made environmental findings that determined that the Plan Amendment increasing the maximum height of the tower parcel on Block 1 from 300 feet to 400 feet would not cause new significant impacts not identified in the FEIS/EIR and would not cause significant impacts previously identified and analyzed in the FEIS/EIR to become substantially more severe. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed Project that would cause significant environmental impacts to which the Project would contribute considerably, and no new information has become available that shows that the Project would cause significant environmental impacts. Therefore, the corresponding Development Controls Amendment will not trigger the need for subsequent environmental review pursuant to California Public Resources Code Section 21166 and Sections 15180, 15162, 15163, and 15168 of the CEQA Guidelines, and the analyses conducted and the conclusions reached in the FEIS/EIR certified on April 22, 2004 remain valid and no supplemental environmental review is required; and,

WHEREAS, OCII staff, in making the necessary findings for the Implementing Action contemplated herein, considered and reviewed the FEIS/EIR and addenda, has made documents related to the Implementing Action, the FEIS/EIR, and addenda available for review by the Commission and the public, and these files are part of the record before the Commission; and,


WHEREAS, The FEIS/EIR findings and statement of overriding considerations adopted in accordance with CEQA by the Former Agency Commission by Resolution No. 11-2005 dated January 25, 2005 were and remain adequate, accurate and objective and are incorporated herein by reference as applicable to the Implementing Action; now, therefore, be it

RESOLVED, The Commission finds and determines that the approval of the Development Controls Amendment is an Implementing Action within the scope of the Redevelopment Project analyzed in the FEIS/EIR and addenda and requires no additional environmental review pursuant to California Public Resources Code Section 21166 and State CEQA Guidelines Sections 15180, 15168, 15162 and 15163 for the following reasons:

1. The Implementing Action is within the scope of the Redevelopment Project analyzed in the FEIS/EIR and addenda and no major revisions are required due to the involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the FEIS/EIR; and,
2. No substantial changes have occurred with respect to the circumstances under which the Redevelopment Project analyzed in the FEIS/EIR and addenda was undertaken that would require major revisions to the FEIS/EIR due to the involvement of new significant environmental effects, or a substantial increase in the severity of effects identified in the FEIS/EIR; and,
3. No new information of substantial importance to the Redevelopment Project analyzed in the FEIS/EIR and addenda has become available which would indicate that (a) the Implementing Action will have significant effects not discussed in the FEIS/EIR; (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIS/EIR will substantially reduce one or more significant effects on the environment, and, be it further

RESOLVED, That the Commission finds and determines that the Development Controls Amendment is consistent with the Plan Amendment and hereby approves the Development Controls Amendment to specify the maximum allowable height range of the tower parcel within Block 1 be increased from 251 to 300 feet to 351 to 400 feet.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of June 21, 2016.



Commission Secretary

Attachment A: Development Controls Amendment

ATTACHMENT A - DEVELOPMENT CONTROLS AMENDMENT

MAP 5

