



# SAN FRANCISCO PLANNING DEPARTMENT

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## Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

*Date:* January 20, 2016  
*Case No.:* 2014.0800E  
*Project:* **Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts**  
*Project Address:* Market Street between 5th Street and 8th Street  
*Zoning:* C-3-G (Downtown Commercial) Use District  
C-3-R (Downtown Retail) Use District  
Various Height and Bulk Districts  
*Block/Lot:* Portions of Blocks 0341, 0342, 0350, 0351, 3702, 3703, and 3704  
*Project Sponsor:* Marlo Sandler, San Francisco Planning Department – (415) 575-6835  
marlo.sandler@sfgov.org

*Case No.:* 2013.1049E  
*Project:* **950–974 Market Street Project**  
*Project Addresses:* 950–974 Market Street  
*Zoning:* C-3-G (Downtown Commercial) Use District  
120-X Height and Bulk District  
*Block/Lot:* 0342/001, 002, 004, 014  
*Lot Size:* 34,262 square feet  
*Project Sponsor:* Michelle Lin, Mid Market Center, LLC – (415) 394-9018  
Michelle@groupi.com

*Staff Contact:* Melinda Hue – (415) 575-9041  
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This notice is to inform you of the availability of the environmental review document concerning the proposed project as described in the following paragraphs. The document is a preliminary mitigated negative declaration (PMND), containing information about the possible environmental effects of the proposed project. The PMND documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a mitigated negative declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

[www.sfplanning.org](http://www.sfplanning.org)

**Project Description:**

*Mid-Market Arts and Arts Education Special Use and Special Height and Bulk Districts*

The proposed legislation would:

- (1) amend the San Francisco Planning Code (Planning Code) to add Section 249.63 to create the Mid-Market Arts and Arts Education Special Use District (SUD), which would generally encompass parcels fronting Market Street on both sides of the street, from 5th Street to 8th Street (with the exception of the parcels affiliated with the Trinity Plaza development project [Block 3702, Lots 308 and 390] and those that comprise Hallidie Plaza and the United Nations Plaza), to permit projects that provide space for arts and arts education uses to exempt from the calculation of gross floor area ratio (FAR) 2 square feet (sf) of floor area for every 1 sf of arts and arts education uses provided;
- (2) add Planning Code Section 263.30 to create the new Mid-Market Arts and Arts Education Special Height and Bulk District (Special Height and Bulk District) within the SUD to permit height exceptions of up to a maximum building height of 200 feet on Block 0342, Lots 001, 002, 004, and 014 (950–974 Market Street) and 120 feet on Block 3703, Lot 060 (1089 Market Street) and Block 3703, Lot 066 (1053–1055 Market Street) for projects that obtain an FAR exemption pursuant to the SUD;
- (3) amend Planning Code Sectional Maps SU-01, SU-02, and HT-01 to map the SUD and Special Height and Bulk District; and
- (4) amend Planning Code Section 429.5 to require that the public art fee collected within the SUD be spent within the boundaries of or within 0.5 mile of the SUD.

In accordance with the SUD, any project that would result in the demolition or material impairment of a historic resource would be ineligible for the gross floor area exemption permitted by the SUD.

Additionally, the height exceptions would be permitted by the Planning Commission in accordance with procedures and criteria required for a conditional use authorization set forth in Planning Section 303, and in accordance with the following criteria:

1. The additional building height that is proposed beyond the base height limit is necessary to accommodate the additional floor area of uses that qualify for the FAR deduction described previously.
2. The added height does not substantially contribute to shading of parks and other publicly accessible open spaces in the vicinity
3. The building, structure, or development is compatible with the character and development of the surrounding area, by incorporating the following design elements:

- a. Its silhouette is harmonious with building patterns in the surrounding context and the larger urban form of the downtown area, including the patterns produced by height limits.
- b. The project incorporates changes in massing and architectural expression that responds, where appropriate, to development of a lower height or dissimilar character.
- c. The use of materials, colors, and scales is compatible with those of nearby development.
- d. The design preserves or enhances the pedestrian environment by maintaining a pleasant scale and visual interest.

### ***950–974 Market Street Project and Variants***

The 34,262-sf project site, at 950–974 Market Street, is located on the northwest corner of Market and Turk Streets, on the block bound by Market, Mason, Turk, and Taylor Streets in San Francisco’s Mid-Market district in the Downtown/Civic Center neighborhood. The project site currently contains a surface parking lot over a below-grade parking structure and four buildings that are either vacant or partially occupied with retail and office uses.

**Proposed Project.** The Project Sponsor, Mid Market Center, LLC, proposes to demolish the existing buildings and parking structure, and construct an approximately 501,000-gross-square-foot (gsf) building containing approximately 65,000 gsf of arts and arts education uses, 312 dwelling units, a 292-room hotel, and 19,000 gsf of retail uses. The proposed building would consist of two towers—17 and 19 stories tall (approximately 176 and 200 feet in height, respectively)—connected by a mid-block five-story Arts Center (approximately 82 feet in height). The proposed project would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces. The proposed project would require an FAR exemption, as provided by the SUD, and a height and bulk exemption, as provided by the Special Height and Bulk District.

**Office Variant.** An Office Variant to the proposed project would maintain the same building design, massing, and site plan as the proposed project. The overall square footage would be slightly reduced to 484,535 gsf compared to the proposed project. The Office Variant would include 112,400 gsf of office uses in place of the hotel uses, and a reduction of retail uses to 15,000 gsf. The Office Variant would require an FAR exemption as provided by the SUD and a height and bulk exemption as provided by the Special Height and Bulk District.

**120-Foot Variant.** A 120-Foot Variant to the proposed project would involve a 12-story building that is 120 feet in height, which is smaller in size compared to the proposed project and Office Variant. The 120-Foot Variant would be an approximately 396,000-gsf building containing 262 dwelling units, a 235-room hotel, and 18,500 gsf of retail uses. The 120-Foot Variant would not include dedicated arts space. The 120-Foot Variant would include a one-level below-grade garage containing approximately 104 parking spaces, including two car-share spaces. The 120-Foot Variant would not require an FAR exemption or a

height and bulk exemption. The 120-Foot Variant would comply with the maximum floor area and building heights of the existing Planning Code use district and height and bulk District applicable to the site—the C-3-G Use District and 120-X Height and Bulk District. The 120-Foot Variant is the Project Sponsor's preferred variant at this time.

The PMND is available to view or download from the Planning Department's Negative Declarations and Environmental Impact Reports (EIRs) web page (<http://www.sf-planning.org/sfceqadocs>). Paper copies are also available at the Planning Information Center (PIC) counter on the ground floor of 1660 Mission Street, San Francisco.

If you have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the PMND (i.e., by 5:00 p.m. on February 9, 2016), any person may:

- 1) Review the PMND as an informational item and take no action;
- 2) Make recommendations for amending the text of the document. The text of the PMND may be amended to clarify or correct statements and may be expanded to include additional relevant issues or to cover issues in greater depth. This may be done **without** the appeal described below; **OR**
- 3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a \$562 check payable to the San Francisco Planning Department.<sup>1</sup> An appeal requires the Planning Commission to determine whether or not an EIR must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Sarah B. Jones, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **The letter must be accompanied by a check in the amount of \$562.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on February 9, 2016.** The appeal letter and check may also be presented in person at the PIC counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND. If the PMND is appealed, the Final Mitigated Negative Declaration (FMND) may be appealed to the Board of Supervisors. The first approval action, as identified in the Initial Study, would establish the start of the 30-day appeal period for the FMND pursuant to San Francisco Administrative Code Section 31.16(h).

Members of the public are not required to provide personal identifying information when they communicate with the Planning Commission or the Planning Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request, and may appear on the Planning Department's website or in other public documents.

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<sup>1</sup> Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.