



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Acceptance of Delegation from OCII Section 309 Review and Request for Exceptions Conditional Use Authorization / Variances

HEARING DATE: JULY 23, 2015

Date: July 7, 2015
Case No.: **2011.1122XVCUA**
Project Address: **75 Howard Street**
Zoning: C-3-O(SD) (Downtown-Office, (Special Development)
200-S Height and Bulk District
Block/Lot: 3741/031, 035
Project Sponsor: Marce L. Sanchez – (212) 237-3129
RDF 75 Howard LP
1633 Broadway, Suite 1801
New York, NY 10019
msanchez@paramount-group.com
Staff Contact: Tina Chang – (415) 575-9197
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project Sponsor proposes to demolish the existing above grade, eight-story parking garage, merge parcel 3741/031, approximately 20,595sf in size with parcel 3741/035, approximately 337 sf, which is undeveloped and under the Rincon Point South Beach Redevelopment Plan Area, and construct a new 20-story-over-garage, 284,300 gsf, 133-unit residential building with 5,824 sq. ft. of ground floor retail space, 100 off-street parking spaces, and 123 bicycle parking spaces (108 Class 1; 15 Class 2). The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). Commercial space would be located on both the Howard and Steuart Street frontages.

SITE DESCRIPTION AND PRESENT USE

The Project Site consists of a lot developed with an 8-story above grade parking garage (the "Parking Garage Lot") and includes what has been referred to as "the Unimproved Triangle" (3741/35, Parcel 3), that is within the Rincon Point South Beach Redevelopment Plan Area. The Project Sponsor intends to merge the Unimproved Triangle with the Parking Garage Lot through a lot line adjustment. The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the boundaries of the Transit Center District Plan Area and is located at the eastern edge of the District Plan Area. The subject property is 20,931 sq. ft. in size with approximately 156 feet of frontage on Howard Street and 134 feet of frontage

on Steuart Street. The subject property is currently used as an eight-story, above grade parking garage with approximately 550 parking spaces.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the C-3-O(SD) (Downtown Office, Special Development) District and 200-S Height and Bulk District. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. Office and residential uses predominate, though some tourist and retail uses are present. The buildings to the north, south and west of the subject property are taller than the proposed Project.

ENVIRONMENTAL REVIEW

On July 31, 2013, the Department published a Draft EIR for public review (Case No. 2001.1122E). The Draft EIR was available for public comment until September 16, 2013. On September 12, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On July 8, 2015, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR").

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 3, 2015	July 1, 2015	22 days
Posted Notice	20 days	July 3, 2015	June 29, 2015	24 days
Mailed Notice	20 days	July 3, 2015	July 2, 2015	20 days

PUBLIC COMMENT

On earlier iterations of the Project (the Original Project and the Reduced Height Alternative), the Department received comments from the neighboring community expressing opposition to the proposed height increase of the Original Project and the Reduced Height Alternative. Concerned parties also expressed concerns about the Project's shadow impacts on neighboring Rincon Park. The Sponsor has addressed many concerns in the current design by reducing the height and total area, resulting in a Code compliant building that complies with the underlying Height and Bulk District and zoning constraints, subject to certain exceptions discussed in the Section 309 Motion. The Department has also received inquiries from members of the public regarding the Project in its current form, as well as one letter of support.

ISSUES AND OTHER CONSIDERATIONS

- **Delegation from Mayor's Office of Community Investment and Infrastructure (OCII).** A small portion of the project site, which has been referred to as the "Unimproved Triangle" or "the GAP

Property”, approximately 337 sf in size, is within the Rincon Point South Beach Redevelopment Plan and falls under the jurisdiction of OCII, the successor agency to the Redevelopment Agency. On July 7, 2015, the OCII Commission heard and approved the Delegation Agreement, delegating responsibility to administer Redevelopment Requirements for the Subject Property to the Planning Department. To move forward with the project as proposed and as has been done with similar delegation agreements, the Planning Commission is required to accept the Delegation Agreement. A draft resolution for the acceptance of delegation has been prepared and will be presented to by the Commission on July 23, 2015.

- **Revised Project.** The Project has been significantly revised since the original application, which proposed a 350’ structure. In response to concerns about the impact of the structure’s height, the project sponsor submitted a reduced height application, proposing a 292’, 260-story-over basement structure with 4,250 gsf of ground floor commercial space and 159 dwelling units. Most recently, the Project Sponsor submitted a revised application with the proposal being heard by the Commission on July 23, 2015.
- **Parking.** The Project will include 100 off-street, below-grade parking spaces, which proposes 25% more parking than the principally permitted amount of accessory parking (1 space per two units) allowed under the Planning Code. The Project also includes 108 Class 1 and 15 Class 2 bicycle parking spaces, which exceeds what is required by the Planning Code.
- **Planning Code Exceptions.** The Project does not strictly conform to several aspects of the Planning Code. As part of the Downtown Project Authorization process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The Project requests exceptions regarding “Rear Yard”, “Reduction of Ground-Level Wind Currents in C-3 Districts” (Section 148), and Height and Bulk Limits (Sections 263.9, 270 and 272). Compliance with the specific criteria for each exception is summarized below, and is described in the attached draft Section 309 motion.
 - Rear Yard. The Planning Code requires that the Project provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. Exceptions to the rear yard requirements may be granted if the building location and configuration assure adequate light and air to the residential units and the open space provided.

The Project would not meet the Code’s rear yard requirement, and requests an exception in order to provide a rear yard of 15 feet in depth which is less than 25% of the lot. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the “building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.” The proposed rear yard is adequate to allow significant glazing per the Building Code on the south side of the lot. Further, the adjacent property to the south is currently an at-grade parking lot with a highly irregular shape, limited access, and a small footprint. It is unlikely that this parcel could be developed and particularly unlikely that a tall building could be constructed given access, setback, and Building Code requirements. The next lot immediately south contains open space for the relatively recently constructed Gap

Corporation Headquarters, which is unlikely to be redeveloped in the foreseeable future. Finally, the proposed Project sits on a corner lot, making the typical pattern of mid-block rear yards inappropriate at this site. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134. Rear yard exceptions are commonly granted and appropriate in downtown locations given the lot configurations and urban design considerations informing the architecture of downtown buildings.

- Ground Level Wind Currents. The Code requires that new buildings in C-3 Districts must be designed so as not to cause ground-level wind currents that exceed specified comfort levels. When preexisting ambient wind speeds exceed the comfort levels, new buildings must be designed to reduce those ambient wind speeds to meet the specified comfort level.

According to the wind analysis prepared for the Project, a total of 58 test point locations along sidewalk areas adjacent to and near the Project site were selected for the purpose of analyzing existing and proposed wind levels near the Project Site pursuant to Planning Code Section 148. The existing conditions at the Project Site indicate that 14 of the 58 test points exceed the Planning Code's comfort criterion. With the Project, three comfort exceedances would be eliminated, two would remain unchanged, eight would be decreased, and one would be increased, resulting in a total of 11 comfort exceedances.

A Section 309 exception is being sought because the Project would not eliminate the existing 11 of the 58 test locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.

- Height Limits: Upper Tower Extension. Section 263.9 allows an addition 10 percent of the heights shown on the Zoning Map in S Districts as an extension of the upper tower subject to the volume reduction requirements of the Code. The additional height may be allowed if determined that the upper tower volume is distributed in a way that will add to the sense of slenderness of the building and to the visual interest of the termination of the building, and that the added height will improve the appearance of the sky-line when viewed from a distance, and will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

The subject property is located within the 200-S height and bulk district, which allows a height of up to 220 feet with the 10% upper tower height extension. Based on the 14,295 sq. ft. average floor plate size in the lower tower (floors 7 through 14), a 26 percent upper floor volume reduction requirement applies to the upper tower. Because the 20-foot upper tower extension is not reduced by the volume reduction requirements set forth in the Planning Code, an exception is required under Planning Code Section 309.

The upper tower extension increases the roof height of the Project from 200 to 220 feet. The 10% increase improves the overall proportion, sense of slenderness, and visual interest of the Project, in comparison with massing studies of a 200' tall structure. The sense of slenderness is

strongly enhanced by increasing height of the upper tower portion of the Project from 40 out of 200 feet, or 20% of the height, to 60 out of 220 feet, or 27% of the height. Further, the allowable 20' height of architectural screening elements is combined with the upper tower, for a total of 80 feet between the top of the lower tower and the top of the parapet. Additionally, the proposed design tower extension allows for bulk reduction in the lower tower portion of the structure, as well as a podium approximately 67'-2" in height, which is significantly closer to the height of podiums of adjacent structures and more consistent with the surrounding neighborhood character. The podium height of a 200' structure that does not seek an upper tower extension would be approximately 100', half of the building's overall height, resulting in a much bulkier building.

The upper tower extension plus the allowable mechanical screen elements allow a unique composition of five similarly detailed volumes to be stacked with a series of setbacks on each side of the building. This composition balances the definition of a strong base, middle, and top with a consistent reading of materiality, form, and detail, unifying the building into a single whole but with a complex, nuanced form. The inherent horizontality of each of the five volumes of the proposed form is balanced by a series of deep vertical balcony recesses, significantly reducing the mass of each portion of the building.

The upper tower extension would not significantly affect light and air to adjacent structures because the requested exception applies solely to the portion of the building above 160 feet, where the upper tower bulk controls are applicable, and there is only one immediately adjacent structure. Adding bulk to the upper portion of the building rather than locating this mass at the lower and middle of the tower will better preserve views, light, and air from more floors of the neighboring buildings than would massing of the proposed building without the requested exception. Were the top 5 floors reduced by the amount required to meet the volume reduction of 26%, the reduction would primarily be taken at the deeper east side of the building to allow usable and consistent unit depths. The reduction in width as seen from the only directly adjacent building would be a difference of about 10 feet in a face of about 110 feet in width. This surface is approximately 30 feet from the upper floors of the adjacent building to the northeast, a direction from which direct light does not come except very early in summer mornings.

The Project creates no new shadows on open spaces under the jurisdiction of the Recreation and Park Department and subject to Section 295. The Project does contribute to the "significant and unavoidable" impact to other publicly accessible spaces created by other already-approved and under-construction towers within the Transbay District plan, notably 181 Fremont Street and the Transbay Tower, but the difference between a 200 foot tall and 220 foot tall building of similar overall volume is minor. Additionally, the last 20' of the structure to screen mechanical appurtenances will not be designed with transparent, bird-safe glass, reducing the shadow impact of the structure's terminus.

- Bulk Limits. Section 270 establishes bulk controls by district. In the "S" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a maximum floor size of 20,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension

of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 sq. ft. Exceptions to the Section 270 bulk limits are permitted by Section 309(a)(12).

The Project property fronts on Howard Street, which measures 82.5 feet in width. Therefore, the base height limit is approximately 103 feet. The base of the building meets this requirement as it terminates at a height of 67'-2" feet at the seventh level of the building. The lower tower controls apply between 103 feet and 160 feet based on the Project's roof height of 220 feet, and the upper tower controls apply above 160 feet. Based on the 14,295 sq. ft. average floor plate size in the lower tower (floors 7 through 14), a 26 percent upper floor volume reduction requirement applies to the upper tower.

The Project's lower tower is less bulky than permitted by the Planning Code. The floors in the lower tower have a maximum length of approximately 132 feet (a maximum length of 160 feet is permitted), and a maximum diagonal dimension of approximately 177'8" (a maximum diagonal of 190 feet is permitted). The floor plates in the lower tower average 14,295 sq. ft. with a maximum of 15,505 sq. ft, which is substantially less than the 17,000 sq. ft. average floor size, and the 20,000 sq. ft. maximum floor size allowed by the Planning Code.

The floors in the Project's upper tower are smaller than permitted by the Planning Code in some respects. Specifically, the floors have a maximum length of approximately 128 feet (130 feet is permitted), a maximum floor plate size of approximately 14,011 sq. ft. (a maximum of 17,000 sq. ft. is permitted).

However, the average floor plate size is 12,787 sq. ft which is slightly larger than the maximum average of 12,000 sq. ft. permitted. The average diagonal of the upper tower is 161'6", which very slightly exceeds the maximum average diagonal requirement of 160 feet. In addition, the average of the upper tower floors is only 10 percent smaller than the lower tower, which is less than the 26 percent required reduction. Both of these exceptions are warranted given that the Project overall is significantly less bulky than permitted by the Planning Code with regard to maximum and average permitted floor plates. The sum of the total building area of the tower floors in the proposed Project is only 191,078 square feet, whereas a building with floors strictly complying with all the bulk limits including the 26% reduction would contain 208,000 square feet.

Per Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five listed criteria is met. The Project meets the following criteria:

- Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan;

The Project would be consistent with the intent of the bulk limits and policies of the General Plan. As the building rises, its floor plates gradually reduce in size with a variation from 17,754 square feet in the podium to 15,505 square feet in the lower tower and 14,011 square feet in the upper tower. Intermediate floors of as little as 10,497 square feet create notable relief in the overall tower form.

The requested exceptions for the upper tower are minor in nature and would be compatible with the prevailing scale of development in the vicinity, which are typically significantly larger than the proposed Project.

- The added bulk does not significantly affect light and air to adjacent buildings;

The Project's added bulk would not significantly affect light and air to adjacent structures, because the requested exception applies solely to the portion of the tower above 160 feet and there is only one immediately adjacent structure. Adding bulk to the upper portion of the building rather than locating this mass at the lower and middle of the tower will better preserve views, light, and air from more floors of the neighboring buildings than would massing of the proposed building without the requested exception. Were the top 5 floors reduced by the amount required to meet the volume reduction of 26%, the reduction would primarily be taken at the deeper east side of the building to allow usable and consistent unit depths. The reduction in width as seen from the only directly adjacent building would be a difference of about 10 feet in a face of about 110 feet in width. This surface is approximately 30 feet from the upper floors of the adjacent building to the northeast, a direction from which direct light does not come except very early in summer mornings.

- If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 1. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass,
 2. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,
 3. Differences in materials, colors or scales of the facades that produce separate major elements,
 4. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and,
 5. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers;

The Project employs three of the suggested strategies to create a coherent and elegant overall form that relates strongly to the surroundings and the principles of the Planning

Code and General Plan. There are significant variations in the planes of all tower wall surfaces, with recessed horizontal floors at every fourth floor, and four major setbacks, one on each side of the building. These setbacks are at three different heights to create a more dynamic form.

The recessed intermediate floors have a substantially different material expression, with increased glazing allowed by the deep overhangs above, and the possibility of expressing the building's otherwise recessed structure.

Finally, the small mass of the lower tower relative to the S district bulk limits compensates for the slightly increased mass above, which is very close to code requirements except for the volume reduction required by Chart C in section 270. Applying this volume reduction of 26% for only the top 5 floors of the building as specified by Chart B would result in an awkward mass with a too-large lower tower and a too-small upper tower, inconsistent with the relative proportions of neighboring buildings or the intent of the Code.

- **Variations.** The Project requests a Variance from the Active Frontage and Exposure requirements of the Planning Code.
 - Section 145(c)(2). Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

The Project includes a single entrance for both parking and loading. Access into the parking garage would be through a 26-foot wide two-way curb cut serving a 24-foot wide garage entrance at the west end of the proposed building along Howard Street, near the same northwest corner location as the entrance to the existing 75 Howard Garage. This width exceeds the maximum 20-foot width limitation specified by Section 145.1(c)(2). The Transportation Impact Study prepared for the Project indicates that a 24-foot curb cut and building entrance is required for the building to facilitate truck turning movements in and out of the building. This dimension has been increased to 26 feet to accommodate the longer turning movement generated by the requested widening of the sidewalk to the east of the driveway on Howard Street. A variance from Section 145(c)(2) is being sought as part of this Project for the driveway width that does not comply with the parking and loading width requirements of the Code.

- Section 140. Planning Code Section 140 requires at least one room within every dwelling unit to face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and at the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

Approximately 39 dwelling units (most of which face south) would not comply with this requirement. These units would face the open space for the Gap Inc. Headquarters and

the at-grade adjacent parking lot, which is open for a distance in excess of 150 feet. A variance from Section 140 is being sought as part of this Project for a total of 39 units that do not comply with the exposure requirements of the Code.

- **Conditional Use Authorization.** The Project requests Conditional Use Authorization for providing parking above principally permitted amounts.
 - Section 151.1. Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 3.5% of the total gross floor area of such uses.

The Project contains 133 dwelling units. Per Planning Section 151.1, 67 parking spaces are principally permitted ($133/2 = 66.5$) for residential uses, and an additional 33 parking spaces are conditionally permitted ($133/.75 = 99.75 - 66.5 = 33.25$) for residential uses. As such, the Project may provide up to 100 parking spaces for residential uses with a Conditional Use permit. The Project proposes, as permitted by Planning Section 151.1, a total of 100 parked cars and thus complies with this requirement. A Conditional Use application for the 33 conditionally permitted parking spaces is being sought as part of the Project. The Project does not propose any parking for the retail uses.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must Determine that the Project complies with Planning Code Section 309, granting requests for exceptions and grant Conditional Use authorization for providing parking above principally permitted amounts as discussed under “Issues and Other Considerations” above. In addition, the Zoning Administrator would need to grant a Variance from two sections of the Planning Code, as discussed under “Issues and Other Considerations” above.

BASIS FOR RECOMMENDATION

- The project would add add 133 dwelling units to the City’s housing stock.
- The project would help achieve Transit Center District Plan Area goals to continue the concentration of additional growth near concentration of public transit service.
- The Project would replace an existing surface parking lot with housing and retail, thereby improving the street walls on Howard and Steuart.
- The Project is compatible with the surrounding neighborhood character, in terms of height, scale, and massing.
- The Project would present a more active and pedestrian-oriented streetscape (with ground floor retail uses on both Howard and Steuart Streets) compared with the existing surface parking lot.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft CEQA Findings

Draft Resolution for Acceptance of Delegation Agreement

Draft Delegation Agreement
OCII Approval Resolution for Delegation Agreement
Draft Section 309 Motion Exhibit C – Mitigation Monitoring, and Reporting Program
Draft Conditional Use Authorization Motion
Block Book Map
Sanborn Map
Zoning Map
Aerial Photograph
Site Photographs
Affidavit of Compliance – Inclusionary Housing
Exhibit B – Section 309 Plans
Submittal from Project Sponsor

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Block Book Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input checked="" type="checkbox"/> Housing Documents |
| <input checked="" type="checkbox"/> Context Photos | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

Exhibits above marked with an "X" are included in this packet

TC
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Inclusionary Housing | <input type="checkbox"/> Public Open Space |
| <input type="checkbox"/> Childcare Requirement | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program | <input type="checkbox"/> Transit Impact Development Fee |
| <input type="checkbox"/> Downtown Park Fee | <input type="checkbox"/> Other |
| <input type="checkbox"/> Public Art | |

Planning Commission Draft Motion CEQA Findings

HEARING DATE: JULY 23, 2015

Date: July 6, 2015
Case No.: **2014.1122XVCUA**
Project Address: **75 Howard Street**
Zoning: C-3-O (SD) (Downtown Office, Special Development)
200-S Height and Bulk District
Block/Lot: 3741/31; 3741/35 (Parcel 3)
Project Sponsor: Marce L. Sanchez – (212) 237-3129
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Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A 20-STORY-OVER-BASEMENT, APPROXIMATELY 220-FOOT TALL BUILDING WITH UP TO 133 DWELLING UNITS, APPROXIMATELY 5,824 SQ. FT. OF GROUND FLOOR RETAIL SPACE AND 100 OFF-STREET PARKING SPACES (HEREINAFTER, THE "PROJECT"), AT 75 HOWARD STREET (HEREINAFTER, THE "PROJECT SITE") WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 200-S HEIGHT AND BULK DISTRICT.

PREAMBLE

In determining to approve the proposed Project located at 75 Howard Street, Assessor's Block 3741, Lots 31 and 35, as described in Section II below, the San Francisco Planning Commission (hereinafter "Commission") makes and adopts the following findings of fact and decisions regarding the proposed Project, project alternatives, and mitigation measures and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding before the Commission and under the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., (hereinafter "CEQA"), particularly Section 21081 and 21081.5, the Guidelines for

Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq., (“CEQA Guidelines”), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

The Mitigation Monitoring and Reporting Program (hereinafter “MMRP”) for the mitigation measures that have been proposed for adoption is attached with these findings as Exhibit 1. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Exhibit 1 provides a table setting forth each mitigation measure identified in the Final Environmental Impact Report for the Project (“Final EIR” or “FEIR”) that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the entity responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Exhibit 1.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report (hereinafter “Draft EIR” or “DEIR”) or the Response to Comments Document (hereinafter “RTC”) in the FEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. The FEIR is comprised of the Draft EIR and the RTC and all of their supporting documentation.

I. INTRODUCTION

The Commission hereby adopts the following findings for the Project approval of 75 Howard Street pursuant to the CEQA, California Public Resources Code, Sections 21000 et seq., the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. (hereinafter “Guidelines”), and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”), entitled Environmental Quality:

II. PROJECT DESCRIPTION

The Project Site consists of a lot developed and used as an above grade parking garage (the “parking garage lot”) and a small triangular portion of an adjacent lot which is currently unimproved other than landscaping and a fence (the “unimproved triangle”). The Project Sponsor intends to merge the unimproved triangle into the parking garage lot through a lot line adjustment. The unimproved triangle is within the Rincon Beach South Point Redevelopment Plan (the “Redevelopment Plan”) Area and is the subject of a Delegation Agreement by the Office of Community Investment and Infrastructure and the San Francisco Planning Department (the “Department”). The Delegation Agreement authorizes the Department to review and approve that portion of the proposed 75 Howard Project that is located on the unimproved triangle for consistency with the Redevelopment Plan and the related Design for Development. The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the C-3-O(SD) (Downtown Office, Special Development) District and 200-S Height and Bulk District. The subject property is located within the boundaries of the Transit Center District and is located at the eastern edge of the district. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. The Property is 20,931 sq. ft. in size with approximately 156 feet of frontage on Howard Street and 134 feet of frontage on Steuart Street. The Property is currently used as an above grade parking garage with approximately 550 parking spaces. The Project Sponsor proposes to demolish the existing above grade parking garage, merge the two lots, and construct a new 20-story-over-garage, 284,300 gsf, 133-unit residential building with 5,824

sq. ft. of ground floor retail space, 100 off-street parking spaces, and 123 bicycle parking spaces (108 Class 1; 15 Class 2). The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). Retail space would be located on both the Howard and Steuart Street frontages.

- A. Project History. On January 13, 2012, Project Sponsor filed an application with the Department for Environmental Review, to allow the demolition of an existing above-grade parking lot and the construction of a new, approximately 31-story-over-basement, approximately 350-foot tall, 432,253 gsf building containing approximately 5,685 gsf of ground floor retail space, and 186 dwelling-units (the "Original Project") at the Project Site. Applications for the development of the Original Project were subsequently filed with the Department on December 6, 2013.

On August 13, 2014, the Project Sponsor subsequently filed amended entitlement applications to allow the demolition of an above-grade parking lot and the construction of a new, approximately 26-story-over-basement, approximately 292-foot tall building containing approximately 409,150 gsf, with approximately 4,250 gsf of ground floor commercial space and 159 dwelling-units (the "Reduced Height Project") at the Project Site.

On April 30, 2015, the Project Sponsor once again filed amended entitlement applications to allow for the construction of the revised 220 foot tall, 133 unit Project as discussed in this Motion.

At the time of publication of the DEIR, the Project Sponsor's proposed project was the Original Project. As such, the DEIR analyzes the Original Project as the "proposed project". However, as discussed above, since publication of the Draft EIR in July 2013, the Project Sponsor indicated that the Original Project is no longer the Project Sponsor's "preferred project" for the purposes of the FEIR, and on April 30, 2015, submitted a revised entitlement application to the Department for the development of the revised Project for consideration for approval. The Department concluded that the Project, as revised, is generally consistent with the design of the Code Compliant Alternative analyzed in the DEIR, as revised in the RTC document in Chapter 2, Revisions to DEIR Analysis Approach and Modifications to Project Alternatives, pp. 2.20-2.42. As discussed in the RTC document, the design changes to the Code Compliant Alternative required to reflect to the revised Project do not present any significant new information, nor do they alter any of the conclusions or present the need for any new mitigation measures regarding the analysis of the Code Compliant Alternative presented in the DEIR. Therefore, it was determined by the Planning Department that recirculation of the DEIR, pursuant to CEQA Guidelines Section 150885, was not required. Instead, as noted above, the Planning Department determined that the Project would be analyzed and presented in the FEIR as the "Code Compliant Alternative", as revised by the RTC document. City decision-makers can adopt any of the alternatives analyzed in the DEIR instead of approving a proposed project if it is found that an alternative would substantially reduce or eliminate significant environmental impacts identified for the proposed project, an alternative is determined feasible, and if an alternative would achieve most of the project sponsor objectives. The determination of feasibility would be made by City decision-makers based on substantial evidence in the record, which shall include, but not be limited to, information presented in the DEIR and the RTC document.

- B. Project Sponsor Objectives. The FEIR discusses several project objectives identified by the Project Sponsor. The objectives are as follows:

- To improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking.
- To increase the City's supply of housing.
- To construct streetscape improvements and open space that serve neighborhood residents, and workers, and enliven pedestrian activity on the waterfront during evening and nighttime hours.
- To construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, attract investment capital and construction financing, and generate sufficient revenue to finance the open space amenities proposed as part of the project.

As noted above, since the publication of the above listed project objectives in the DEIR, the Project Sponsor's preferred project has changed from the Original Project to the Code Compliant Alternative. The Code Compliant Alternative would achieve most of the basic objectives of the Project Sponsor. This alternative would improve the architectural and urban design character of the City's downtown core by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking and would also increase the City's supply of housing. It would also partially meet, though not to the full extent as under the Original Project, the Project Sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the Project Sponsor and its investors, and attract investment capital and construction financing. The Code Compliant Alternative, however, would not meet the Project Sponsor's objective to construct open space that serves the neighborhood residents and workers, and enlivens pedestrian activity on the waterfront during evening and nighttime hours.

- C. Planning And Environmental Review Process. The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of the preparation of such on December 12, 2012. The Department published the Draft EIR on July 31, 2013. The public comment period for the Draft EIR was August 1, 2013, to September 16, 2013. The Commission held a public hearing to solicit testimony on the Draft EIR on September 12, 2013. The Department published the RTC document on July 8, 2015, which document provides written response to each comment received on the Draft EIR that raised environmental issues. The Draft EIR, together with the RTC document and all of the supporting documentation constitute the FEIR.

The Commission certified the FEIR on July 23, 2015, by adoption of its Motion No XXXXX. The FEIR fully analyzed the Project proposed for approval herein.

- D. APPROVAL ACTIONS: The Project would require a Planning Code Section 309 Downtown Project Approval. The Project would also require a Conditional Use authorization for parking in excess of principally permitted amounts, Variances for dwelling unit exposure for 39 units and for the width of the loading and parking access on Howard Street, and review and consideration by the Planning Commission of a Section 309 Determination of Compliance and Request for Exceptions for rear yard requirements, reduction of ground level wind currents requirements and bulk requirements. Pursuant to the Delegation Agreement, the Planning Department or Commission will also approve those portions of the 75 Howard Project located on the unimproved triangle for consistency with the Redevelopment Plan and Design for Development.
- E. LOCATION AND CUSTODIAN OF RECORDS. The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the record of proceedings including those items described in CEQA Section 21167.6(e), and other background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Jonas Ionin, is the custodian of records for the Planning Department and the Planning Commission.

III. SIGNIFICANT IMPACTS AND MITIGATION MEASURES

This Section sets forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included in the FEIR and adopted by the Commission as part of the Project's approval. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR, but instead incorporates them by reference herein and relies on them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies and members of the public. The Commission finds that the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the Commission adopts and incorporates all of the mitigation measures set forth in the FEIR and the attached Mitigation Monitoring and Reporting Program ("MMRP") to substantially

lessen or avoid the significant impacts of the Project. The Commission intends to adopt each of the applicable mitigation measures identified in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

The MMRP is attached to the subject CEQA Findings motion as Exhibit 1 for case 2011.1122E. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All applicable mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the MMRP attached as Exhibit 1 to this Motion.

- A. Impacts Found to be Less than Significant and Thus Requiring No Mitigation. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.) Based on substantial evidence in the whole record of this proceeding, the Commission finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas, therefore, do not require mitigation.

The Initial Study, attached to the Draft EIR as Appendix A, found that the following potential individual and cumulative environmental effects of the Project, as fully analyzed in the IS, would be less than significant and thus require no mitigation: Population and Housing; Cultural and Paleontological Resources (Historic Architectural and Paleontological Resources only); Greenhouse Gas Emissions; Wind and Shadow (Wind only); Recreation; Public Services; Geology and Soils; Hazards and Hazardous Materials; Mineral and Energy Resources; and Agricultural and Forest Resources.

Implementation of the Project will not result in any significant impacts in the following areas as identified in the FEIR: LU-1; LU-2; C-LU-1; TR-1; TR-2; TR-3; TR-4; TR-5; TR-6; TR-7; TR-8; C-TR-2; C-TR-3; NO-4; NO-5; AQ-1; AQ-3; AQ-5; UT-1; C-UT-1; BI-2; HY-1; HY-2; C-HY-1; HWS-1; and C-WS-1. Notwithstanding the foregoing, the Commission finds that the implementation of the Improvement Measures identified in the MMRP would further reduce the less-than-significant effects of the Project in the applicable impact areas.

- B. Significant Impacts That Can Be Avoided Or Reduced To A Less-Than-Significant Level Through Mitigation. The FEIR identified the significant impacts listed in this Section III.B and identified mitigation measures which, if implemented, would avoid or reduce the impacts to a less-than-significant level. Based on the analysis contained in the FEIR, other considerations in the record and the standards of significance, the Commission finds that implementation of all of the proposed mitigation measures discussed in this Section III.B will reduce these potentially significant impacts to a less-than-significant level:

- Impact CP-1 and 2: Soils disturbance may impact subsurface archeological resources. Mitigation Measure M-CP-1a, M-CP-1b and M-CP-1c for archeological testing, monitoring,

data recovery and reporting, interpretation and accidental discovery would reduce this impact to less than significant

- Impact CP-3: Construction could affect unique geologic features or unique paleontological resources, if present within the Project Site. Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, would reduce this impact to less than significant.
- Impact C-CP-1: Disturbance of archaeological resources, if encountered during construction of the Project, in combination with other past, present, and reasonably foreseeable future projects, could make a cumulatively considerable contribution to a significant cumulative impact on archaeological resources. Mitigation Measure M-C-CP-1: Cumulative Archaeological Resources, would reduce this impact to less than significant.
- Impact NO-1 and 2: Noise and vibration from construction would be substantially greater than existing noise levels in the project vicinity and could significantly impact nearby sensitive receptors. Mitigation Measures M-NO-1a: Noise Control Measures During Pile Driving, and M-NO-1b: General Construction Noise Control Measures would reduce this impact to less than significant.
- Impact NO-3: Operation would introduce additional noise sources to the area, such as new mechanical equipment for building utilities, including ventilation equipment (HVAC equipment) and other building mechanical systems. Mitigation Measure M-NO-3: Interior Mechanical Equipment, would reduce this impact to less than significant.
- Impact C-NO-1: Construction would temporarily cause a cumulatively considerable contribution to significant noise impacts that would occur with other projects in the vicinity, including construction occurring as development is approved pursuant to implementation of the TCDP. Mitigation Measure M-C-NO-1a: Cumulative Construction Noise Control Measures, would reduce this impact to less than significant.
- Impact AQ-2: Toxic air contaminants (TACs) emitted during construction would expose sensitive receptors to substantial pollutant concentrations. Mitigation Measure M-AQ-2 would reduce this impact to less than significant.
- Impact AQ-4: Operation of the Project once constructed would lead to operational emissions. Mitigation Measures M-AQ-4a and M-AQ-4b, would reduce this impact to less than significant.
- Impact C-AQ-1: Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative air quality impacts. Mitigation Measures M-AQ-2, M-AQ- 4a and M-AQ-4b, would reduce this impact to less than significant.
- Impact BI-1: Construction would adversely impact birdlife, bird movement, and migration. Mitigation Measures M-BI-1a: Design Standards to Render Building Less Hazardous to Birds

- and M-BI-1b: Night Lighting Minimization, and Improvement Measure I-BI-A: Tenant Education, would reduce this impact to less than significant.
- Impact C-BI-1: The Project, in combination with reasonably foreseeable future development, would result in a considerable contribution to significant cumulative impacts related to avian wildlife. Mitigation Measures M-BI-1a: Design Standards to Render Building Less Hazardous to Birds and M-BI-1b: Night Lighting Minimization, would reduce this impact to less than significant.
 - Impact HZ-1: The Project would create a significant hazard to the public or the environment through either: a) the routine transport, use, or disposal of hazardous materials, or b) through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Mitigation Measures M-HZ-1a: Hazardous Building Materials Abatement, would reduce this impact to less than significant.

C. Significant And Unavoidable Environmental Impacts. The Project, as approved, would have Project-specific unavoidable significant environmental impacts as outlined herein. Where feasible, mitigation measures have been included in the FEIR and MMRP to address these impacts; however, these impacts would remain significant and unavoidable even with mitigation.

- Impact C-TR-1: Increased traffic volumes due to the proposed Project would contribute considerably to reasonably foreseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets. Mitigation Measure M-C-TR-1 has been imposed on the Project as a result of this impact. However, as noted in the FEIR, the *TCDP Transportation Impact Study* established the feasibility of this mitigation measure as uncertain and considered mitigation to less-than-significant conditions infeasible. For this reason the *TCDP Transportation Impact Study* identified the future cumulative impacts of the Public Realm Plan at the intersection of Spear and Howard streets as significant and unavoidable.
- Impact WS-1: The proposed Project would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. There is no feasible mitigation measure available for this impact; although choosing the environmentally preferred alternative reduces shadow impacts.
- Impact C-WS-1: The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, resulting in a significant cumulative shadow impact. The Project would make a cumulatively considerable contribution to this significant cumulative shadow impact. There is no feasible mitigation measure available for this impact.

IV. Evaluation of Project Alternatives

A. Alternatives Analyzed in the FEIR. The FEIR analyzed three alternatives to the Original Project: the No Project Alternative, the Code Compliant Alternative and the Reduced Height Alternative.

Under the No Project Alternative, the existing legally non-conforming 550-space, 91-foot-tall, eight-level commercial parking garage on the Project Site would be retained in its current condition. The proposed new residential high rise tower would not be constructed. Assuming that the existing physical conditions of the Project area were to continue for the foreseeable future, conditions described in detail for each environmental topic in the Initial Study and in Chapter IV, Environmental Setting, Impacts, and Mitigation of the FEIR, would remain and none of the impacts associated with the Original Project would occur.

The Reduced Height Alternative would include construction of a shorter building (approximately 281 feet tall). Specifically, the Reduced Height Alternative would include about 280,430 gsf of retail uses; 5,900 gsf of retail uses; about 25,700 gsf of parking (not including loading or driveways and maneuvering spaces); and about 95,820 gsf of building services (common areas, mechanical, and storage spaces). The building developed under the Reduced Height Alternative would be about 25 stories and 281 feet tall, excluding the mechanical penthouse, and would require amendment of the City's Zoning Map to increase height limits. The Reduced Height Alternative would contain 172 market rate units (14 fewer units than under the Original Project). This alternative would also include approximately 5,900 gsf of retail use, including space for restaurant and café uses (slightly more than under the Original Project). Under the Reduced Height Alternative, a total of 159 parking spaces (16 fewer spaces than under the proposed project) would be constructed in a 25,700-gsf parking garage located on two below-grade levels accessed from Howard Street. One parking space would be reserved for car-share vehicles and 158 parking spaces would be assigned to building residents and commercial uses. Similar to the Original Project, none of the parking spaces would be independently accessible; all vehicles would be mechanically parked by valet in stacked spaces. Similar to the Original Project, this alternative would include two loading spaces located on Basement Level 1. This alternative would also include 56-bicycle storage spaces (8 fewer than under the proposed project) located on Basement Level 1. The Reduced Height Alternative would include landscaping and paving improvements, resulting in a new 4,780 sq. ft. landscaped, publicly accessible open space at Block 3742/Lot 12 and the portion of the Steuart Street right of way south of Howard Street. As under the Original Project, on-street parking along the segment of Steuart Street south of Howard Street would be eliminated.

As under the Original Project, but to a somewhat lesser degree, the Reduced Height Alternative would still result in the following significant and unavoidable impacts: significant and unavoidable project-level land use and land use planning impacts since this alternative would not comply with the existing height limit for the Project Site, and would result in net new shadow on Rincon Park (land use and land use planning); significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow). Similar to the Original Project, the Reduced Height Alternative would have significant, but slightly reduced, project-level shadow impacts on outdoor recreation facilities and other public areas.

The Code Compliant Alternative analyzed in the FEIR is the Project Sponsor's "preferred project" and the Project as discussed in this Motion. Under this alternative, the Project Site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01, the 220-foot

height limit specified on Map 5 (Proposed Height and Bulk Districts) in the Downtown Area Plan of the General Plan (with the 20 foot tower extension permitted pursuant to Section 293.9 of the Planning Code). This alternative would be both 13 stories and 128 feet shorter than the tower proposed under the Original Project. The Code Compliant Alternative would contain 133 market rate units (53 fewer units than under the Original Project) and approximately 5,824 gsf of retail use (slightly more than under the Original Project), including space for restaurant and café uses. The Code Compliant Alternative does not include any landscaping and paving improvements on Assessor's Block 3742/Lot 12, and that open space site would remain vacant and paved with asphalt, and would continue to be available through the City and County of San Francisco for temporary uses such as construction staging or for future development by the City. However, as under Original Project, in furtherance of the requirements of Planning Code Section 138.1, streetscape improvements would be proposed for the Steuart Street right-of-way, south of Howard Street. Under this alternative, unlike under the Original Project, Steuart Street would not be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1.

The Code Compliant Alternative would avoid significant and unavoidable land use impacts and would reduce shadow impacts, but not to a less-than-significant level. This alternative would result in similar, but slightly reduced transportation-related impacts compared to the Original Project because of the reduction in trip generation. As with the Original Project, the Code Compliant Alternative would make a significant, but slightly reduced, contribution to a significant and unavoidable cumulative traffic impact at the Spear Street/Howard Street intersection.

The Original Project, the No Project Alternative and the Reduced Height Alternative (including any variants), are rejected, for the reasons explained below, in favor of the preferred Project (the Code Compliant Alternative) analyzed in the FEIR.

B. ALTERNATIVES REJECTED AND REASONS FOR REJECTION

(1) No Project Alternative. The No Project Alternative would not be desirable and would not meet any of the Project Sponsor's objectives. The No Project Alternative would amount to a continuation of the existing conditions at the Project Site, which is underutilized and which is currently an above-grade parking garage. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, housing (including affordable housing through payment of the in-lieu fee), commercial uses, fees, taxes and revenues.
- (c) The Project site would remain underutilized.

(2) Original Project. The Original Project is no longer the Project Sponsor's preferred project and as such would not be desirable. The Original Project is rejected in favor of the Project

and is found infeasible because the Original Project would involve significant and unavoidable project specific impacts related to land use and land use planning. This alternative would not be consistent with some of the objectives and policies of the General Plan's Urban Design Element, Downtown Area Plan, and TCDP, and it would not comply with the existing height limit for the Project Site.

- (3) Reduced Height Alternative. The Reduced Height Alternative would not be desirable and is not the Project Sponsor's preferred project. The Reduced Height Alternative is rejected in favor of the Project and is found infeasible because the Reduced Height Alternative would still involve significant and unavoidable project specific impacts related to land use and land use planning. At a height of 281 feet, this alternative would not be consistent with some of the objectives and policies of the General Plan's Urban Design Element, Downtown Area Plan, and TCDP, and it would not comply with the existing height limit for the Project Site.
- (4) Alternatives Considered but Rejected. The FEIR also identified two alternatives that were considered but rejected from further consideration, namely, the PPA design alternative and an off-site alternative. As described in the FEIR, the Planning Department did not support the design approach of the PPA design, and it was therefore excluded from further consideration. The off-site alternative was rejected from further consideration because the only other nearby site the Project Sponsor controlled was already fully developed and the Project Sponsor had no plans to acquire additional sites of a similar size in the vicinity.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the significant unavoidable impacts noted above, pursuant to CEQA Section 21081 and CEQA Guidelines section 15093, the Commission hereby finds, after considering the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social and other benefits of the Project, as set forth below, independently and collectively outweighs the identified significant and unavoidable impacts of the Project and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record of these proceedings. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All applicable mitigation measures proposed in the Final EIR for the proposed Project are adopted as part of this approval action. The alternative project chosen is the environmentally preferred alternative. Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would add up to 133 dwelling units, of which 36 are one-bedroom units, 71 are two-bedroom units, 23 are three-bedroom units, and three are four-bedroom units, to the City's housing stock. As such, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 75 Howard Street is an above-grade parking garage.
2. The Project would help secure funding for permanently affordable housing by paying a 20% in-lieu fee in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the above-grade parking garage and the replacement with active street frontages will improve pedestrian and neighborhood safety. By including a ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would landscape the sidewalk area surrounding the Project Site, include bike racks, and could provide limited sidewalk seating. These changes will enhance the attractiveness of the site for pedestrians and make bring this site into conformity with principles of good urban design.
4. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages and will provide services to the immediate neighborhood. The Project would also contribute to the development of the Transit Center transportation and street improvements and open space through participation in the Transit Center District Community Facilities District and payment of the Transit Center District Open Space Impact Fee and the Transit Center District Transportation and Street Improvement Fee.
5. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity.
6. The Project design is intended to meet, and the Project Sponsor intends to seek, a LEED Platinum certification from the U.S. Green Building Council.
7. The Project's innovative design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
8. The Project will create temporary construction jobs and permanent jobs in the retail sector. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City.

9. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of 550 above-grade parking spaces with 100 below-grade spaces will bring the site into greater conformity with current Planning Code and urban design principles.
10. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit 1.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, July 23, 2015.

Jonas Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 23, 2015

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE 75 HOWARD STREET PROJECT				
<i>Cultural Resources (Archaeological Resources) Mitigation Measures</i>				
<p>M-CP-1a: Archaeological Testing, Monitoring, Data Recovery and Reporting</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p> <p><u>Consultation with Descendant Communities</u></p> <p>On discovery of an archaeological site associated with descendant Native Americans or the Overseas Chinese an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site and to consult with ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>Project sponsor to retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.</p> <p>Project sponsor/archaeological consultant</p>	<p>Prior to commencement of soil-disturbing activities, submittal of all plans and reports for approval by the ERO.</p> <p>For the duration of soil-disturbing activities.</p>	<p>The archaeological consultant shall undertake an archaeological testing program as specified herein. (See below regarding archaeological consultant's reports).</p> <p>Project sponsor/archaeological consultant shall contact the ERO and descendant group representative upon discovery of an archaeological site associated with descendant Native Americans or the Overseas Chinese. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations on the site and consult with the</p>	<p>Considered complete when project sponsor retains a qualified professional archaeological consultant.</p> <p>Considered complete upon submittal of Final Archaeological Resources Report.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or</p>	<p>Project sponsor/Archaeological consultant at the direction of the ERO.</p> <p>Project sponsor/Archaeological consultant in consultation with the ERO.</p>	<p>Prior to any excavation, site preparation or construction and prior to testing, an ATP is to be submitted to and approved by the ERO.</p> <p>At the completion of the archaeological testing program.</p>	<p>ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site.</p> <p>Archaeological Consultant shall prepare a Final Archaeological Resources Report in consultation with the ERO (per below). A copy of this report shall be provided to the ERO and the representative of the descendant group.</p> <p>Archaeological consultant to undertake ATP in consultation with ERO.</p> <p>Archaeological consultant to submit results of testing, and if significant archaeological resources may be present, in consultation with ERO, determine whether additional measures are warranted. If significant</p>	<p>Considered complete with approval of ATP by ERO and on finding by ERO that ATP is implemented.</p> <p>Considered complete on submittal to ERO of report on ATP findings.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<p>an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program (AMP) shall be implemented the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the 	<p>Project sponsor, and project archaeological consultant, in consultation with the ERO.</p>	<p>The archaeological consultant, project sponsor, and ERO shall meet prior to commencement of soils-disturbing activities. If ERO determines that archaeological monitoring is necessary, monitor throughout all soils-disturbing activities.</p>	<p>archaeological resources are present and may be adversely affected, project sponsor, at its discretion, may elect to redesign the project, or implement data recovery program, unless ERO determines the archaeological resource is of greater interpretive than research significance and that interpretive use is feasible.</p> <p>If required, Archaeological Consultant to prepare AMP in consultation with the ERO.</p> <p>Project sponsor, project archaeological consultant, archaeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO.</p>	<p>Considered complete on approval of AMP by ERO; submittal of report regarding findings of AMP; and finding by ERO that AMP is implemented.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<p>event of apparent discovery of an archaeological resource;</p> <ul style="list-style-type: none"> The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that archaeological data recovery programs shall be implemented, the archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what</p>	<p>Project sponsor and project archaeological consultant, in consultation with ERO.</p>	<p>Upon determination by the ERO that an ADRP is required.</p>	<p>If required, Archaeological consultant to prepare an ADRP in consultation with the ERO.</p>	<p>Considered complete on submittal of ADRP to ERO.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<p>data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human</p>	<p>Project sponsor and project archaeological consultant, in consultation with the San Francisco Coroner, NAHC and MLD.</p> <p>Project sponsor and project archaeological consultant, in consultation with ERO</p>	<p>In the event human remains and/or funerary objects are encountered.</p> <p>If applicable, after completion of archaeological data recovery, inventorying, analysis and interpretation.</p>	<p>Archaeological consultant/ Archaeological monitor/project sponsor or contractor to contact San Francisco County Coroner. Implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/unassociated funerary objects. Contact</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
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<p>remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken.</p> <p>Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Archaeological consultant at the direction of the ERO	If applicable, upon approval of FARR by ERO.	<p>Archaeological consultant and ERO.</p> <p>If applicable, Archaeological consultant to submit a Draft FARR to ERO.</p> <p>Archaeological Consultant to distribute FARR.</p>	<p>Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p> <p>Considered complete on submittal of FARR and approval by ERO.</p> <p>Considered complete when Archaeological consultant to provide written certification to ERO that required FARR distribution has been completed.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
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<p>M-CP-1b: Interpretation</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, and to the extent that the potential significance of some such resources is premised on California Register of Historic Resources Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), the following measure shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.</p> <p>The project sponsor shall implement an approved program for interpretation of resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California urban historical and marine archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the ARDTP): surface commemoration of the original location of resources; display of resources and associated artifacts (which may offer an underground view to the public); display of interpretive materials such as graphics, photographs, video, models, and public art; and academic and popular publication of the results of the data recovery.</p> <p>The archaeological consultant's work shall be conducted at the direction of the ERO, and in consultation with the project sponsor. All plans and recommendations for interpretation by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</p>	Project sponsor and archaeological consultant, in consultation with ERO.	Prior to issuance of final certificate of occupancy.	Archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. All plans and recommendations for interpretation by the Archaeological consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until deemed final by ERO. ERO to approve final interpretation program. Project sponsor to implement an approved for interpretation program.	Considered complete upon installation of approved interpretation program.
<p>M-CP-1c: Accidental Discovery</p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archaeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel,</p>	Project sponsor to prepare "ALERT" sheet and provide signed affidavit from project contractor, subcontractor(s) and utilities firm(s) stating that all field personnel have received copies of	Prior to any soil-disturbing activities.	Project sponsor to provide signed affidavit from project contractor, subcontractor(s) and utilities firm(s) to the ERO stating that all field personnel have received copies of the "ALERT" sheet.	Considered complete upon submission of affidavit regarding distribution of Alert sheet.

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>etc. The project sponsor shall provide the ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utility firm(s)) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archaeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall advise the ERO as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archaeological resource; an archaeological monitoring program; or an archaeological testing program. If an archaeological monitoring program or archaeological testing program is required, it shall be consistent with the Planning Department division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archaeological resource is at risk from vandalism, looting, or other damaging actions.</p> <p>The project archaeological consultant shall submit a FARR to the ERO that evaluates the historical significance of any discovered archaeological resource and describing the archaeological and historical research methods employed in the archaeological</p>	<p>the "ALERT" sheet</p> <p>Project sponsor and project contractor's Head Foreman</p> <p>Project sponsor and archaeological consultant</p>	<p>During soil-disturbing activities.</p> <p>When determined necessary by the ERO.</p> <p>When determined necessary by the ERO.</p>	<p>Upon potential resource discovery, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery.</p> <p>ERO to determine if additional measures are necessary to implement.</p> <p>Archaeological consultant to prepare draft and FARR, and to submit FARR to ERO for review final</p>	<p>Upon resource discovery, suspension of work and contact of ERO.</p> <p>Considered complete upon retention by the project sponsor of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist.</p> <p>Considered complete upon ERO approval of</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
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<p>monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archaeological consultant</p> <p>Project sponsor and archaeological consultant</p>	<p>When determined necessary by the ERO.</p>	<p>FARR.</p> <p>Once FARR approved by ERO, project sponsor /archaeological consultant to ensure distribution of FARR.</p>	<p>FARR.</p> <p>Considered complete upon ERO approval of FARR.</p>
<p>M-CP-3: Paleontological Resources Monitoring and Mitigation Program.</p> <p>The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program (PRMMP). The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.</p> <p>The PRMMP shall be consistent with the Society for Vertebrate Paleontology Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by nonsedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.</p>	<p>Project sponsor to retain appropriately qualified paleontological consultant to prepare PRMMP, carry out monitoring, and reporting, if required.</p>	<p>Prior to and during construction.</p> <p>Prior to and during construction, if required.</p>	<p>ERO to approve final PRMMP.</p> <p>Consultant shall provide brief monthly reports to ERO during monitoring or</p>	<p>Considered complete upon approval of final PRMMP.</p> <p>Considered complete on</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
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<p>The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects on a significant paleontological resource as previously defined to a less-than-significant level.</p>	<p>The project paleontological consultant to consult with the ERO as indicated.</p>		<p>as identified in the PRMMP, and notify the ERO immediately if work should stop for data recovery during monitoring.</p> <p>The ERO to review and approve the final documentation as established in the PRMMP.</p>	<p>approval of final documentation by ERO.</p>
<p>M-C-CP-1: Cumulative Archaeological Resources</p> <p>With implementation of Mitigation Measure M-CP-1a: Archaeological Testing, Monitoring, Data Recovery and Reporting; Mitigation Measure M-CP-1b: Interpretation; and Mitigation Measure M-CP-1c: Accidental Discovery, the proposed project's contribution to cumulative impacts would not be cumulatively considerable.</p>	<p>Project sponsor and archaeological consultant</p>	<p>When determined necessary by the ERO.</p>	<p>Archaeological consultant to prepare drafts to ERO for review final.</p>	<p>Considered complete upon ERO approval</p>
Transportation and Circulation Mitigation Measures				
<p>M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets</p> <p>If changes to the current configuration of Spear Street were to be implemented as part of the TCDP Public Realm Plan, configuration of the northbound and southbound approaches along Spear Street shall be modified to incorporate left-turn-only lanes and minor adjustments to the traffic signal timings at the intersection of Spear and Howard streets.</p>	<p>Project sponsor in consultation with Department of Public Works (DPW), San Francisco Municipal Transit Agency (SFMTA), and the Planning Department.</p>	<p>Prior to project finalization, if required.</p>	<p>Project sponsor to consult with and request Planning Department, DPW, and SFMTA, to consider reconfiguration of Steuart Street as part of the TCDP Public Realm Plan.</p>	<p>Considered complete upon requests made by project sponsor for reconfiguration of Steuart Street as part of the TCDP Public Realm Plan.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
Noise Mitigation Measures				
<p>▪ M-NO-1a: Noise Control Measures During Pile Driving [TCDP EIR M-NO-2a] A set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:</p> <ul style="list-style-type: none"> • The project sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels; • The project sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as predrilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; • The project sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurement; and The project sponsor shall require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses. 	Project sponsor, construction contractor(s), and qualified acoustical consultant.	Prior to receiving building permit, incorporate feasible practices identified in M-NO-1a, under the supervision of a qualified acoustical consultant, into the construction contract agreement documents. Control practices should be implemented throughout the pile driving duration.	Project sponsor to submit to Planning Department and Department of Building Inspection (DBI) documentation of compliance of implemented control practices that show construction contractor agreement with specified practices.	Considered complete upon submittal of documentation incorporating identified practices.
<p>▪ M-NO-1b: General Construction Noise Control Measures [TCDP EIR M-NO-2b] To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor shall undertake the following:</p> <ul style="list-style-type: none"> • The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). • The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as five dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible. • The project sponsor shall require the general contractor to use impact tools (e.g., 	Project sponsor and construction contractor(s)	Prior to the issuance of the building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and DBI a list of measures to respond to and track complaints pertaining to construction noise.	Project sponsor to submit to Planning Department and DBI construction a list of measures to respond to and track complaints pertaining to noise. Project sponsor to provide copies of contract documents to Planning Department that show construction contractor agreement with specified practices.	Considered complete upon submittal of contract documents incorporating identified practices.

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
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<p>jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</p> <ul style="list-style-type: none"> • The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible. • Prior to the issuance of the building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and DBI a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity. 				

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<p>▪ M-NO-3: Interior Mechanical Equipment [from TCDP EIR M-NO-1e]</p> <p>The project sponsor shall require that effects of mechanical equipment noise on adjacent and nearby noise-sensitive uses be evaluated by a qualified acoustical consultant and that control of mechanical noise, as specified by the acoustical consultant, be incorporated into the final project design of new buildings to achieve the maximum feasible reduction of building equipment noise, consistent with <i>Building Code</i> and Noise Ordinance requirements and CEQA thresholds, such as through the use of fully noise-insulated enclosures around rooftop equipment and/or incorporation of mechanical equipment into intermediate building floor(s).</p>	Project sponsor and qualified acoustical consultant	Prior to building permit issuance, a qualified acoustical consultant shall confirm that the final project design achieves the maximum feasible reduction of building equipment noise to minimize effects of the proposed project's mechanical equipment noise on adjacent and nearby noise-sensitive uses.	Project sponsor shall submit verification to the Planning Department and DBI from a qualified acoustical consultant that recommend measures to reduce noise effects from mechanical equipment noise have been implemented into the final project design.	Considered complete upon submittal of confirmation from acoustical consultant that measures have been incorporated into the final project design.
<p>▪ M-C-NO-1a: Cumulative Construction Noise Control Measures [TCDP EIR M-C-NO]</p> <p>The project sponsor shall cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities, staggering of construction schedules so that particularly noisy phases of work do not overlap at nearby project sites, and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.</p>	Project sponsor and project construction contractor(s)	Prior to and during project construction activities of the proposed project, and ongoing during building occupancy for the duration of construction activities within the Transit Center District Plan Area.	Project sponsor shall participate in any City-sponsored construction noise control program, if necessary, and implement applicable elements as a result of such program.	Considered complete upon submittal of contract documents to the Planning Department and submittal of documentation designating compliance with City-sponsored construction control program.
<i>Air Quality Mitigation Measures</i>				
<p>• M-AQ-2 – Construction Emissions Minimization [TCDP EIR M-AQ-5]</p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a</p>	Project sponsor and construction contractor(s) shall	Prior to the commencement of construction activities,	Project sponsor/contractor to submit a Construction Emissions Minimization	Considered complete upon ERO/Planning

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ol style="list-style-type: none"> a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; b) All off-road equipment shall have: <ol style="list-style-type: none"> i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). c) Exceptions: <ol style="list-style-type: none"> i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation. ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 	<p>prepare and implement Construction Emissions Minimization Plan.</p>	<p>the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p> <p>The Plan shall be kept on site and available for review. A sign shall be posted at the perimeter of the construction site indicating the basic requirements of the Plan and where copies of the Plan are available to the public for review.</p>	<p>Plan. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase. For off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p>	<p>Department review and approval of Construction Emissions Minimization Plan or alternative measures that achieve the same emissions reduction.</p>

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed												
<p>VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 4.G.6.</p> <p>Table 4.G.6 – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than <i>two</i> minutes, except as provided in exceptions to the applicable State regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
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MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>M-AQ-4a: Best Available Control Technology for Diesel Generators [TCDP EIR M-AQ-3]</p> <p>All diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards, or (2) meet Tier 2 emission standards and are equipped with a California ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p>	Project sponsor	Prior to building permit issuance.	Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all installed diesel generators on the project site.	Considered complete upon submittal of documentation to the Planning Department.
<p>M-AQ-4b: Air Filtration Measures [TCDP EIR M-AQ-2]</p> <p><i>Air Filtration and Ventilation Requirements for Sensitive Land Uses.</i> Prior to receipt of any building permit, the project sponsor shall submit a ventilation plan for the proposed building(s). The ventilation plan shall show that the building ventilation system removes at least 80 percent of the outdoor PM_{2.5} concentrations from habitable areas and be designed by an engineer certified by ASHRAE [the American Society of Heating, Refrigeration and Air Conditioning Engineers], who shall provide a written report documenting that the system meets the 80 percent performance standard identified in this measure and offers the best available technology to minimize outdoor to indoor transmission of air pollution.</p> <p><i>Maintenance Plan.</i> Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.</p> <ul style="list-style-type: none"> • <i>Disclosure to buyers and renters.</i> The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system. 	<p>Project sponsor</p> <p>Project sponsor or building management representative</p>	<p>Prior to receiving building permit.</p> <p>Prior to move in activities of potential buyers or renters.</p>	<p>Project sponsor shall submit an air-filtration and ventilation plan, and maintenance plan to the Planning Department.</p> <p>Project sponsor or building management representative shall provide disclosures to buyers (and renters) that the building is located in an area with existing sources of air pollution, and that the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter.</p>	<p>Considered complete upon Planning Department review and approval by the air-filtration and ventilation plan, and maintenance plan.</p> <p>Disclosure documents shall be provided to buyers and renters for the duration of building occupancy.</p>

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report ing Actions and Responsibility	Status/Date Completed
<i>Biological Resources Mitigation Measures</i>				
M-BI-1a: Design Standards to Render Building Less Hazardous to Birds The proposed project and project variants shall conform with the locational standards of Planning Code Section 139, <i>Standards for Bird-Safe Buildings</i> , specific only to the provisions applicable to locational hazards as described in Planning Code Section 139. Therefore: <ul style="list-style-type: none"> • Glazing as a percentage of the façade: Bird-Safe Glazing Treatment is required such that the Bird Collision Zone [the building façade from grade and extending upwards for 60 feet, and glass façades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof] facing the San Francisco Bay consists of no more than 10 percent untreated glazing. Building owners would concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians. • Bird Safe Glazing Treatments: these include fritting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. Vertical elements of the pattern shall be at least ¼-inch wide with a maximum spacing of 4 inches, and horizontal elements shall be at least 1/8-inch wide with a maximum spacing of 2 inches. Equivalent treatments recommended by a qualified biologist may be used if approved by the Zoning Administrator. No glazing shall have a “Reflectivity Out” coefficient greater than 30 percent. • Minimal lighting (limited to pedestrian safety needs) shall be used. Lighting shall be shielded. No uplighting should be used. No event searchlights should be permitted. No horizontal axis windmills or vertical axis wind generators that do not appear solid shall be used.	Project sponsor and architect shall conform to applicable requirements.	Prior to building permit issuance.	Project sponsor shall provide building plans to Planning Department and DBI for review.	Considered complete upon approval and issuance of building permit.
M-BI-1b: Night Lighting Minimization [TCDP EIR I-BI-2] In compliance with the voluntary San Francisco Lights Out Program, the proposed project and variants would implement bird-safe building operations to prevent and minimize birdstrike impacts, including but not limited to the following measures: <ul style="list-style-type: none"> • Reduce building lighting from exterior sources by: <ul style="list-style-type: none"> ◦ Minimizing amount and visual impact of perimeter lighting and façade 	Project sponsor and architect.	During project design and environmental review.	Project sponsor to submit building plans to the Planning Department for review.	Considered complete upon approval and issuance of building permit.

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
uplighting and avoid up-lighting of rooftop antennae and other tall equipment, as well as of any decorative features; <ul style="list-style-type: none"> ○ Installing motion-sensor lighting; ○ Utilizing minimum wattage fixtures to achieve required lighting levels. <ul style="list-style-type: none"> ● Reduce building lighting from interior sources by: <ul style="list-style-type: none"> ○ Dimming lights in lobbies, perimeter circulation areas, and atria; ○ Turning off all unnecessary lighting by 11:00 p.m. through sunrise, especially during peak migration periods (mid-March to early June and late August through late October); ○ Utilizing automatic controls (motion sensors, photo-sensors, etc.) to shut off lights in the evening when no one is present; Encouraging the use of localized task lighting to reduce the need for more extensive overhead lighting; ○ Scheduling nightly maintenance to conclude by 11:00 p.m.; and, ○ Educating building residents and other users about the dangers of night lighting to birds. 				
<i>Hazards and Hazardous Materials Mitigation Measures</i>				
M-HZ-1a: Hazardous Building Materials Abatement The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and regulations.	Project sponsor	Prior to any demolition or construction activities.	If necessary, the project sponsor to provide hazardous materials survey and abatement results to the Planning Department and SFDPH.	Considered complete upon submittal of abatement results.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
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IMPROVEMENT MEASURES FOR THE 75 HOWARD STREET PROJECT

I-TR-A: Transit Information for Residents To encourage the use of transit to/from the project site, the project sponsor should provide a transportation insert in the new resident's move-in packet that would provide information on available transit service (nearby lines, schedules and fares), information on where Clipper Cards could be purchased, and information on the 511 Regional Rideshare Program.	Project sponsor or building management	Prior to building occupancy.	Project sponsor to provide move-in packet to Planning Department.	Transit information shall be provided to buyers and renters for the duration of building occupancy.
I-TR-C: Driveway Operations Plan The owner/operator of the proposed project shall implement and adhere to all aspects of the <i>Driveway Operations Plan</i> , presented in the 75 Howard Street Project Transportation Study. The <i>Driveway Operations Plan</i> shall be a living document for the life of the project driveway, recorded with the Planning Department as part of the project case file. All updates to the <i>Driveway Operations Plan</i> shall be reviewed and approved by the Director of Planning, or his or her designee. Upon the request of the Director of Planning, or his or her designee, the owner/operator shall submit to the Department evidence of compliance with the <i>Driveway Operations Plan</i> , including but not limited to, records of loading dock activity and security camera footage. If the Planning Director, or his or her designee, suspects that the facility owner/operator is not adhering to the <i>Driveway Operations Plan</i> , the Planning Department shall notify the property owner in writing. If after 90 days since written notification, the Department determines that the owner/operator is still not adhering to the <i>Driveway Operations Plan</i> , the driveway shall be considered in violation of the Condition of Approval.	Project sponsor or building management	Ongoing during building occupancy.	Project sponsor to adhere to <i>Driveway Operations Plan</i> and provide evidence of compliance to the Planning Department, if requested.	Considered complete upon submittal of driveway operations plan.
I-TR-D: Vehicle Queues and Pedestrian Conflicts It shall be the responsibility of the owner/operator of the proposed project to ensure that vehicle queues do not block any portion of the sidewalk or	Project Sponsor or building management	On-going during building occupancy.	Project sponsor to ensure that recurring vehicle queues do not occur on	If necessary, considered complete upon

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>roadway of Howard Street, including any portion of any travel lanes or bike lanes. The owner/operator shall also ensure that no substantial pedestrian conflict as defined below is created at the project driveway.</p> <p>A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Howard Street sidewalk or roadway for a consecutive period of three minutes or longer on a daily or weekly basis, or for more than five percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space or valet/mechanical parking system capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage or loading area; or a combination of these or other factors.</p> <p>A substantial pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and / or contact between pedestrians and the vehicle would occur.</p> <p>If vehicle queues or substantial conflicts occur, the owner/operator of the facility shall employ abatement methods as needed to abate the queue and / or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and / or on-site queue capacity; employment of additional valet attendants or improved mechanical parking system; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or resident/visitor shuttles; parking demand management strategies such as time-of-day parking surcharges; and / or limiting hours of access to the project driveway during periods of peak pedestrian traffic.</p> <p>If the Planning Director, or his or her designee, suspects that vehicle queues or a substantial conflict are present, the Planning Department shall notify the property owner in writing. The owner/operator shall hire a qualified</p>			<p>Howard Street adjacent to the proposed project site.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the project sponsor in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. If the Planning Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>	<p>submittal of evaluation of vehicle queues and implementation of any necessary abatement issues.</p>

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall submit a report to the Department documenting conditions. Upon review of the report, the Department shall determine whether or not queues and / or a substantial conflict exists, and shall notify the garage owner/operator of the determination in writing.</p> <p>If the Department determines that queues or a substantial conflict do exist, upon notification, the facility owner/operator shall have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Department determines that vehicle queues and / or a substantial conflict are still present or that the owner/operator has been unsuccessful at abating the identified vehicle queues or substantial conflicts, the hours of inbound and / or outbound access of the project driveway shall be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, communicated to the owner/operator in writing, and recorded in an updated <i>Driveway Operations Plan</i>. The owner/operator shall be responsible for limiting the hours of project driveway access as specified by the Planning Department.</p>				
<p>I-TR-E: Installation of Pedestrian Alerting Devices</p> <p>As an improvement measure to minimize conflicts between pedestrians and vehicles in front of the proposed project, a mirror and an audible and visual device would be installed at the garage entrance to automatically alert pedestrians when a vehicle is exiting the facility.</p>	Project sponsor and project construction contractor(s) to install pedestrian alert device	Prior to building occupancy.	Project sponsor to notify Planning Department and DBI upon installation of the alert device.	Considered complete upon installation of alert device.
<p>I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza</p> <p>As an improvement measure to accommodate hotel and restaurant/retail visitors arriving by bicycle, the project sponsor would coordinate the installation of bicycle racks on the Steuart Street plaza with the SFMTA. The project sponsor would work with SFMTA to establish the appropriate number and best location of the bicycle racks.</p>	Project sponsor	Prior to completion of construction.	Project sponsor to coordinate with SFMTA to establish the location and number of bicycle racks.	Considered complete upon installation of bicycle racks.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>I-TR-G: Provision of Bicycle Signage and Information</p> <p>As an improvement measure to facilitate bicycle travel the project sponsor will add appropriate signage and information in/near bicycle parking areas describing access to local bicycle routes and entries/exits to and from the bicycle parking area.</p>	Project sponsor	Prior to completion of construction.	Project sponsor to coordinate with SFMTA on appropriate signage.	Considered complete upon installation of bicycle signage.
<p>I-TR-I: Sidewalk Widening</p> <p>To improve pedestrian conditions in the area and to facilitate pedestrian movement in front of the project site, the project sponsor would work with Planning Department, SFMTA, and DPW to consider the potential construction of a wider sidewalk on the south side of Howard Street. The south sidewalk would be widened by approximately 7 feet, from the an existing width of about 13.5 feet to approximately 21.5 feet, starting at the west edge of the project site and extending east through the proposed Steuart Street Plaza, and onto The Embarcadero. The project sponsor would be required to fund the design and construction of this improvement.</p> <p>To facilitate passenger drop offs and pick ups, the existing 16-foot-wide sidewalk would be widened for an approximate length of 35 feet at the proposed curbside white zone in front of the restaurant entrance near Steuart Street. Thus, the sidewalk widening would extend for a total distance of approximately 273 feet, 115 ft. from the west edge to Steuart Street, excluding the proposed passenger zone, 76 feet through the proposed Steuart Street Plaza, and 82 feet to The Embarcadero.</p> <p>This improvement measure would require that the proposed 24-foot wide curb cut that provides access into the Basement Level 1 parking garage and loading docks be widened to about 26 feet, in order to facilitate truck turning movements in and out of the building.</p> <p>This improvement measure would also require the additional elimination of four automobile and two motorcycle metered spaces on the south side of Howard Street (two automobile spaces in front of the project site, and two automobile and two motorcycle spaces west of Steuart Street), resulting in the elimination of a total of 15 automobile and two motorcycle metered spaces by the proposed project and the two variants. The increase in parking utilization created by the elimination of these on-street spaces would add to the expected parking deficits in the area during the midday period, but would be expected to be accommodated by other existing on-street spaces in the area during the evening period. The parking deficits associated with the</p>	Project sponsor and project construction contractor(s)	Throughout the construction duration.	Project sponsor and project construction contractor(s) to consider coordinating with DPW, SFMTA, the Fire Department, the Planning Department and other applicable City agencies. If required, contractor to prepare a Traffic Control Plan (TCP) for project construction activities.	Considered complete upon construction of sidewalk improvements.

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 75 HOWARD STREET PROJECT (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
proposed project and Variants would not create a significant parking impact.				
I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out The project sponsor shall ensure that parking spaces on Howard Street, adjacent to the project site, are reserved as needed through the SFMTA by calling the San Francisco Customer Service Center (311) prior to move-in and move-out activities. This would reduce the potential for double parking on Howard Street during move-in and move-out activities. The project sponsor could also require tenants to schedule and coordinate move-in and move-out activities with building management to space out loading activities.	Project sponsor or building management	On-going during building occupancy.	Project sponsor or building management to recommend that tenants schedule and coordinate move-in and move-out activities with SFMTA.	Ongoing for duration of building occupancy.
I-TR-K: Installation of Turntable Operation Device As an improvement measure to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1, a device will be installed at the bottom of the garage ramp to automatically alert motorists when the loading turntable is in use. The warning device will provide visual and audible messages to drivers to stop and wait for the turntable to complete its rotation.	Project sponsor and project construction contractor(s)	On-going during building occupancy.	Project sponsor to coordinate with Planning Department on appropriate signage.	Considered complete upon installation of signage.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>I-TR-L: Expanded Traffic Control Plan for Construction</p> <p>To reduce potential conflicts between construction activities and pedestrians, transit and vehicles at the project site, the project sponsor and project contractor would be required to prepare a Traffic Control Plan (TCP) for the project construction period. In addition to the standard elements of the TCP such as coordination with the SFMTA, DPW, San Francisco Fire Department, etc., and the mandatory compliance with the <i>San Francisco Regulations for Working in San Francisco Streets</i> (the “Blue Book”), the expanded TCP could include:</p> <ul style="list-style-type: none"> Implementation of any necessary lane closures during times that avoid the a.m. and p.m. peak commute periods, Stationing of uniformed off-duty San Francisco Police officers at various locations to facilitate the movement of pedestrians, bicyclists and transit vehicles Scheduling of construction truck trips during hours of the day other than the peak morning and evening commute periods, and Development of a construction activities plan so that certain activities such as pile driving do not disturb the Muni Metro tunnel located west of the project site. 	Project sponsor and project construction contractor(s)	During project construction.	Project sponsor and construction contractor to consider TCP expansion measures while meeting with Department of Public Works, SFMTA, the Fire Department, Muni Operations, and other City agencies on feasible measure to reduce traffic congestion during construction.	Considered complete upon approval of Traffic Control Plan.
<p>I-TR-M: Carpool and Transit Access for Construction Workers</p> <p>As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor would include methods to encourage carpooling and transit access to the project site by construction workers as part of a Construction Management Plan.</p>	Project sponsor and construction contractor(s)	Implement measure throughout all phases of construction. Considered complete upon completion of construction.	Project sponsor could request the construction contractor to encourage carpooling and transit access to the site by construction workers.	Considered complete upon completion of construction.
<p>I-TR-N: Project Construction Updates for Adjacent Businesses and Residents</p> <p>As an improvement measure to minimize construction impacts on access to nearby locations, the project sponsor would provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, parking lane and sidewalk closures. A web site could be created by project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries</p>	Project sponsor or construction contractor(s)	Implement measure throughout all phases of construction. Considered complete upon completion of construction.	Project sponsor to provide nearby residences and adjacent businesses with regularly-updated information regarding project construction and appropriate contact information. An e-mail notice could be circulated	Considered complete upon completion of construction.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE 75 HOWARD STREET PROJECT**
(Includes Text for Adopted Mitigation Measures and Improvement Measures)

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
or concerns.			by the project sponsor that would provide current construction information of interest to neighbors.	
I-WS-A: As an improvement measure to reduce wind speeds in areas of usable open space on the roof of the tower, the project sponsor shall strive to install, or cause to be installed, wind reduction measures that could include windscreens along the exposed perimeter of the roof. Additional windscreens and/or landscaping should be considered on the west and northwest sides of any seating areas.	Project sponsor and architect.	Prior to building permit issuance.	Project sponsor shall provide building plans to Planning Department and DBI for review.	Ongoing for duration of building occupancy.
I-BI-A: Tenant Education The project sponsor would provide their tenants with a copy of the City's Standards for Bird-Safe Buildings. This is required to educate the building's occupants about the risks to birds of nighttime lighting.	Project sponsor and building management	On-going during building occupancy.	Project sponsor and building management to consider providing educational information prior to tenant move-in and during annual informational meetings.	Ongoing for duration of building occupancy.
I-HY-A: Emergency Plan The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.	Project sponsor and building management	Plan shall be prepared prior to building occupancy and shall be updated annually. Educational meetings shall be held at least three times per year for duration of building occupancy.	Project sponsor and building management to prepare plan and provide educational meetings.	Ongoing for duration of building occupancy



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

Acceptance of Delegation Agreement

HEARING DATE: JULY 23, 2015

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: July 6, 2015
Case Number: 2011.1122XVCUA
Project Name: **75 Howard**
Zoning: C-3-O (SD) (Downtown-Office (Special Development))
200-S
Block/Lot: 3741/31; 3741/35 (Parcel 3)
Delegating Agency: Mayor's Office of Community Investment and Infrastructure
Project Sponsor: RDF 75 Howard LP
1633 Broadway, Suite 1801
New York, NY 10019
Staff Contact: Tina Chang, Planner
tina.chang@sfgov.org, 415-575-9108

RECOMMENDING THAT THE PLANNING COMMISSION ACCEPT DELEGATION OF THE RESPONSIBILITY TO ADMINISTER THE REDEVELOPMENT REQUIREMENTS THAT ARE APPLICABLE TO THE REDEVELOPMENT IMPROVEMENTS ON THE PORTION OF THE PROPERTY FALLING UNDER THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE (OCII) (SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY) JURISDICTION FOR ASSESSOR'S BLOCK 3741, LOT 035 WITHIN THE DOWNTOWN-OFFICE SPECIAL DEVELOPMENT (C-3-O (SD)) ZONING AND 200-S HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, in Resolution No. _____, dated July 23, 2015, the Planning Commission certified the Final Environmental Impact Report (FEIR) prepared for the proposed development of a 20-story-over-basement, 220 foot tall building with up to 133 dwelling units, approximately 5,824 sq. ft. of ground floor retail space and 100 off-street parking spaces (hereinafter the "75 Howard Project"), at 75 Howard Street (the "Project Site"), as accurate, complete and in compliance with the California Environmental Quality Act ("CEQA").

Under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 et seq., the Board of Supervisors of the City and County of San Francisco approved, by Ordinance No. 14-91 (Jan. 5, 1981), the Redevelopment Plan for the Rincon Point-South Beach Project Area and, since then, has amended it ten times. (The plan, as so amended, is referred to herein as the "Redevelopment Plan"). The Redevelopment Plan expires in 2021.

Under the Redevelopment Plan, the Redevelopment Agency of the City and County of San Francisco, a

public body corporate and politic ("Redevelopment Agency"), had the authority to approve development projects that were consistent with the land use controls of the Redevelopment Plan and with the standards for development in the Design for Development Rincon Point – South Beach Redevelopment Project ("Design for Development") (together the Redevelopment Plan and Design for Development are referred to as the "Redevelopment Requirements"). These land use controls for the Rincon Point-South Beach Project Area ("Project Area") provide specific standards for development but incorporate other local land use regulations to the extent that those regulations do not conflict with Redevelopment Requirements. Design for Development, § V at page 11 ("All new development shall meet the requirements of the General Plan, the City Planning Code and all other applicable codes, including changes or amendments thereto as may be made subsequent to the adoption of the Redevelopment Plan, except to the extent that changes and amendments conflict with the express provisions of the Redevelopment Plan and this Design for Development.")

By 2007, the Redevelopment Agency had substantially achieved the objectives of the Redevelopment Plan, including completion of major public and private improvements by investing millions of dollars of tax increment and other revenues and approving new development in the area. As a result of the completion of the Project Area and certain limitations on the use of tax increment, the Board of Supervisors approved, by Ordinance No. 115-07 (May 18, 2007), an amendment to the Redevelopment Plan to limit the Redevelopment Agency's future use of tax increment revenue from the Project Area to financing its unfulfilled affordable housing obligations and paying preexisting indebtedness.

State law dissolved the Redevelopment Agency on February 1, 2012, Cal. Health and Safety Code §§ 34161 et seq. ("Redevelopment Dissolution Law"), and provided, among other things, that successor agencies assumed the rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations of the former redevelopment agencies, but otherwise to dispose of assets and wind down redevelopment affairs in an expeditious manner. Redevelopment Dissolution Law provides that a city or county may, but is not required to, assume the land use authority previously exercised by a former redevelopment agency. Cal. Health & Safety Code § 34173 (i).

The Successor Agency to the Redevelopment Agency (the "Successor Agency")--a separate entity from the City and County of San Francisco ("City")--is also known as the Office of Community Investment and Infrastructure ("OCII"), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has "succeed[ed] to the organizational status of the former redevelopment agency." Cal. Health & Safety Code § 34173 (g).

The Board of Supervisors, in its capacity as governing body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established, under section 6 of the ordinance, the Successor Agency Commission to "act in place of the former commission of the dissolved Redevelopment Agency to implement, modify, enforce and complete the surviving redevelopment projects" and to "take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission

deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations.”

Since dissolution, the Successor Agency has had discussions with the Planning Department about the transfer of land use authority under the Redevelopment Plan to the Planning Department because the objectives of the Redevelopment Plan are complete, the Successor Agency does not have any enforceable obligations for new development in the Project Area, and Redevelopment Dissolution Law has placed significant limitations on the Successor Agency’s expenditures for activities that are not required to fulfill enforceable obligations.

Under Sections 33128 and 33205 of the California Health and Safety Code, OCII has access to the services of the Planning Department and the authority to delegate to the Planning Department certain of OCII's powers and functions with respect to undertaking the redevelopment of project areas, and the Planning Department is authorized to carry out or perform such powers and functions.

The Redevelopment Agency and Planning Department previously entered into several delegation agreements whereby the Planning Department assumed land use authority over redevelopment projects, including Zone 2 of the Transbay Project Area (Agency Resolution No. 16-2005, Jan. 25, 2005), the South of Market Project Area (Agency Resolution No. 71-2005, May 3, 2015), Zone 2 of the Bayview Hunters Point Project Area (Agency Resolution No. 83-2006, June 20, 2006), and Yerba Buena Center Approved Redevelopment Project Area D-1 (Agency Resolution No. 146-2000, Aug. 15, 2000). All of these delegation agreements remain in effect.

The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b). See also Cal. Health & Safety Code § 34171 (d) (1) (F) (defining enforceable obligations to include “agreements necessary for the administration or operation of the successor agency”).

The Project Site consists of a lot (Assessor’s Block 3741, Lot 31) developed and used as an 8-story above grade parking garage with 550 parking spaces (the “Parking Garage Lot”) and a small triangular portion of an adjacent lot (Assessor’s Block 3741, Lot 35) which is currently unimproved other than landscaping and a fence (the “Subject Property”). The Subject Property is within the Project Area and is subject to the land use and development controls of the Redevelopment Requirements. The Project Sponsor intends to merge the Subject Property into the Parking Garage Lot through a lot line adjustment.

On June 25, 2015, the Project Sponsor submitted to the Planning Department the updated Section 309 Authorization Application, Variance Application and Conditional Use Authorization Application for the Project. These applications, including all supporting documentation, are required for the development of the 75 Howard Project and include the Subject Property. Almost all of the improvements proposed by the 75 Howard Project are located on the Parking Garage Lot, which is not subject to the Redevelopment Requirements and are within the exclusive jurisdiction of the City and have been reviewed for compliance with the Planning Code and heard at a duly noticed Planning Commission hearing on July 23, 2015 (the “Planning Code Improvements”).

Only a small number of improvements for the 75 Howard Project are located on the Subject Property that is under the jurisdiction of the Redevelopment Requirements and OCII. Those improvements (as shown on the current plans) are: (i) the below grade parking garage; (ii) on floors 1 through 7, a small corner of the proposed building and some landscaping and streetscape; and (iii) on floors 8 through 11, the very edge of the building corner (the "Redevelopment Improvements"). There are no improvements proposed on the Subject Property from floor 12 and above.

Review and approval of the both the Planning Code Improvements and the Redevelopment Improvements by one public body with final authority over all aspects of the project will avoid inconsistent and duplicative decisions and ensure that design considerations and conditions of approval are part of an integrated and holistic development project. Given the Redevelopment Requirements reliance on the Planning Code, the Planning Department and Planning Commission are the appropriate authorities in which to consolidate review and approval of the 75 Howard Project.

On July 7, 2015, the OCII Commission unanimously approved a Delegation Agreement under Resolution No. 44-2015 by and between OCII and the Planning Department whereby OCII delegated to the Planning Department the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the 75 Howard Project located on the Subject Property.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby approves the Delegation Agreement and authorizes the Director of Planning to execute the Delegation Agreement in the name and on behalf of this Planning Commission, in substantially the form of agreement presented to this Planning Commission.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on July 23, 2015.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 23, 2015

DELEGATION AGREEMENT
BY AND BETWEEN THE

OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE
(SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY)
A N D T H E
DEPARTMENT OF CITY PLANNING
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOR A PORTION OF BLOCK 3741/LOT 35 ("PARCEL 3") IN THE RINCON POINT-SOUTH
BEACH REDEVELOPMENT PROJECT AREA

This Delegation Agreement ("Delegation Agreement") is entered into as of July ____, 2015, by and between the CITY AND COUNTY OF SAN FRANCISCO (the "City"), acting through its PLANNING DEPARTMENT, established pursuant to the Charter of the City and County of San Francisco, (together with the Planning Commission and the Zoning Administrator, collectively referred to as the "Planning Department" unless specified otherwise) and the OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE ("OCII"), acting as 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 (interchangeably, the "Successor Agency or "OCII").

RECITALS

A. Under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 et seq., the Board of Supervisors of the City and County of San Francisco approved, by Ordinance No. 14-91 (Jan. 5, 1981), the Redevelopment Plan for the Rincon Point-South Beach Project Area and, since then, has amended it ten times. (The plan, as so amended, is referred to herein as the "Redevelopment Plan"). The Redevelopment Plan expires in 2021.

B. Under the Redevelopment Plan, the Redevelopment Agency of the City and County of San Francisco, a public body corporate and politic ("Redevelopment Agency"), had the authority to approve development projects that were consistent with the land use controls of the Redevelopment Plan and with the standards for development in the Design for Development Rincon Point – South Beach Redevelopment Project ("Design for Development") (together the Redevelopment Plan and Design for Development are referred to as the "Redevelopment Requirements"). These land use controls for the Rincon Point-South Beach Project Area ("Project Area") provide specific standards for development but incorporate other local land use regulations to the extent that those regulations do not conflict with Redevelopment Requirements. Design for Development, § V at page 11 ("All new development shall meet the requirements of the General Plan, the City Planning Code and all other applicable codes, including changes or amendments thereto as may be made subsequent to the adoption of the Redevelopment Plan, except to the extent that changes and amendments conflict with the express provisions of the Redevelopment Plan and this Design for Development.")

C. By 2007, the Redevelopment Agency had substantially achieved the objectives of

the Redevelopment Plan, including completion of major public and private improvements by investing millions of dollars of tax increment and other revenues and approving new development in the area. As a result of the completion of the Project Area and certain limitations on the use of tax increment, the Board of Supervisors approved, by Ordinance No. 115-07 (May 18, 2007), an amendment to the Redevelopment Plan to limit the Redevelopment Agency's future use of tax increment revenue from the Project Area to financing its unfulfilled affordable housing obligations and paying preexisting indebtedness.

D. State law dissolved the Redevelopment Agency on February 1, 2012, Cal. Health and Safety Code §§ 34161 et seq. ("Redevelopment Dissolution Law"), and provided, among other things, that successor agencies assumed the rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations of the former redevelopment agencies, but otherwise to dispose of assets and wind down redevelopment affairs in an expeditious manner. Redevelopment Dissolution Law provides that a city or county may, but is not required to, assume the land use authority previously exercised by a former redevelopment agency. Cal. Health & Safety Code § 34173 (i).

E. The Successor Agency to the Redevelopment Agency--a separate entity from the City and County of San Francisco ("City")--is also known as the Office of Community Investment and Infrastructure ("OCII"), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has "succeed[ed] to the organizational status of the former redevelopment agency." Cal. Health & Safety Code § 34173 (g).

F. The Board of Supervisors, in its capacity as governing body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established, under section 6 of the ordinance, the Successor Agency Commission to "act in place of the former commission of the dissolved Redevelopment Agency to implement, modify, enforce and complete the surviving redevelopment projects" and to "take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations."

G. Since dissolution, the Successor Agency has had discussions with the Planning Department about the transfer of land use authority under the Redevelopment Plan to the Planning Department because the objectives of the Redevelopment Plan are complete, the Successor Agency does not have any enforceable obligations for new development in the Project Area, and Redevelopment Dissolution Law has placed significant limitations on the Successor Agency's expenditures for activities that are not required to fulfill enforceable obligations.

H. Under Sections 33128 and 33205 of the California Health and Safety Code, OCII has access to the services of the Planning Department and the authority to delegate to the Planning Department certain of OCII's powers and functions with respect to undertaking the redevelopment of project areas, and the Planning Department is authorized to carry out or perform such powers and functions.

I. The Redevelopment Agency and Planning Department previously entered into several delegation agreements whereby the Planning Department assumed land use authority over

redevelopment projects, including Zone 2 of the Transbay Project Area (Agency Resolution No. 16-2005, Jan. 25, 2005), the South of Market Project Area (Agency Resolution No. 71-2005, May 3, 2015), Zone 2 of the Bayview Hunters Point Project Area (Agency Resolution No. 83-2006, June 20, 2006) and Yerba Buena Center Approved Redevelopment Project Area D-1 (Agency Resolution No. 146-2000, Aug. 15, 2000). All of these delegation agreements remain in effect.

J. The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b). *See also* Cal. Health & Safety Code § 34171 (d) (1) (F) (defining enforceable obligations to include “agreements necessary for the administration or operation of the successor agency”).

K. The Gap, Inc., a Delaware corporation (the "Gap") is the current owner of that certain real property comprising Assessor's Block 3741/Lot 35 in the City and County of San Francisco, California (the "Gap Property"). The Gap Property is within the Project Area and is subject to the land use and development controls of the Redevelopment Plan and Design for Development.

L. RDF 75 Howard LP is the developer of a proposed project at 75 Howard Street (the “Developer”). Developer is the owner of that certain real property, situated in the City (Assessor's Block 3741/Lot.31), commonly known as the 75 Howard Street Garage (the “75 Howard Parcel”) and seeks to include a small portion of the Gap Property in the proposed project at 75 Howard Street.

M. The Developer is in contract with the Gap for the purchase of a small triangle of land immediately adjacent to a portion of the southeastern property line of the 75 Howard Parcel. The small triangle of land comprises a portion of Assessor's Block 3741/Lot 35 in the City, commonly known as "Parcel 3," which is more particularly described in Exhibit A and shown on the Boundary Plat attached as Exhibit B, which is attached hereto and incorporated herein by reference (the “Subject Property”).

N. The Subject Property is physically separated from the remainder of the Gap Property by an easement and driveway serving the surface parking lot of a property commonly known as 201 Spear Street and by an access driveway to the Gap Property's below grade parking structure. Currently, the Subject Property contains a fence and bushes, but no other improvements. Developer intends to merge the Subject Property with the 75 Howard Parcel pursuant to a lot line adjustment upon acquiring the Subject Property. By merging the Subject Property into the 75 Howard Parcel, the 75 Howard lot can be squared off at its Southeast corner.

O. The 75 Howard Parcel is not within the Project Area and thus is not subject to the Redevelopment Requirements, but rather is subject to the San Francisco Planning Code and the jurisdiction of the Planning Department.

P. The Developer is seeking land use approvals to redevelop the 75 Howard Parcel and the Subject Property. The Developer proposes to: 1) demolish the 75 Howard Street Garage, a 91-foot tall and eight-level parking garage that was built in 1976; and 2) construct an approximately 20-story, 220-foot tall, and 284,300 gross square foot ("gsf")

residential building that contains 133 market rate units and approximately 5,824 gsf of retail use (the "75 Howard Project"). The Developer proposes to satisfy the affordable housing requirements of Section 415 of the San Francisco Planning Code by payment of an in-lieu fee in accordance with applicable law. The 75 Howard Project also would provide, for the residential use, one hundred (100) off-street parking spaces in a 41,000 gsf basement located on two below-grade levels accessed from Howard Street.

Q. On April 30, 2015, the Developer submitted to the Planning Department the Section 309 Authorization Application and Variance Application. On May 11, 2015, the Developer submitted the Conditional Use Authorization Application. These applications are required for the development of the 75 Howard Project and include the Subject Property. Almost all of the improvements proposed by the 75 Howard Project are located on the 75 Howard Parcel that is within the exclusive jurisdiction of the City and that is currently scheduled for a Planning Commission hearing on July 23, 2015 (the "Planning Code Improvements")

R. Only a small number of improvements for the 75 Howard Project are located on the Subject Property that is under the jurisdiction of the Redevelopment Plan and OCII. Those improvements (as shown on the current plans) are: (i) the below grade parking garage; (ii) on floors 1 through 7, a small corner of the proposed building and some landscaping and streetscape; and (iii) on floors 8 through 11, the very edge of the building corner (the "Redevelopment Improvements"). There are no improvements proposed on the Subject Property from floor 12 and above.

S. Review and approval of the both the Planning Code Improvements and the Redevelopment Improvements by one public body with final authority over all aspects of the project will avoid inconsistent and duplicative decisions and ensure that design considerations and conditions of approval are part of an integrated and holistic development project. Given the Redevelopment Requirements reliance on the Planning Code, the Planning Department and Planning Commission are the appropriate authorities in which to consolidate review and approval of the 75 Howard Project.

T. OCII desires to delegate to the Planning Department, and the Planning Department desires to accept, the responsibility for administering the Redevelopment Requirements to the Redevelopment Improvements that are proposed as part of the 75 Howard Project on the Subject Property.

NOW, THEREFORE, the Planning Department and OCII agree as follows:

1. OCII hereby delegates to the Planning Department, and the Planning Department hereby accepts the delegation of, the responsibility to administer the Redevelopment Requirements that are applicable to the Redevelopment Improvements on the Subject Property. The Planning Department agrees to carry out its responsibilities to administer the Redevelopment Requirements for the Subject Property at no cost or charge to the Agency. The Planning Department may impose such administrative fees and costs, to the extent permitted by the Planning Code, upon the 75 Howard Project as are generally applicable to other development projects in the Department's jurisdiction and OCII shall have no right to any of the fees and costs collected.

2. The Planning Department shall review and approve use, building and demolition permits for development of the 75 Howard Project on the Subject Property. The Planning Department and Planning Commission shall apply Redevelopment Requirements to Redevelopment Improvements on the Subject Property and approve only those improvements that conform to the Redevelopment Requirements. In determining consistency with the Redevelopment Requirements, the Planning Department and Planning Commission shall make all determinations as to appropriateness of use, bulk and height restrictions, open space requirements, floor area ratio limitations, and design review and approval, in accordance with the terms and conditions of this Delegation Agreement and the Redevelopment Requirements.

3. Both parties agree to act expeditiously on any approvals required for development of the Subject Property and in a manner consistent with the Redevelopment Requirements and this Delegation Agreement.

4. This Delegation Agreement may be executed in one or more counterparts, all of which together shall constitute one and the same instrument.

5. This Delegation Agreement may be terminated by either party following consultation with the other party and upon thirty (30) days notice. Such termination shall have no effect on any actions or approvals previously granted pursuant to the terms of this Delegation Agreement.

6. OCII and the Planning Department hereby reserve the right to amend or supplement this Delegation Agreement at any time by mutual consent for any purpose. No alteration or variation to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, following approval by the Planning Commission and the OCII Commission. No oral understandings or agreements not incorporated herein shall be binding on any of the parties hereto. Any amendment to this Delegation Agreement shall be consistent with the provisions of the Redevelopment Plan.

7. The Director of the Planning Department and the Executive Director of the Successor Agency shall consult with each other on matters arising out of this Agreement from time to time, and specifically with respect to questions regarding the scope of authority delegated hereunder.

City and County of San Francisco,

Approved as to form

Dennis J . Herrera, City Attorney

by

Deputy City Attorney

by John Rahaim
Director of Planning

Approved as to form

OFFICE OF COMMUNITY
INVESTMENT AND
INFRASTRUCTURE, as the Successor
Agency to the Redevelopment Agency of

by James B. Morales
OCII General Counsel

the City and County of San Francisco

by Tiffany Bohee
Executive Director

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 44 – 2015

Adopted July, 7, 2015

**APPROVING A DELEGATION AGREEMENT WITH THE SAN FRANCISCO
PLANNING DEPARTMENT FOR ADMINISTRATION OF LAND USE AUTHORITY
UNDER THE RINCON POINT – SOUTH BEACH REDEVELOPMENT PLAN FOR A
PORTION OF THE PROPOSED PROJECT AT 75 HOWARD STREET; RINCON
POINT – SOUTH BEACH PROJECT AREA**

WHEREAS, Under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 *et seq.*, the Board of Supervisors of the City and County of San Francisco approved, by Ordinance No. 14-91 (Jan. 5, 1981), the Redevelopment Plan for the Rincon Point-South Beach Project Area and, since then, has amended the plan ten times. (The plan, as so amended, is referred to herein as the "Redevelopment Plan"). The Redevelopment Plan expires in 2021; and

WHEREAS, Under the Redevelopment Plan, the Redevelopment Agency of the City and County of San Francisco, a public body corporate and politic ("Redevelopment Agency"), had the authority to approve development projects that were consistent with the land use controls of the Redevelopment Plan and with the standards for development in the Design for Development Rincon Point – South Beach Redevelopment Project ("Design for Development") (together the Redevelopment Plan and Design for Development are referred to as the "Redevelopment Requirements"); and

WHEREAS, By 2007, the Redevelopment Agency had substantially achieved the objectives of the Redevelopment Plan by investing millions of dollars of tax increment, completing major public and private improvements, and approving new development in the area. As a result of the completion of the Project Area and certain limitations on the use of tax increment, the Board of Supervisors approved, by Ordinance No. 115-07 (May 18, 2007), an amendment to the Redevelopment Plan to limit the Redevelopment Agency's future use of tax increment revenue from the Project Area to financing its unfulfilled affordable housing obligations and paying preexisting indebtedness; and

WHEREAS, State law dissolved the Redevelopment Agency on February 1, 2012, (Part 1.85 of the California Health and Safety Code (commencing with Section 34170)) (the "Redevelopment Dissolution Law"), and provided, among other things, that successor agencies assumed the rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations of the former redevelopment agencies, but otherwise to dispose of

assets and wind down redevelopment affairs in an expeditious manner. Redevelopment Dissolution Law provides that a city or county may, but is not required to, assume the land use authority previously exercised by a former redevelopment agency. Cal. Health & Safety Code § 34173 (i); and

WHEREAS, The Successor Agency to the Redevelopment Agency, commonly known as the Office of Community Investment and Infrastructure (“OCII”), is a legal entity separate from the City and County of San Francisco (“City”), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has “succeed[ed] to the organizational status of the former redevelopment agency.” Cal. Health & Safety Code § 34173 (g); and

WHEREAS, The Board of Supervisors, in its capacity as governing body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established, under section 6 of the ordinance, the Successor Agency Commission to “act in place of the former commission of the dissolved Redevelopment Agency to implement, modify, enforce and complete the surviving redevelopment projects” and to “take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations;” and

WHEREAS, The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b); and

WHEREAS, Under Sections 33128 and 33205 of the California Health and Safety Code, OCII has the authority to access the services of the Planning Department and to delegate to the Planning Department certain of OCII’s powers and functions with respect to undertaking the redevelopment of project areas, and the Planning Department is authorized to carry out or perform such powers and functions; and

WHEREAS, The Redevelopment Agency and Planning Department previously entered into several delegation agreements whereby the Planning Department assumed land use authority over specific areas in redevelopment projects: the Emporium Site Area of the Yerba Buena Center Project Area (Agency Resolution No. 146-2000 (Aug. 15, 2000); Planning Commission Resolution No. 15950 (Aug. 17, 2000)); Zone 2 of the Transbay Project Area (Agency Resolution No. 16-2005 (Jan. 25, 2005); Planning Commission Resolution No. 16934 (Jan. 27, 2005)); the South of Market Project Area (Agency Resolution No. 71-2005 (May 3, 2005); Planning Commission Resolution No. 17144 (Nov. 17, 2005)); and Zone 2 of the Bayview Hunters Point Project Area (Agency Resolution No. 83-2006 (June 20, 2006); Planning Commission Resolution No. 17272 (June 22, 2006)). These delegation agreements remain in effect; and

WHEREAS, RDF 75 Howard LP (the “Developer”) is the developer of a proposed residential project at 75 Howard Street (the “Project”) and owns Lot 31 of Assessor's Block 3741, commonly known as the 75 Howard Street Garage (the “75 Howard Parcel”) and seeks to include in the Project a small portion of Lot 35 of Assessor’s Block 3741, which is immediately adjacent to the 75 Howard Parcel and is within the Project Area (the “Small Triangle Property”); and

WHEREAS, The 75 Howard Parcel is not within the Project Area and thus is not subject to the Redevelopment Requirements, but rather is subject to the San Francisco Planning Code. Only a small portion of the improvements for the Project is located on the Small Triangle Property that is under the jurisdiction of the Redevelopment Plan and OCII; and

WHEREAS, The Developer proposes to 1) demolish the 75 Howard Street Garage, a 91-foot tall and eight-level parking garage, 2) merge the 75 Howard Parcel and the Small Triangle Property, and 3) construct an approximately 20-story, 220-foot tall, 284,300 gross square foot (“gsf”), residential building that contains 133 market rate units, 5,824 gsf of retail use, 100 off-street parking spaces, and 123 bicycle parking spaces. The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). The Developer proposes to satisfy the affordable housing requirements of Section 415 of the San Francisco Planning Code by payment of an in-lieu fee in accordance with applicable law; and

WHEREAS, The Developer initially submitted applications to the Planning Department for environmental review in January 2012 and for Project approval in December 2013. Subsequently, the Developer revised the Project and submitted new applications. On April 30, 2015, the Developer submitted to the Planning Department a Section 309 Authorization Application and Variance Application. On May 11, 2015, the Developer submitted a Conditional Use Authorization Application. Almost all of the Project’s improvements are located on the 75 Howard Parcel that is within the exclusive jurisdiction of the City and that is currently scheduled for a Planning Commission hearing on July 23, 2015 (the “Planning Code Improvements”); and

WHEREAS, Only a small number of the Project’s improvements are located on the Small Triangle Property that is under the jurisdiction of the Redevelopment Plan and OCII. The Application Package for the Project that is attached to the Commission Memorandum accompanying this Resolution depicts the improvements proposed for the Small Triangle Property. Those improvements (as shown on the current plans) are: (i) a small portion of the below grade parking garage; (ii) on floors 1 through 7, a small corner of the proposed building and some landscaping and streetscape; and (iii) on floors 8 through 11, the very edge of the building corner (the “Redevelopment Improvements”). There are no improvements proposed on the Small Triangle Property from floor 12 and above; and

WHEREAS, On June 16, 2015, the Developer submitted a written request to OCII for review and approval of the Redevelopment Improvements on the Small Triangle Property; and

WHEREAS, OCII staff is recommending that the OCII Commission approve a delegation agreement whereby OCII delegates to the Planning Department land use authority, including compliance with California Environmental Quality Act ("CEQA"), over the Redevelopment Improvements on the Small Triangle Property. Review and approval of the both the Planning Code Improvements and the Redevelopment Improvements by one public body with final authority over all aspects of the Project will avoid inconsistent and duplicative decisions and ensure that design considerations and conditions of approval are part of an integrated and holistic development Project; and

WHEREAS, Approval of the delegation agreement is not a "project" with the meaning of the Public Resources Code Section 21065 of the California Environmental Quality Act ("CEQA") and Section 15378 of the CEQA Guidelines because the delegation agreement addresses organizational and administrative activities that will not result in direct or indirect physical changes in the environment. The delegation agreement provides for the delegation of authority under a redevelopment plan to the Planning Department and Planning Commission. This delegation itself does not result in physical changes to the environment. NOW THEREFORE BE IT,

RESOLVED, That the Commission on Community Investment and Infrastructure hereby approves the Delegation Agreement, substantially in the form of Exhibit A to this Resolution, with the San Francisco Planning Department for purposes of reviewing and considering the approval of the Project at 75 Howard Street.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of July 7, 2015.



Commission Secretary

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 44 – 2015

Adopted July, 7, 2015

**APPROVING A DELEGATION AGREEMENT WITH THE SAN FRANCISCO
PLANNING DEPARTMENT FOR ADMINISTRATION OF LAND USE AUTHORITY
UNDER THE RINCON POINT – SOUTH BEACH REDEVELOPMENT PLAN FOR A
PORTION OF THE PROPOSED PROJECT AT 75 HOWARD STREET; RINCON
POINT – SOUTH BEACH PROJECT AREA**

WHEREAS, Under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 *et seq.*, the Board of Supervisors of the City and County of San Francisco approved, by Ordinance No. 14-91 (Jan. 5, 1981), the Redevelopment Plan for the Rincon Point-South Beach Project Area and, since then, has amended the plan ten times. (The plan, as so amended, is referred to herein as the "Redevelopment Plan"). The Redevelopment Plan expires in 2021; and

WHEREAS, Under the Redevelopment Plan, the Redevelopment Agency of the City and County of San Francisco, a public body corporate and politic ("Redevelopment Agency"), had the authority to approve development projects that were consistent with the land use controls of the Redevelopment Plan and with the standards for development in the Design for Development Rincon Point – South Beach Redevelopment Project ("Design for Development") (together the Redevelopment Plan and Design for Development are referred to as the "Redevelopment Requirements"); and

WHEREAS, By 2007, the Redevelopment Agency had substantially achieved the objectives of the Redevelopment Plan by investing millions of dollars of tax increment, completing major public and private improvements, and approving new development in the area. As a result of the completion of the Project Area and certain limitations on the use of tax increment, the Board of Supervisors approved, by Ordinance No. 115-07 (May 18, 2007), an amendment to the Redevelopment Plan to limit the Redevelopment Agency's future use of tax increment revenue from the Project Area to financing its unfulfilled affordable housing obligations and paying preexisting indebtedness; and

WHEREAS, State law dissolved the Redevelopment Agency on February 1, 2012, (Part 1.85 of the California Health and Safety Code (commencing with Section 34170)) (the "Redevelopment Dissolution Law"), and provided, among other things, that successor agencies assumed the rights and obligations of the former Redevelopment Agency (with the exception of certain affordable housing assets). In particular, state law requires successor agencies to fulfill enforceable obligations of the former redevelopment agencies, but otherwise to dispose of

assets and wind down redevelopment affairs in an expeditious manner. Redevelopment Dissolution Law provides that a city or county may, but is not required to, assume the land use authority previously exercised by a former redevelopment agency. Cal. Health & Safety Code § 34173 (i); and

WHEREAS, The Successor Agency to the Redevelopment Agency, commonly known as the Office of Community Investment and Infrastructure (“OCII”), is a legal entity separate from the City and County of San Francisco (“City”), has assumed the remaining rights and obligations of the former Redevelopment Agency, and has “succeed[ed] to the organizational status of the former redevelopment agency.” Cal. Health & Safety Code § 34173 (g); and

WHEREAS, The Board of Supervisors, in its capacity as governing body of the Successor Agency, approved Ordinance No. 215-12 (Oct. 4, 2012) to implement Redevelopment Dissolution Law and established, under section 6 of the ordinance, the Successor Agency Commission to “act in place of the former commission of the dissolved Redevelopment Agency to implement, modify, enforce and complete the surviving redevelopment projects” and to “take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that the Commission deems appropriate consistent with the Redevelopment Dissolution Law to comply with such obligations;” and

WHEREAS, The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of “winding down the redevelopment agency.” Cal. Health & Safety Code § 34177.3 (b); and

WHEREAS, Under Sections 33128 and 33205 of the California Health and Safety Code, OCII has the authority to access the services of the Planning Department and to delegate to the Planning Department certain of OCII’s powers and functions with respect to undertaking the redevelopment of project areas, and the Planning Department is authorized to carry out or perform such powers and functions; and

WHEREAS, The Redevelopment Agency and Planning Department previously entered into several delegation agreements whereby the Planning Department assumed land use authority over specific areas in redevelopment projects: the Emporium Site Area of the Yerba Buena Center Project Area (Agency Resolution No. 146-2000 (Aug. 15, 2000); Planning Commission Resolution No. 15950 (Aug. 17, 2000)); Zone 2 of the Transbay Project Area (Agency Resolution No. 16-2005 (Jan. 25, 2005); Planning Commission Resolution No. 16934 (Jan. 27, 2005)); the South of Market Project Area (Agency Resolution No. 71-2005 (May 3, 2005); Planning Commission Resolution No. 17144 (Nov. 17, 2005)); and Zone 2 of the Bayview Hunters Point Project Area (Agency Resolution No. 83-2006 (June 20, 2006); Planning Commission Resolution No. 17272 (June 22, 2006)). These delegation agreements remain in effect; and

WHEREAS, RDF 75 Howard LP (the “Developer”) is the developer of a proposed residential project at 75 Howard Street (the “Project”) and owns Lot 31 of Assessor's Block 3741, commonly known as the 75 Howard Street Garage (the “75 Howard Parcel”) and seeks to include in the Project a small portion of Lot 35 of Assessor’s Block 3741, which is immediately adjacent to the 75 Howard Parcel and is within the Project Area (the “Small Triangle Property”); and

WHEREAS, The 75 Howard Parcel is not within the Project Area and thus is not subject to the Redevelopment Requirements, but rather is subject to the San Francisco Planning Code. Only a small portion of the improvements for the Project is located on the Small Triangle Property that is under the jurisdiction of the Redevelopment Plan and OCII; and

WHEREAS, The Developer proposes to 1) demolish the 75 Howard Street Garage, a 91-foot tall and eight-level parking garage, 2) merge the 75 Howard Parcel and the Small Triangle Property, and 3) construct an approximately 20-story, 220-foot tall, 284,300 gross square foot (“gsf”), residential building that contains 133 market rate units, 5,824 gsf of retail use, 100 off-street parking spaces, and 123 bicycle parking spaces. The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). The Developer proposes to satisfy the affordable housing requirements of Section 415 of the San Francisco Planning Code by payment of an in-lieu fee in accordance with applicable law; and

WHEREAS, The Developer initially submitted applications to the Planning Department for environmental review in January 2012 and for Project approval in December 2013. Subsequently, the Developer revised the Project and submitted new applications. On April 30, 2015, the Developer submitted to the Planning Department a Section 309 Authorization Application and Variance Application. On May 11, 2015, the Developer submitted a Conditional Use Authorization Application. Almost all of the Project’s improvements are located on the 75 Howard Parcel that is within the exclusive jurisdiction of the City and that is currently scheduled for a Planning Commission hearing on July 23, 2015 (the “Planning Code Improvements”); and

WHEREAS, Only a small number of the Project’s improvements are located on the Small Triangle Property that is under the jurisdiction of the Redevelopment Plan and OCII. The Application Package for the Project that is attached to the Commission Memorandum accompanying this Resolution depicts the improvements proposed for the Small Triangle Property. Those improvements (as shown on the current plans) are: (i) a small portion of the below grade parking garage; (ii) on floors 1 through 7, a small corner of the proposed building and some landscaping and streetscape; and (iii) on floors 8 through 11, the very edge of the building corner (the “Redevelopment Improvements”). There are no improvements proposed on the Small Triangle Property from floor 12 and above; and

WHEREAS, On June 16, 2015, the Developer submitted a written request to OCII for review and approval of the Redevelopment Improvements on the Small Triangle Property; and

WHEREAS, OCII staff is recommending that the OCII Commission approve a delegation agreement whereby OCII delegates to the Planning Department land use authority, including compliance with California Environmental Quality Act ("CEQA"), over the Redevelopment Improvements on the Small Triangle Property. Review and approval of the both the Planning Code Improvements and the Redevelopment Improvements by one public body with final authority over all aspects of the Project will avoid inconsistent and duplicative decisions and ensure that design considerations and conditions of approval are part of an integrated and holistic development Project; and

WHEREAS, Approval of the delegation agreement is not a "project" with the meaning of the Public Resources Code Section 21065 of the California Environmental Quality Act ("CEQA") and Section 15378 of the CEQA Guidelines because the delegation agreement addresses organizational and administrative activities that will not result in direct or indirect physical changes in the environment. The delegation agreement provides for the delegation of authority under a redevelopment plan to the Planning Department and Planning Commission. This delegation itself does not result in physical changes to the environment. NOW THEREFORE BE IT,

RESOLVED, That the Commission on Community Investment and Infrastructure hereby approves the Delegation Agreement, substantially in the form of Exhibit A to this Resolution, with the San Francisco Planning Department for purposes of reviewing and considering the approval of the Project at 75 Howard Street.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of July 7, 2015.



Commission Secretary

DELEGATION AGREEMENT
BY AND BETWEEN THE

OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE
(SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY)
A N D T H E
DEPARTMENT OF CITY PLANNING
OF THE CITY AND COUNTY OF SAN FRANCISCO

FOR A PORTION OF BLOCK 3741/LOT 35 ("PARCEL 3") IN THE RINCON POINT-SOUTH
BEACH REDEVELOPMENT PROJECT AREA

This Delegation Agreement ("Delegation Agreement") is entered into as of July ____, 2015, by and between the CITY AND COUNTY OF SAN FRANCISCO (the "City"), acting through its PLANNING DEPARTMENT, established pursuant to the Charter of the City and County of San Francisco, (together with the Planning Commission and the Zoning Administrator, collectively referred to as the "Planning Department" unless specified otherwise) and the OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE ("OCII"), acting as 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 (interchangeably, the "Successor Agency or "OCII").

RECITALS

A. Under the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 *et seq.*, the Board of Supervisors of the City and County of San Francisco approved, by Ordinance No. 14-91 (Jan. 5, 1981), the Redevelopment Plan for the Rincon Point-South Beach Project Area and, since then, has amended it ten times. (The plan, as so amended, is referred to herein as the "Redevelopment Plan"). The Redevelopment Plan expires in 2021.

B. Under the Redevelopment Plan, the Redevelopment Agency of the City and County of San Francisco, a public body corporate and politic ("Redevelopment Agency"), had the authority to approve development projects that were consistent with the land use controls of the Redevelopment Plan and with the standards for development in the Design for Development Rincon Point – South Beach Redevelopment Project ("Design for Development") (together the Redevelopment Plan and Design for Development are referred to as the "Redevelopment Requirements"). These land use controls for the Rincon Point-South Beach Project Area ("Project Area") provide specific standards for development but incorporate other local land use regulations to the extent that those regulations do not conflict with Redevelopment Requirements. Design for Development, § V at page 11 ("All new development shall meet the requirements of the General Plan, the City Planning Code and all other applicable codes, including changes or amendments thereto as may be made subsequent to the adoption of the Redevelopment Plan, except to the extent that changes and amendments conflict with the express provisions of the Redevelopment Plan and this Design for Development.")

several delegation agreements whereby the Planning Department assumed land use authority over specific areas in redevelopment projects: the Emporium Site Area of the Yerba Buena Center Project Area (Agency Resolution No. 146-2000 (Aug. 15, 2000); Planning Commission Resolution No. 15950 (Aug. 17, 2000)); Zone 2 of the Transbay Project Area (Agency Resolution No. 16-2005 (Jan. 25, 2005); Planning Commission Resolution No. 16934 (Jan. 27, 2005)); the South of Market Project Area (Agency Resolution No. 71-2005 (May 3, 2005); Planning Commission Resolution No. 17144 (Nov. 17, 2005)); and Zone 2 of the Bayview Hunters Point Project Area (Agency Resolution No. 83-2006 (June 20, 2006); Planning Commission Resolution No. 17272 (June 22, 2006)). These delegation agreements remain in effect.

J. The Redevelopment Dissolution Law provides, among other things, that successor agencies may enter into contracts for the purpose of "winding down the redevelopment agency." Cal. Health & Safety Code § 34177.3 (b). *See also* Cal. Health & Safety Code § 34171 (d) (1) (F) (defining enforceable obligations to include "agreements necessary for the administration or operation of the successor agency").

K. The Gap, Inc., a Delaware corporation (the "Gap") is the current owner of that certain real property comprising Assessor's Block 3741/Lot 35 in the City and County of San Francisco, California (the "Gap Property"). The Gap Property is within the Project Area and is subject to the land use and development controls of the Redevelopment Plan and Design for Development.

L. RDF 75 Howard LP is the developer of a proposed project at 75 Howard Street (the "Developer"). Developer is the owner of that certain real property, situated in the City (Assessor's Block 3741/Lot.31), commonly known as the 75 Howard Street Garage (the "75 Howard Parcel") and seeks to include a small portion of the Gap Property in the proposed project at 75 Howard Street.

M. The Developer is in contract with the Gap for the purchase of a small triangle of land immediately adjacent to a portion of the southeastern property line of the 75 Howard Parcel. The small triangle of land comprises a portion of Lot 35 of Assessor's Block 3741 in the City, commonly known as "Parcel 3," which is depicted in the 309 Application Package for the Project submitted to the Planning Department as a hatched triangle in the lower right hand corner of the Proposed Site Plan, attached as Exhibit A to this Delegation Agreement (the "Small Triangle Property").

N. The Small Triangle Property is physically separated from the remainder of the Gap Property by an easement and driveway serving the surface parking lot of a property commonly known as 201 Spear Street and by an access driveway to the Gap Property's below grade parking structure. Currently, the Small Triangle Property contains a fence and bushes, but no other improvements. Developer intends to merge the Small Triangle Property with the 75 Howard Parcel pursuant to a lot line adjustment. By merging the Small Triangle Property into the 75 Howard Parcel, the 75 Howard lot can be squared off at its Southeast corner.

O. The 75 Howard Parcel is not within the Project Area and thus is not subject to the Redevelopment Requirements, but rather is subject to the San Francisco Planning Code and the jurisdiction of the Planning Department.

responsibilities to administer the Redevelopment Requirements for the Small Triangle Property at no cost or charge to the Agency. The Planning Department may impose such administrative fees and costs, to the extent permitted by the Planning Code, upon the 75 Howard Project as are generally applicable to other development projects in the Department's jurisdiction and OCII shall have no right to any of the fees and costs collected.

2. The Planning Department shall review and consider approval of the use, building and demolition permits for development of the 75 Howard Project on the Small Triangle Property. The Planning Department and Planning Commission shall comply with CEQA and apply the Redevelopment Requirements to Redevelopment Improvements on the Small Triangle Property and approve only those improvements that comply with CEQA and conform to the Redevelopment Requirements. In determining consistency with the Redevelopment Requirements, the Planning Department and Planning Commission shall make all determinations as to the sufficiency of environmental review, appropriateness of use, bulk and height restrictions, open space requirements, floor area ratio limitations, and design review and approval, in accordance with the terms and conditions of this Delegation Agreement and the Redevelopment Requirements.

3. Both parties agree to act expeditiously on any approvals required for development of the Small Triangle Property and in a manner consistent with the Redevelopment Requirements and this Delegation Agreement.

4. This Delegation Agreement may be executed in one or more counterparts, all of which together shall constitute one and the same instrument.

5. This Delegation Agreement may be terminated by either party following consultation with the other party and upon thirty (30) days notice. Such termination shall have no effect on any actions or approvals previously granted pursuant to the terms of this Delegation Agreement.

6. OCII and the Planning Department hereby reserve the right to amend or supplement this Delegation Agreement at any time by mutual consent for any purpose. No alteration or variation to the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto, following approval by the Planning Commission and the OCII Commission. No oral understandings or agreements not incorporated herein shall be binding on any of the parties hereto. Any amendment to this Delegation Agreement shall be consistent with the provisions of the Redevelopment Plan.

7. The Director of the Planning Department and the Executive Director of the Successor Agency shall consult with each other on matters arising out of this Agreement from time to time, and specifically with respect to questions regarding the scope of authority delegated hereunder.

City and County of San Francisco,

Approved as to form

Dennis J. Herrera, City Attorney

75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105

PARAMOUNT
GROUP, INC.
1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

SOM

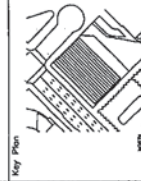
ARCHITECTS, ENGINEERS & INTERIORS, LLP
644 PAVAN STREET, SAN FRANCISCO, CA 94111

Architect

Consultants

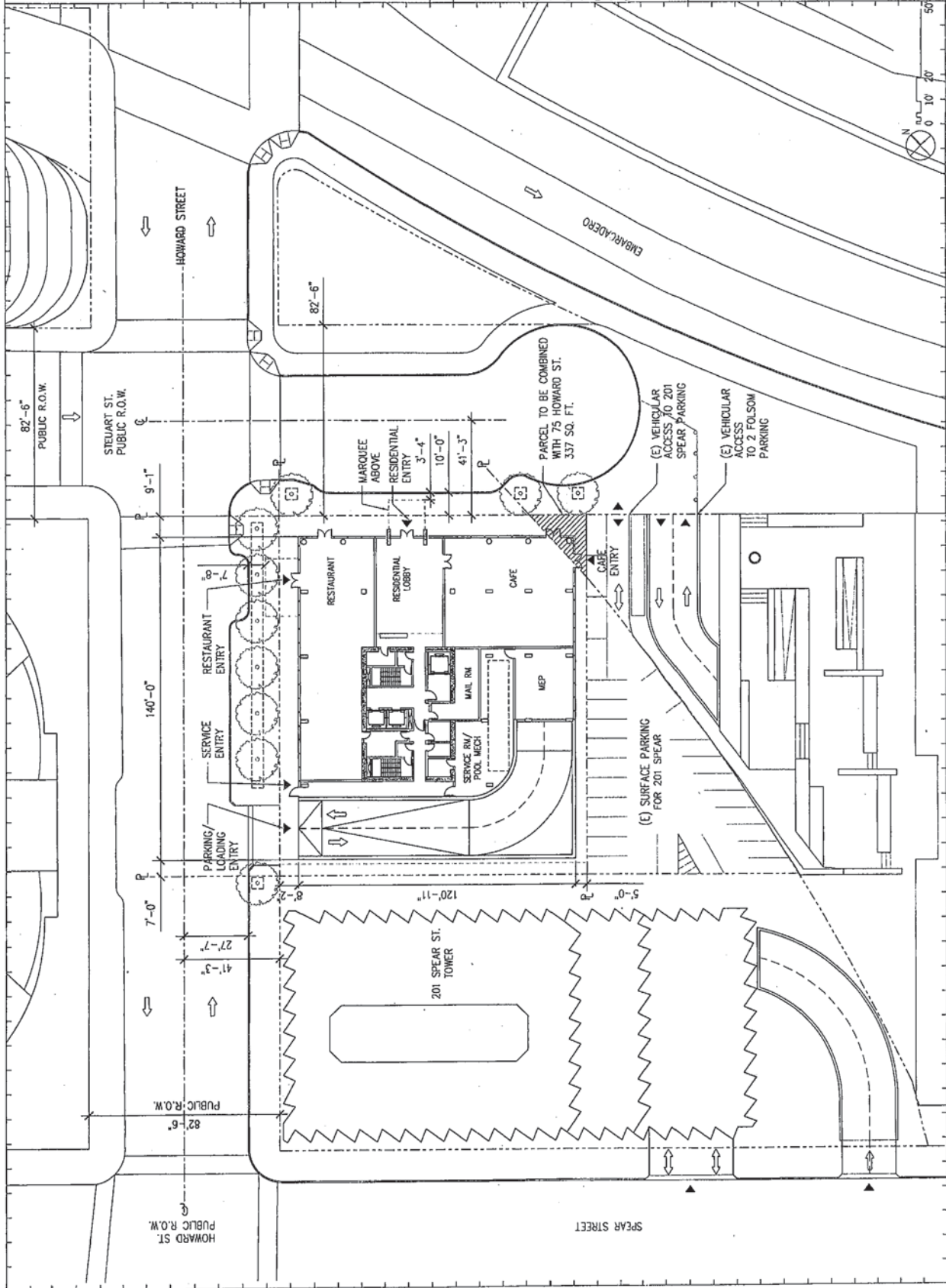
Scale & Signature

Sheet No.	Revision	Date
1	PRELIMINARY PROJECT	28 SEP 11
2	PRELIMINARY PROJECT	13 JUN 12
3	PRELIMINARY PROJECT	20 APR 12
4	PRELIMINARY PROJECT	02 JUL 12
5	PRELIMINARY PROJECT	13 JUL 12
6	PRELIMINARY PROJECT	18 JUL 12
7	PRELIMINARY PROJECT	20 JUL 12
8	PRELIMINARY PROJECT	31 AUG 12
9	PRELIMINARY PROJECT	19 MAR 13
10	PRELIMINARY PROJECT	10 SEP 10
11	PRELIMINARY PROJECT	07 FEB 14
12	PRELIMINARY PROJECT	29 APR 15



PROPOSED SITE PLAN

Sheet No. 211560
Scale 1/8" = 1'-0"
Date 04/29/2015
Project 75 HOWARD STREET
A1.01





SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Street Tree (Sec. 138.1; 428) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JULY 23, 2015

Date: July 7, 2015
Case No.: **2014.1122XVCUA**
Project Address: **75 Howard Street**
Zoning: C-3-O (SD) (Downtown Office, Special Development)
200-S Height and Bulk District
Block/Lot: 3741/31; 3741/35 (Parcel 3)
Project Sponsor: Marce L. Sanchez – (212) 237-3129
RDF 75 Howard LP
1633 Broadway, Suite 1801
New York, NY 10019
msanchez@paramount-group.com
Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD UNDER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS UNDER PLANNING CODE SECTION 148, AND HEIGHT AND BULK LIMITS UNDER PLANNING CODE SECTIONS 263.9, 270 AND 272, TO CONSTRUCT A 20-STORY-OVER-BASEMENT, APPROXIMATELY 220-FOOT TALL BUILDING WITH UP TO 133 DWELLING UNITS AND APPROXIMATELY 5,824 SQ. FT. OF GROUND FLOOR COMMERCIAL SPACE, AT 75 HOWARD STREET WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 200-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

Environmental Review

On March 28, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of RDF 75 Howard LP (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the demolition of an existing above grade parking garage and the construction of a new, approximately 31-story-over-basement, approximately 350-foot tall,

432,253 gross square foot (gsf) building containing approximately 5,685 gsf of ground floor commercial space, with 186 dwelling-units (the "Original Project") at 75 Howard Street (hereinafter "Project Site").

The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 31, 2013.

On July 31, 2013, the Department published a Draft EIR for public review (Case No. 2001.1122E). The Draft EIR was available for public comment until September 16, 2013. On September 12, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the Draft EIR.

On July 8, 2015, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the Project. Together, the Comments and Responses document and the DEIR comprise the Final EIR ("FEIR").

On July 23, 2015, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and complied with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Original Project Applications

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an application with the Department for Compliance with Planning Code Section 309 for the Original Project, with exceptions for Streetwall Base requirements (Section 132.1), Off-Street Parking requirements (Section 151.1), Rear Yard requirements (Section 134), and Bulk requirements (Sections 270 and 272) within the C-3-O(SD) (Downtown Office, Special Development) and 200-S Height and Bulk District, to allow the demolition of the existing above grade parking garage and the construction of the Original Project at the Project Site.

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor also filed an application with the Department for Height and Bulk Reclassification for the Original Project to allow the Project Site to be reclassified from the 200-S Height and Bulk District, to the 350-S Height and Bulk District.

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor also filed an application with the Department for General Plan Referral for the Original Project to allow certain improvements on the land located on Assessor's Block 3742/Lot 12 and the portion of the Steuart Street right-of-way south of Howard Street (the "Open Space Improvement Site").

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an application for the Original Project for certain variances from the Planning Code, including dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an application for the Original Project for the initiation of a General Plan Amendment to amend the General Plan Urban Design Element Height Map (Map 4) and the Downton Element Height Map (Map 5) to permit the height of the Original Project.

Reduced Height Project Applications

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an amendment of application with the Department for Compliance with Planning Code Section 309 to allow the demolition of an existing above-grade parking garage and the construction of a new, approximately 26-story-over-basement, approximately 292-foot tall building containing approximately 409,150 gsf, with approximately 4,250 gsf of ground floor commercial space and 159 dwelling-units (the "Reduced Height Project") at the Project Site, with exceptions for Streetwall Base requirements (Section 132.1), Off-Street Parking requirements (Section 151.1), Rear Yard requirements (Section 134), and Bulk requirements (Sections 270 and 272).

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor filed with the Department an amendment of application for Height and Bulk Reclassification for the Reduced Height Project to allow the Project Site to be reclassified from the 200-S Height and Bulk District, to the 300-S Height and Bulk District.

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an amended application for the Reduced Height Project for certain variances from the Planning Code, including dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an amended application for the Reduced Height Project for the initiation of a General Plan Amendment to amend the General Plan Urban Design Element Height Map (Map 4) and the Downtown Element Height Map (Map 5) to permit the height of the Reduced Height Project.

Unlike the Original Project, the Reduced Height Project did not include the proposed improvements to the Open Space Improvement Site, and as such on August 13, 2014, the Project Sponsor rescinded the application for General Plan Referral filed for the Original Project.

Code Compliant Project Applications/Current Project

On April 30, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an amended application with the Department for Compliance with Planning Code Section 309 with exceptions for Rear Yard requirements (Section 134), requirements for the reduction of Ground-Level Wind Currents (Section 148) and Height and Bulk limits (Sections 263.9, 270 and 272) within the C-3-O(SD) (Downtown Office, Special Development) and 200-S Height and Bulk District, to allow the

demolition of an existing above grade parking garage and the construction of a new, 20-story-over-basement, approximately 220-foot tall, 284,300 gsf building containing approximately 5,824 gsf of ground floor retail space, and 133 dwelling-units (the “Code Compliant Project”, also referred to herein as the “Project”) at the Project Site.

On April 30, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor also filed an amended application for the Project for certain variances from the Planning Code. The following variances are part of the Project: dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On May 11, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP on behalf Project Sponsor also filed an application for Conditional Use Authorization (CUA) to permit residential accessory off-street parking in excess of the principally permitted amounts (Section 155.1).

Unlike the Original Project or the Reduced Height Project, the Project complies with the underlying Height and Bulk District and zoning constraints, subject to certain exceptions discussed herein, and does not require a Height and Bulk Reclassification or a General Plan Amendment. As such, on June 4, 2015, the Project Sponsor rescinded the applications for General Plan Amendment and Height and Bulk Reclassification filed for the Original Project and the Reduced Height Project.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2011.1122XVCUA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission’s review, consideration and action.

On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) Commission of the City and County of San Francisco, commonly known as the “Successor Agency” to the former San Francisco Redevelopment Agency (SFRDA), approved and agreed to enter into a delegation agreement with the Department (the “Delegation Agreement”) regarding that portion of the Project Site consisting of a small, unimproved triangular portion of real property within Block 3741/Lot 35, commonly referred to as “Parcel 3” (the “Unimproved Triangle”), which is a part of, and subject to, the Rincon Point South Beach Redevelopment Plan Area (the “Redevelopment Plan”). On July 23rd, the Planning Commission accepted delegation from OCII. Per the Delegation Agreement, the Department will review and determine consistency and compliance with the Redevelopment Plan as to that portion of the Project that is within the Redevelopment Plan Area.

The Department has reviewed the plans for the proposed Project attached hereto as Exhibit B and has determined that the portion of the proposed building that is within the Redevelopment Plan Area is consistent with the Redevelopment Plan. It further determined that the portion of the building that falls within the Unimproved Triangle consists only of the below-grade garage, and a small corner of the building and streetscape and landscaping on floors 1 through 7, and the very edge of the building corner on floors 8 through 11 and nothing on floors 12 or above (the “Improvements Within the Redevelopment Area”). Pursuant to the Delegation Agreement, the Planning Department approved the design of portion

of the Project within the Redevelopment Plan Area. The Project requires a Section 309 Authorization from the Planning Commission (the "Commission") as to those portions of the building exclusively within the jurisdiction of the City of San Francisco (the "City") since almost the entire building is within exclusive City jurisdiction. The staff recommends that the Planning Commission confirm the Department's approval of the design of the Improvements Within the Redevelopment Area pursuant to this Section 309 Authorization by approving the entirety of the design for the proposed building as shown on the plans attached as Exhibit B to this motion.

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

MOVED, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2011.1122XVCUA (including those portions of the Project located within the Rincon Point South Beach Redevelopment Plan Area), subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site consists of a lot developed with an 8-story above grade parking garage (the "Parking Garage Lot") and includes what has been referred to as "the Unimproved Triangle" (3741/35, Parcel 3), that is within the Rincon Point South Beach Redevelopment Plan Area. The Project Sponsor intends to merge the Unimproved Triangle with the Parking Garage Lot through a lot line adjustment. The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the boundaries of the Transit Center District Plan Area and is located at the eastern edge of the District Plan Area. The subject property is 20,931 sq. ft. in size with approximately 156 feet of frontage on Howard Street and 134 feet of frontage on Steuart Street. The subject property is currently used as an eight-story, above grade parking garage with approximately 550 parking spaces.
3. **Surrounding Properties and Neighborhood.** The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the C-3-O(SD) (Downtown Office, Special Development) District and 200-S Height and Bulk District. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. Office and residential uses predominate, though some tourist and retail uses are present. The buildings to the north, south and west of the subject property are taller than the proposed Project.

4. **Project Description.** The Project Sponsor proposes to demolish the existing above grade, eight-story parking garage, merge parcel 3741/031, approximately 20,595sf in size with parcel 3741/035, approximately 337 sf, which is undeveloped and under the Rincon Point South Beach Redevelopment Plan Area, and construct a new 20-story-over-garage, 284,300 gsf, 133-unit residential building with 5,824 sq. ft. of ground floor retail space, 100 off-street parking spaces, and 123 bicycle parking spaces (108 Class 1; 15 Class 2). The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). Commercial space would be located on both the Howard and Steuart Street frontages.
5. **Public Comment.** On earlier iterations of the Project (the Original Project and the Reduced Height Alternative), the Department received comments from the neighboring community expressing concerns about the proposed height increase of the Original Project and the Reduced Height Alternative. The Sponsor has addressed these concerns in the current design by reducing the height and total area, resulting in a Code compliant building that complies with the underlying Height and Bulk District and zoning constraints, subject to certain exceptions discussed herein. The Department received inquiries from members of the public regarding the Project in its current form.
6. **Planning Code Compliance:** The Commission finds that the Project (including that portion of the Project located within the Rincon Point South Brach Redevelopment Area) is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Rear Yard Requirement.** Planning Code Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels.

The Project does not provide a rear yard that complies with this Code requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." See Section 7, below, for 309 findings.

- B. **Exposure.** Planning Code Section 140 requires at least one room within every dwelling unit to face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is location and at the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

Approximately 39 dwelling units (most of which face south) would not comply with this requirement. These units would face the open space for the Gap Inc. Headquarters and the at-grade adjacent parking lot, which is open for a distance in excess of 150 feet. A variance from Section 140 is being sought as part of this Project for a total of 39 units that do not comply with the exposure requirements of the Code.

- C. **Wind.** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

The existing conditions at the Project Site indicate that 14 of the 58 test points exceed the Planning Code's comfort criterion. With the Project, three comfort exceedances would be eliminated, two would remain unchanged, eight would be decreased, and one would be increased, resulting in a total of 11 comfort exceedances. A Section 309 exception is being sought because the Project would not eliminate the existing 11 of the 58 test locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.

- D. **Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include the addition of 100,000-200,000 sq. ft. of residential space must provide one off-street freight loading space within the project.

The Project provides two loading spaces accessed via Howard Street, and therefore complies with the loading requirement.

- E. **Parking.** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 3.5% of the total gross floor area of such uses.

The Project contains 133 dwelling units. Per Planning Section 151.1, 67 parking spaces are principally permitted ($133/2 = 66.5$) for residential uses, and an additional 33 parking spaces are conditionally permitted ($133/.75 = 99.75 - 66.5 = 33.25$) for residential uses. As such, the Project may provide up to 100 parking spaces for residential uses with a Conditional Use permit. The Project proposes, as permitted by Planning Section 151.1, a total of 100 parked cars and thus complies with this requirement. A Conditional Use application for the 33 conditionally permitted parking spaces is being sought as part of the Project. The Project does not propose any parking for the retail uses.

- F. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

- G. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-0(SD) District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable

development rights ("TDR"), and may exceed 9.0 to 1 without FAR limitations through participation in the Transit Center District Mello-Roos Community Facilities District, pursuant to Section 424.8.

The Project Site has a lot area of approximately 20,931 square feet. Therefore, up to 125,586 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 188,379 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 284,300 square feet of GFA. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, and to participate in the Transit Center District Mello-Roos Community Facilities District for that portion of the Project which exceeds a FAR of 9.0 to 1. Therefore the Project complies with Section 124.

- H. **Residential Open Space (Section 135).** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 sq. ft. per dwelling unit or that common usable open be provided at a ratio of 47.88 sq. ft. per dwelling unit.

The Project includes 133 units. The Project would provide at least 36 square feet of private open space for 84 of the dwelling units through private balconies. A total of 2,352 square feet of commonly accessible open space would be required for the remaining 49 units without a balcony, which would be provided in the form of common space on the second floor. Therefore, the Project complies with Section 135.

- I. **Public Open Space (Section 138).** New buildings in the C-3-O (SD) Zoning District must provide public open space at a ratio of one sq. ft. per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

Ground floor retail space in the C-3 Districts that is less than 5,000 sq. ft. and less than 75 percent of the ground floor area and, is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 5,824 sq. ft. of ground floor retail space, 5,000 sq. ft. of which is exempt from the requirement. However, because the building is principally a residential use building, it is not required to provide any public open space for the remaining commercial space.

- J. **Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project proposes streetscape elements along Howard and Steuart Streets as part of a Streetscape plan. Features include street trees and landscaping consistent with City Standards. The Howard Street

sidewalk will be widened as required by the Department of Public Works, and includes publically-accessible bike parking. The Streetscape Plan will continue to be refined through the Site Permit process, as required by the Conditions of Approval. Therefore, the Project complies with Section 138.1.

- K. **Active Frontages – Loading and Driveway Entry Width (Section 145.1(c)(2)).** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

The Project includes a single entrance for both parking and loading. Access into the parking garage would be through a 26-foot wide two-way curb cut serving a 24-foot wide garage entrance at the west end of the proposed building along Howard Street, near the same northwest corner location as the entrance to the existing 75 Howard Garage. This width exceeds the maximum 20-foot width limitation specified by Section 145.1(c)(2). The Transportation Impact Study prepared for the Project indicates that a 24-foot curb cut and building entrance is required for the building to facilitate truck turning movements in and out of the building. This dimension has been increased to 26 feet to accommodate the longer turning movement generated by the requested widening of the sidewalk to the east of the driveway on Howard Street. A variance from Section 145(c)(2) is being sought as part of this Project for the driveway width that does not comply with the parking and loading width requirements of the Code.

- L. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor.

The ground floor space along Howard and Steuart Streets have active uses with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. The only non-active uses along public frontages are the parking and loading access, and exit corridor access which are specifically exempt from the active uses requirement. The building lobby is considered an active use because it does not exceed 40 feet per 145.1(b)(2)(C).

- M. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

More than 95% of the approximately 110 foot Steuart Street ground floor frontage consists of an all-glass storefront system. Because of the Code-required loading access from Howard Street and Code-required egress routes, 85% of the approximately 140 foot ground floor Howard Street frontage consists of an all-glass storefront system.

- N. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a),

shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to construction on Howard or Steuart Streets, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace an above grade parking garage with a 20-story-over-garage residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.

- O. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

A shadow analysis determined that the Project would not cast net new shadow on any other open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission.

The Project would cast shadows on existing publicly-accessible open spaces in the area other than those protected under Section 295.

There are 15 privately owned, publicly accessible open spaces ("POPOs") that are within reach of the shadow from the Project or variants. Per the DEIR, which analyzed the effect of the shadow from the Original Project or variants on these POPOs, only two of them were shown to be affected by the Original Project or variants. For short periods of time in the morning, the Original Project or variants would cast net new shadows on the POPOs at the Rincon Center (during the spring and autumn) and 160 Spear Street (during the summer). The short duration and transitory nature of the shadows would not have substantially affected the use of these POPOs, although these POPOs may be less pleasant without sunlight. Although the revised proposed Project of 220 feet is shorter than the Original Project of 350 feet, it is anticipated that the proposed Project would have a similar (though slightly reduced due to the shorter height) shadow impact on Rincon Center and 160 Spear Street. Many POPOs in downtown San Francisco are shadowed during the day but are still used, because some people may prefer to sit in the shade instead of under direct sunlight. Overall, the Project or variants would not increase the amount of shadow on these POPOs above levels that are common and generally expected in densely developed urban environments. For these reasons, the proposed Project or variants would have a less-than-significant shadow impact on the POPOs at the Rincon Center and 160 Spear Street.

The shadow study for Rincon Park was updated to reflect the revised proposed Project of 220 feet as set forth in a technical memorandum dated May 20, 2015 by SWCA Turnstone Consulting and addressed to the Planning Departments Environmental Planner assigned to the Project. The updated study demonstrates that the Project or variants would cast net new shadow on the northern and central portions of Rincon Park in the afternoon on most days throughout the year. The affected areas include landscaping (the grassy lawn area), the pedestrian path adjacent to and west of the sculpture, the seating areas and the pedestrian path along the eastern perimeter of the park, and the seating areas east of the sculpture. The Project or variants would not cast net new shadow on Rincon Park in the morning or at mid-day. Although for purposes of the California Environmental Quality Act analysis, this impact was found to be Significant and Unavoidable, as stated in the FEIR for the Project, any development of approximately 100 feet or taller on the Project Site would shadow Rincon Park in the afternoon on most days of the year, resulting in unavoidable shadow impacts similar to those caused by the Project. The annual net new shadow expressed as a percentage of the Theoretical Annual Available Sunlight (TAAS) under the proposed project is only 1.4% of the TAAS. Further, the top 20' of the structure has been designed with transparent, bird-safe glass, which would reduce the shadow impact on Rincon Park. Even with the proposed Project, the total amount of shadow on Rincon Park as a proportion of the theoretical maximum sunlight is very small relative to most other Downtown Parks. The Project could not be designed in a manner that would substantially reduce shadow impacts on Rincon Park without unduly restricting the site's development potential.

Furthermore, the Project will be subject to payment of development impact fees required as part of the Transit Center District, including payment into the Transit Center District Mello-Roos Community Facilities District (Section 424.8), and the Transit Center Open Space and Transportation and Street Improvement Fees (Section 424.6). These fees will be used to fund open space improvements within the Transit Center downtown area, and would benefit the City and would be consistent with the intent of the Code by aiding in the creation of new parks and open space within the downtown core.

Therefore, the Project complies with Section 147.

- P. **Ground Level Wind (Section 148).** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the

development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

A total of 58 test point locations along sidewalk areas adjacent to and near the Project Site were selected for the purpose of analyzing existing and proposed wind levels and wind near the Project Site pursuant to Planning Code Section 148. Under existing conditions – without the Project – 14 of the test locations exceeded the Planning Code’s pedestrian comfort level of 11 mph (more than 10 percent of the time), and no test locations exceeded the wind hazard criterion (speeds reaching or exceeding the hazard level of 26mph, as averaged for a single full hour of the year). With the Project, three comfort exceedances would be eliminated, two would remain unchanged, eight would be decreased, and one would be increased, resulting in a total of 11 comfort exceedances.

Not eliminating all of the pre-existing comfort exceedances as part of the Project requires an exception pursuant to Planning Code Section 309, as outlined in Section 7, below.

- Q. **Car Share (Section 166).** Planning Code Section 166 requires one car share parking space for residential projects with between 50 and 200 dwelling units.

The Project complies with Section 166 because it provides two off-street car share parking space within the below-grade garage.

- R. **Bicycle Parking (Section 155.2).** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For the retail space, Section 155.2 requires a minimum of two spaces.

The Project complies with Section 155.2 because it provides 108 Class 1 parking spaces (100 spaces + $8(33/4=8.25 \text{ spaces})$ required) and 7 Class 2 spaces ($133 \text{ units}/20 = 7 \text{ spaces required}$) for the residential units. Eight Class 2 ($5,824 \text{ sf} / 2,500 = 2 \text{ spaces required}$) common spaces are provided for the restaurant/café uses. All Class 1 spaces are located at the first basement level, accessible by elevator from the street, and all Class 2 spaces are located on the Howard Street sidewalk.

- S. **Density (Section 210.2).** Planning Code Sections 210.2 establishes no density limit in the C-3 Districts. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.

The Project contains 133 dwelling units, which is allowed in the C-3-O(SD) District. The elimination of density controls in the C-3 Districts was recently approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- T. **Height (Section 260 and 263.9).** The property is located in a 200-S Height and Bulk District, thus permitting structures up to a height of 220 feet. Section 263.9 allows an addition 10 percent of the heights shown on the Zoning Map in S Districts as an extension of the upper tower subject to the volume reduction requirements of the Code. The additional height may be allowed if determined that the upper tower volume is distributed in a way that will add to the sense of slenderness of the building and to the visual interest of the termination of the building, and that the added height will improve the appearance of the sky-line when viewed from a distance, and will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

The Project would reach a height of approximately 220 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed recreation space, and parapets extending above the 220-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).

To reach 220 feet, the Project would seek the 10% upper tower extension permitted per Section 263.9. The relatively small 20 foot extension of the upper tower makes a significant improvement in the overall proportions of the building by increasing the proportion of the upper tower significantly relative to the base and middle tower, and by allowing a smaller overall footprint and mass in the lower tower than otherwise permitted by the Code. It also allows the design of the roof and mechanical screen to be better integrated into the design of the building, creating a more elegant and distinctive form in the skyline. The roof screen is detailed with a transparent, bird-safe glass which has been designed to blend-in with the rest of the structure, while also reducing shadow impacts on Rincon Park. As noted in the DEIR, the project creates no new shadows on open spaces under the jurisdiction of the Recreation and Park Department and subject to Section 295. The Project does contribute to the "significant and unavoidable" impact to other publicly accessible spaces created by other existing buildings, but the difference between the shadow cast by a 200 foot tall and 220 foot tall building of similar overall volume is minor.

Since the 20-foot upper tower extension is not reduced by the volume reduction requirements set forth in the Planning Code, an exception is required under Planning Code Section 309.

- U. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The Department conducted a shadow analysis and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.

- V. **Inclusionary Affordable Housing Program (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on

or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The Project Sponsor has not selected an alternative to payment of the Fee and will comply with Section 415 through payment of the Fee.

- W. **Street Trees (Sections 138.1 and 428).** Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

The Project includes a total of approximately 290 feet of street frontage along the Howard and Steuart Street frontages, which means that fifteen street trees are required. According to the Department of Public Works, only ten of the required fifteen street trees can feasibly be installed. When a pre-existing site constraint prevents the installation of a street tree, the Sponsor can pay an in-lieu fee. Conditions of approval have to been added to require the Project to plant ten (10) street trees and pay an in-lieu fee for the remaining five (5) trees, thereby complying with Section 138.1 and 428.

As required for all street trees required within the C-3 Zoning Districts, the trees would have a minimum 2 inch caliper, measured at breast height; branch a minimum of 80 inches above sidewalk grade; be planted in a sidewalk opening at least 16 square feet and have a minimum soil depth of 3 feet 6 inches; and include street tree basins edged with decorative treatment, such as pavers or cobbles.

- X. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project would comply with this Section by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and

grants each exception to the entire Project (including that portion located within the Rincon Point South Beach Redevelopment Plan Area) as further described below:

- a. **Section 134: Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

The Project would not meet the Code's rear yard requirement, and requests an exception in order to provide a rear yard of 15 feet in depth which is less than 25% of the lot. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." The proposed rear yard is adequate to allow significant glazing per the Building Code on the south side of the lot. Further, the adjacent property to the south is currently an at-grade parking lot with a highly irregular shape, limited access, and a small footprint. It is unlikely that this parcel could be developed and particularly unlikely that a tall building could be constructed given access, setback, and Building Code requirements. The next lot immediately south contains open space for the relatively recently constructed Gap Corporation Headquarters, which is unlikely to be redeveloped in the foreseeable future. Finally, the proposed Project sits on a corner lot, making the typical pattern of mid-block rear yards inappropriate at this site. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134. Rear yard exceptions are commonly granted and appropriate in downtown locations given the lot configurations and urban design considerations informing the architecture of downtown buildings.

- b. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity.

Comfort Criterion

Based on existing conditions, 14 of the 58 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph, with wind speeds ranging from 12 to 17 mph.

With the Project, three comfort exceedances would be eliminated, two would remain unchanged, eight would be decreased, and one would be increased, resulting in a total of 11 comfort exceedances. The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from 5 mph to 16 mph. With implementation of the Project, there would be localized changes throughout the Project vicinity; however, the overall wind conditions would remain substantially the same and slightly reduced. In the aggregate, the average wind speed across all test points would not change substantially, and would in fact be reduced by 1 mph.

Because the Project would not eliminate the 11 existing exceedances, an exception is required under Planning Code Section 309. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are slight, unlikely to be noticeable, and would remain substantially the same, with slight decreases from the existing conditions. The Project could not be designed in a manner that would affect wind conditions substantially enough to eliminate all 11 of the existing comfort exceedances, without unduly restricting the site's development potential.

Hazard Criterion

The Wind Study indicated that all test points currently meet the wind hazard criterion, and that the Project would not cause wind speeds to reach or exceed the hazard level. Therefore, the Project would comply with the hazard criterion of Section 148.

- c. **Section 263.9: Upper Tower Extension.** Section 263.9 allows an addition 10 percent of the heights shown on the Zoning Map in S Districts as an extension of the upper tower subject to the volume reduction requirements of the Code. The additional height may be allowed if determined that the upper tower volume is distributed in a way that will add to the sense of slenderness of the building and to the visual interest of the termination of the building, and that the added height will improve the appearance of the sky-line when viewed from a distance, and will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

The subject property is located within the 200-S height and bulk district, which allows a height of up to 220 feet with the 10% upper tower height extension. Based on the 14,295 sq. ft. average floor plate size in the lower tower (floors 7 through 14), a 26 percent upper floor volume reduction requirement applies to the upper tower. Because the 20-foot upper tower extension is not reduced by the volume reduction requirements set forth in the Planning Code, an exception is required under Planning Code Section 309.

The upper tower extension increases the roof height of the Project from 200 to 220 feet. The 10% increase improves the overall proportion, sense of slenderness, and visual interest of the Project, in comparison with massing studies of a 200' tall structure. The sense of slenderness is strongly enhanced by increasing height of the upper tower portion of the Project from 40 out of 200 feet, or 20% of the height, to 60 out of 220 feet, or 27% of the height. Further, the allowable 20' height of architectural screening elements is combined with the upper tower, for a total of 80 feet between the top of the lower tower and the top of the parapet. Additionally, the proposed design tower extension allows for bulk reduction in the lower tower portion of the structure, as well as a podium approximately 67'-2" in height, which is significantly closer to the height of podiums of adjacent structures and more consistent with the surrounding neighborhood character. The podium height of a 200' structure that does not seek an upper tower extension would be approximately 100', half of the building's overall height, resulting in a much bulkier building.

The upper tower extension plus the allowable mechanical screen elements allow a unique composition of five similarly detailed volumes to be stacked with a series of setbacks on each side of the building. This composition balances the definition of a strong base, middle, and top with a consistent reading of materiality, form, and detail, unifying the building into a single whole but with a complex, nuanced form. The inherent horizontality of each of the five volumes of the proposed form is balanced by a series of deep vertical balcony recesses, significantly reducing the mass of each portion of the building.

The upper tower extension would not significantly affect light and air to adjacent structures because the requested exception applies solely to the portion of the building above 160 feet, where the upper tower bulk controls are applicable, and there is only one immediately adjacent structure. Adding bulk to the upper portion of the building rather than locating this mass at the lower and middle of the tower will better preserve views, light, and air from more floors of the neighboring buildings than would massing of the proposed building without the requested exception. Were the top 5 floors reduced by the amount required to meet the volume reduction of 26%, the reduction would primarily be taken at the deeper east side of the building to allow usable and consistent unit depths. The reduction in width as seen from the only directly adjacent building would be a difference of about 10 feet in a face of about 110 feet in width. This surface is approximately 30 feet from the upper floors of the adjacent building to the northeast, a direction from which direct light does not come except very early in summer mornings.

As noted in the DEIR, the Project creates no new shadows on open spaces under the jurisdiction of the Recreation and Park Department and subject to Section 295. The Project does contribute to the "significant and unavoidable" impact to other publicly accessible spaces created by other already-approved and under-construction towers within the Transbay District plan, notably 181 Fremont

Street and the Transbay Tower, but the difference between a 200 foot tall and 220 foot tall building of similar overall volume is minor. Additionally, the last 20' of the structure to screen mechanical appurtenances will not be designed with transparent, bird-safe glass, reducing the shadow impact of the structure's terminus.

- d. **Bulk Limits (Section 270).** Section 270 establishes bulk controls by district. In the "S" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a maximum floor size of 20,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 sq. ft., and a maximum average floor size of 12,000 sq. ft. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 sq. ft. Exceptions to the Section 270 bulk limits are permitted by Section 309(a)(12).

The Project property fronts on Howard Street, which measures 82.5 feet in width. Therefore, the base height limit is approximately 103 feet. The base of the building meets this requirement as it terminates at a height of 67'-2" feet at the seventh level of the building. The lower tower controls apply between 103 feet and 160 feet based on the Project's roof height of 220 feet, and the upper tower controls apply above 160 feet. Based on the 14,295 sq. ft. average floor plate size in the lower tower (floors 7 through 14), a 26 percent upper floor volume reduction requirement applies to the upper tower.

The Project's lower tower is less bulky than permitted by the Planning Code. The floors in the lower tower have a maximum length of approximately 132 feet (a maximum length of 160 feet is permitted), and a maximum diagonal dimension of approximately 177'8" (a maximum diagonal of 190 feet is permitted). The floor plates in the lower tower average 14,295 sq. ft. with a maximum of 15,505 sq. ft, which is substantially less than the 17,000 sq. ft. average floor size, and the 20,000 sq. ft. maximum floor size allowed by the Planning Code.

The floors in the Project's upper tower are smaller than permitted by the Planning Code in some respects. Specifically, the floors have a maximum length of approximately 128 feet (130 feet is permitted), a maximum floor plate size of approximately 14,011 sq. ft. (a maximum of 17,000 sq. ft. is permitted).

However, the average floor plate size is 12,787 sq. ft which is slightly larger than the maximum average of 12,000 sq. ft. permitted. The average diagonal of the upper tower is 161'6", which very slightly exceeds the maximum average diagonal requirement of 160 feet. In addition, the average of the upper tower floors is only 10 percent smaller than the lower tower, which is less than the 26 percent required reduction. Both of these exceptions are warranted given that the Project overall is significantly less bulky than permitted by the Planning Code with regard to maximum and average permitted floor plates. The sum of the total building area of the tower floors in the proposed Project is only 191,078 square feet, whereas a building with floors strictly complying with all the bulk limits including the 26% reduction would contain 208,000 square feet.

Per Section 272, exceptions to bulk limits in C-3 Districts may be granted provided at least one of five listed criteria is met. The Project meets the following criteria:

- i. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan;

The Project would be consistent with the intent of the bulk limits and policies of the General Plan. As the building rises, its floor plates gradually reduce in size with a variation from 17,754 square feet in the podium to 15,505 square feet in the lower tower and 14,011 square feet in the upper tower. Intermediate floors of as little as 10,497 square feet create notable relief in the overall tower form.

The requested exceptions for the upper tower are minor in nature and would be compatible with the prevailing scale of development in the vicinity, which are typically significantly larger than the proposed Project.

- ii. The added bulk does not significantly affect light and air to adjacent buildings;

The Project's added bulk would not significantly affect light and air to adjacent structures, because the requested exception applies solely to the portion of the tower above 160 feet and there is only one immediately adjacent structure. Adding bulk to the upper portion of the building rather than locating this mass at the lower and middle of the tower will better preserve views, light, and air from more floors of the neighboring buildings than would massing of the proposed building without the requested exception. Were the top 5 floors reduced by the amount required to meet the volume reduction of 26%, the reduction would primarily be taken at the deeper east side of the building to allow usable and consistent unit depths. The reduction in width as seen from the only directly adjacent building would be a difference of about 10 feet in a face of about 110 feet in width. This surface is approximately 30 feet from the upper floors of the adjacent building to the northeast, a direction from which direct light does not come except very early in summer mornings.

- iii. If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

1. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass,
2. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,

3. Differences in materials, colors or scales of the facades that produce separate major elements,
4. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and
5. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers;

The Project employs three of the suggested strategies to create a coherent and elegant overall form that relates strongly to the surroundings and the principles of the Planning Code and General Plan. There are significant variations in the planes of all tower wall surfaces, with recessed horizontal floors at every fourth floor, and four major setbacks, one on each side of the building. These setbacks are at three different heights to create a more dynamic form.

The recessed intermediate floors have a substantially different material expression, with increased glazing allowed by the deep overhangs above, and the possibility of expressing the building's otherwise recessed structure.

Finally, the small mass of the lower tower relative to the S district bulk limits compensates for the slightly increased mass above, which is very close to code requirements except for the volume reduction required by Chart C in section 270. Applying this volume reduction of 26% for only the top 5 floors of the building as specified by Chart B would result in an awkward mass with a too-large lower tower and a too-small upper tower, inconsistent with the relative proportions of neighboring buildings or the intent of the Code.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.8

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish the existing above-grade parking garage and construct a residential building that contains 133 market rate units and approximately 5,824 gsf of retail use. The Property is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages. The Project also includes the fee payment for 20% of the total number of units to satisfy the Inclusionary Affordable Housing Program of Planning Code Section 415.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is two blocks from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also two blocks from the Embarcadero BART and MUNI stations, and is within one block of at least 10 MUNI bus lines. The Project is also a short walk from the new Transbay Terminal currently under construction. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project supports this Policy. The Project would create 133 dwelling units, of which 36 are one-bedroom units, 71 are two-bedroom units, 23 are three-bedroom units, and three are four-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide money to the City's affordable housing fund to support the creation of affordable units elsewhere in the City.

OBJECTIVE 7:

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

In compliance with this policy, the Project would help secure funding for permanently affordable housing by paying a 20% in-lieu fee in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

The Project supports these Policies. The Project would create 133 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. Although there are no historic resources immediately adjacent to the site, the Project respects the City's historic fabric by replacing an existing above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture (including the Rincon Towers). This new development will greatly enhance the character of the existing neighborhood. The current development of this location, with the above-grade parking garage represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing eight-story parking garage and replacing it with a beautifully designed residential building. In addition, the replacement of 550 above-grade parking spaces with 100 below-grade spaces will bring the site into greater conformity with current Planning Code and urban design principles. Finally, the Project design is intended to meet, and the Project Sponsor intends to seek, a LEED Platinum certification from the U.S. Green Building Council.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project uses an innovative design to relate to existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings. It would replace the existing above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture (including the Rincon Towers), and does so within the context of the land use and development controls of the Planning Code and the surrounding development. The building's mass is significantly reduced by multiple setbacks, recesses, and changes in façade detailing, resulting in a character that relates well to the scale of neighboring buildings.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would add approximately 5,824 sq. ft. of new commercial space – divided between two tenant spaces – that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown Office Special Development District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of generous sidewalks and other traffic calming measures to reduce vehicular speed. The Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs particularly those of commuters.

Policy 1.6:

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips and increase the use of public transit. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents

of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Corridor, which is the most transit rich area of the City. The Project would provide only 0.75 parking spaces per dwelling, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 123 bicycles (108 Class 1, 15 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines, BART, and SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.

TRANSIT CENTER DISTRICT PLAN

Objectives and Policies

OBJECTIVE 2.9

PROVIDE BUILDING ARTICULATION ABOVE A BUILDING BASE ELEMENT TO DEFINE THE STREET REALM AT A COMFORTABLE HEIGHT OF NOT MORE THAN 1.25 TIMES THE WIDTH OF THE STREET.

Policy 2.11

Ensure that buildings taller than 150 feet in height establish a distinct base element to define the street realm at a comfortable height of not more than 1.25 times the width of the street.

The project provides a base approximately 70' feet in height, not even 1 times the width of Howard Street, which is approximately 82' in width. The proposed base helps define the street realm at a comfortable height, generally consistent with the base or podium heights of surrounding buildings.

OBJECTIVE 2.13

ENACT URBAN DESIGN CONTROLS TO ENSURE THAT THE GROUND-LEVEL INTERFACE OF BUILDINGS IS ACTIVE AND ENGAGING FOR PEDESTRIANS, IN ADDITION TO PROVIDING ADEQUATE SUPPORTING RETAIL AND PUBLIC SERVICES FOR THE DISTRICT.

Policy 2.21

Require transparency of ground-level facades (containing non-residential uses) that face public spaces. Guidelines for ground floors include: at least sixty percent of the portion of the façade between 3 and 12' above grade shall be comprised of clear, non-reflective windows that allow views of indoor space.

The Project provides ground floor retail along Howard and Steuart Streets, creating a more active and engaging environment for pedestrians, in addition to providing supporting retail and public services for the District. The ground floors will be comprised of clear, non-reflective windows that allow views of indoor space.

OBJECTIVE 4.16

CREATE A PARKING PLAN THAT ENCOURAGES THE USE OF PUBLIC TRANSIT AND OTHER MODES OF TRANSPORTATION THAT ARE ALTERNATIVES TO SINGLE-OCCUPANT VEHICLES.

The Project meets provides off-street parking at a ratio of .75:1. The parking will be provided in stackers, less convenient than conventional parking stalls, thus encouraging the use of other modes of transportation where the distant to be traveled is nearby. Additionally, a car share space will be provided, providing another alternative to single-occupant vehicles for residents.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 75 Howard Street is an above-grade parking garage. The Project would improve the existing character of the neighborhood by removing the above-grade parking structure. The proposed retail space, which includes a restaurant and café, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

Facilitate conversion of underused industrial and commercial areas to residential use.

The Project would demolish an above-grade parking structure and construct a 220-foot tall, 20-story-over-basement, 133-unit residential building within easy commuting distance of downtown jobs.

The Project would also include approximately 5,824 sq. ft. of ground floor commercial space, with tenant spaces on both Howard and Steuart Streets; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Howard and Steuart Streets.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

The Project would promote Objective 16 by including a ground floor retail use which would promote pedestrian traffic in the vicinity. The Project would landscape the sidewalk area surrounding the Project Site, include bike racks, and could provide limited sidewalk seating. This space would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies in that:

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

The Project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the Project Site. In addition to 133 residential units, the Project would include approximately 5,824 sq. ft. of retail space in two separate commercial spaces. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses. Instead, the Project would enhance neighborhood-serving retail by adding approximately 5,824 square feet of new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Steuart and Howard Street frontages.

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

The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 75 Howard Street is an above-grade parking garage. The Project would improve the existing character of the neighborhood by removing the above-grade parking structure. The proposed retail space, which includes a restaurant and café, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by complying with the affordable housing requirements of Planning Code Section 415.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.

- 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 would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety.

- G. That landmarks and historic buildings be preserved.

The Planning Department has determined that the 75 Howard Street parking garage, a 550-space concrete parking structure built in 1976, is not considered a landmark or historic resource. The Project Site is not adjacent to any historic districts or any identified historic resource, and the Project would not have an indirect impact on historic resources by altering the existing visual setting of these resources.

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

The Project would not cast any new shadows on parks under the jurisdiction of the San Francisco Parks and Recreation Department. The Project's shadow impacts to existing open spaces have been analyzed, and the Project will cast additional shadows on Rincon Park, which is not under the jurisdiction of the San Francisco Parks and Recreation Department. However, much of the shadows generated by the Project will be primarily subsumed by the shadow impacts of existing buildings. Furthermore, the access to sunlight at Rincon Park will remain approximately 90% with the development of the Project, which is greater than most parks within the Downtown area.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2011.1122XVCUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 23, 2015. and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth and includes that portion of the Project described on the plans attached hereto as Exhibit B that is located within the Rincon Point South Beach Redevelopment Plan Area.

The Planning Commission has reviewed and considered the FEIR and the record as a whole and finds that there is no substantial evidence that the Project would have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FEIR.

The Planning Commission hereby adopts the FEIR and the MMRP, attached to the CEQA Findings Motion No. XXXXX as Exhibit 1. All required improvement and mitigation measures identified in the FEIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion constitutes conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 23, 2015.

Jonas P. Ionin

Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 23, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing above grade parking garage and construct a new, 20-story-over-basement, approximately 220-foot tall, 284,300 gsf building containing approximately 5,824 gsf of ground floor commercial space, and 133 dwelling-units located at 75 Howard Street, Assessor's Block 3741, Lot 31 and a portion of Block 3741, Lot 35, pursuant to **Planning Code Sections 309, 134, 148, 263.9, 270 and 272** within the C-3-O(SD) Zoning District and a 200-S Height and Bulk District; in general conformance with plans, dated June 23, 2015, and stamped "EXHIBIT B" included in the docket for Case No. **2011.1122XVCUA** and subject to conditions of approval reviewed and approved by the Commission on **July 23, 2015** under Motion No. [____]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **July 23, 2015** under Motion No. [_____].

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. [_____] shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Downtown Project Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 140, as 39 of the 133 dwelling-units do not meet the Planning Code requirements for exposure, and

Section 145.1, as the proposed driveway does not meet the Code requirements for width of parking and loading access, and must satisfy all the conditions thereof. The Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Planning Code Sections 155.1 and 303, to allow accessory off-parking in excess of principally permitted amounts. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

7. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

8. **Transit Center District Mello-Roos Community Facility District.** Pursuant to Section 424.8, the Project Sponsor shall participate in the Transit Center District Mello-Roos Community Facility District for all development which exceeds the FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

9. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit 1** to the CEQA Findings Motion associated with the Subject Project are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

10. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site Permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The Project currently shows the installation of ten of the fifteen required street trees, with an in-lieu fee requirement applicable for five street trees. The Project shall install the ten (10) street trees and pay the in-lieu fee for the five (5) trees as set forth in Condition Number 23 below, unless the installation of the 10 trees proves infeasible, in which case the Project shall pay an in-lieu fee for any of the 10 trees not so installed.

Also, as required for all street trees within the C-3 Zoning Districts, new street trees shall have a minimum 2 inch caliper, measured at breast height; branch a minimum of 80 inches above sidewalk grade; be planted in a sidewalk opening at least 16 square feet, have a minimum soil depth of 3 feet 6 inches; and include street tree basins edged with decorative treatment, such as pavers or cobbles.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Site Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the Site Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

15. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

16. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).
- h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

17. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

18. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. In addition, the Project may provide up to three parking spaces per four dwelling units as a conditional use. With 133 dwelling units proposed, there is a maximum of 67 off-street parking spaces allowed as-of-right, and an additional 33 off-street parking spaces permitted with a Conditional Use authorization. With 100 off-street parking spaces total included, the Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Planning Code Sections 155.1 and 303, to allow accessory off-parking in excess of principally permitted amounts.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide two service vehicle off-street loading spaces in-lieu of the standard one required off-street loading space.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. **Car Share.** Pursuant to Planning Code Section 166, no less than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 123 bicycle parking spaces (108 Class 1 spaces for the residential portion of the Project and 15 Class 2 spaces - seven for residential and eight for commercial).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

22. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

23. **Street Tree In-Lieu Fee.** Pursuant to Planning Code Section 428, the Project Sponsor shall pay an in-lieu fee for five (5) street trees that are required under Planning Code Section 138.1, but that

according to the Department of Public Works, cannot be planted. The in-lieu fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

24. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) for the new retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

25. **Transit Center District Open Space Fee.** Pursuant to Planning Code Section 424.6, the Project Sponsor shall pay the Transit Center District Open Space Fee for the new residential space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

26. **Transit Center District Transportation and Street Improvement Fee.** Pursuant to Planning Code Section 424.6, the Project Sponsor shall pay the Transit Center District Transportation and Street Improvement Fee for the new residential space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

27. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

28. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

29. **Art – Concept Development.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the approval of the first building or site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

30. **Art - Installation.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

Affordable Units

31. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this Project is twenty percent (20%).

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

32. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the Project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the Project and pursue any and all other remedies at law.

MONITORING

33. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

34. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

35. **Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Street Tree (Sec. 138.1; 428) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

Planning Commission Draft Motion

HEARING DATE: JULY 23, 2015

Date: July 7, 2015
Case No.: **2014.1122XVCUA**
Project Address: **75 Howard Street**
Zoning: C-3-O (SD) (Downtown Office, Special Development)
200-S Height and Bulk District
Block/Lot: 3741/31; 3741/35 (Parcel 3)
Project Sponsor: Marce L. Sanchez – (212) 237-3129
RDF 75 Howard LP
1633 Broadway, Suite 1801
New York, NY 10019
msanchez@paramount-group.com
Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 151.1 TO ALLOW ACCESSORY OFF-STREET PARKING EXCEEDING PRINCIPALLY PERMITTED AMOUNTS, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A 20-STORY-OVER-BASEMENT, APPROXIMATELY 220-FOOT TALL BUILDING WITH UP TO 133 DWELLING UNITS WITH APPROXIMATELY 5,824 SQ. FT. OF GROUND FLOOR COMMERCIAL SPACE, AT 75 HOWARD STREET WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 200-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

Environmental Review

On March 28, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of RDF 75 Howard LP (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the demolition of an existing above grade parking garage and the construction of a new, approximately 31-story-over-basement, approximately 350-foot tall,

432,253 gsf building containing approximately 5,685 gsf of ground floor commercial space, with 186 dwelling-units (the "Original Project") at 75 Howard Street (hereinafter "Project Site").

The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 31, 2013.

On July 31, 2013, the Department published a Draft EIR for public review (Case No. 2001.1122E). The Draft EIR was available for public comment until September 16, 2013. On September 12, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the Draft EIR.

On July 8, 2015, the Department published a Comments and Responses document, responding to comments made regarding the Draft EIR prepared for the Project. Together, the Comments and Responses document and the DEIR comprise the Final EIR ("FEIR").

On July 23, 2015, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Original Project Applications

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an application with the Planning Department (hereinafter "Department") for Compliance with Planning Code Section 309 for the Original Project, with exceptions for Streetwall Base requirements (Section 132.1), Off-Street Parking requirements (Section 151.1), Rear Yard requirements (Section 134), and Bulk requirements (Sections 270 and 272) within the C-3-O(SD) (Downtown Office, Special Development) and 200-S Height and Bulk District, to allow the demolition of the existing above grade parking garage and the construction of the Original Project at the Project Site.

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor also filed an application with the Department for Height and Bulk Reclassification for the Original Project to allow the Project Site to be reclassified from the 200-S Height and Bulk District, to the 350-S Height and Bulk District.

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor also filed an application with the Department for General Plan Referral for the Original Project to allow certain improvements on the land located on Assessor's Block 3742/Lot 12 and the portion of the Steuart Street right-of-way south of Howard Street (the "Open Space Improvement Site").

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an application for the Original Project for certain variances from the Planning Code, including dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On December 6, 2013, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an application for the Original Project for the initiation of a General Plan Amendment to amend the General Plan Urban Design Element Height Map (Map 4) and the Downtown Element Height Map (Map 5) to permit the height of the Original Project.

Reduced Height Project Applications

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an amendment of application with the Department for Compliance with Planning Code Section 309 to allow the demolition of an existing above grade parking garage and the construction of a new, approximately 26-story-over-basement, approximately 292-foot tall building containing approximately 409,150 gsf, with approximately 4,250 gsf of ground floor commercial space and 159 dwelling-units (the "Reduced Height Project") at the Project Site, with exceptions for Streetwall Base requirements (Section 132.1), Off-Street Parking requirements (Section 151.1), Rear Yard requirements (Section 134), and Bulk requirements (Sections 270 and 272).

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, on behalf of Project Sponsor also filed with the Department an amendment of application for Height and Bulk Reclassification for the Reduced Height Project to allow the Project Site to be reclassified from the 200-S Height and Bulk District, to the 300-S Height and Bulk District.

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an amended application for the Reduced Height Project for certain variances from the Planning Code, including dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On August 13, 2014, Jim Abrams of Gibson, Dunn & Crutcher, LLP, also filed an amended application for the Reduced Height Project for the initiation of a General Plan Amendment to amend the General Plan Urban Design Element Height Map (Map 4) and the Downtown Element Height Map (Map 5) to permit the height of the Reduced Height Project.

Unlike the Original Project, the Reduced Height Project did not include the proposed improvements to the Open Space Improvement Site, and as such on August 13, 2014, the Project Sponsor rescinded the application for General Plan Referral filed for the Original Project.

Code Compliant Project Applications/Current Project

On April 30, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor filed an amended application with the Department for Compliance with Planning Code Section 309 with exceptions for Rear Yard requirements (Section 134), requirements for the reduction of Ground-Level Wind Currents (Section 148) and Bulk requirements (Sections 263.9, 270 and 272) within the C-3-O(SD) (Downtown Office, Special Development) and 200-S Height and Bulk District, to allow the demolition of an existing above grade parking garage and the construction of a new, 20-story-over-basement,

approximately 220-foot tall, 284,300 gsf building containing approximately 5,824 gsf of ground floor retail space, with 133 dwelling-units (the "Code Compliant Project", also referred to herein as the "Project") at the Project Site.

On April 30, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP on behalf of Project Sponsor also filed an amended application for the Project for certain variances from the Planning Code. The following variances are part of the Project: dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1).

On May 11, 2015, Sara Ghalandari of Gibson, Dunn & Crutcher, LLP, on behalf Project Sponsor also filed an application for Conditional Use Authorization (CUA) to permit residential accessory off-street parking in excess of the principally permitted amounts (Section 155.1).

Unlike the Original Project or the Reduced Height Project, the Project complies with the underlying Height and Bulk District and zoning constraints, subject to certain exceptions discussed herein, and does not require a Height and Bulk Reclassification or a General Plan Amendment. As such, on June 4, 2015, the Project Sponsor rescinded the applications for General Plan Amendment and Height and Bulk Reclassification filed for the Original Project and the Reduced Height Project.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2011.1122XVCUA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP) which material was made available to the public and this Commission for this Commission's review, consideration and action. The MMRP is attached as Exhibit 1 to the CEQA Findings Motion for Case 2011.1122E.

On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) Commission of the City and County of San Francisco, commonly known as the "Successor Agency" to the former San Francisco Redevelopment Agency (SFRDA), approved and agreed to enter into a delegation agreement with the Department (the "Delegation Agreement") regarding that portion of the Project Site consisting of a small, unimproved triangular portion of real property within Block 3741/Lot 35, commonly referred to as "Parcel 3" (the "Unimproved Triangle"), which is a part of, and subject to, the Rincon Point South Beach Redevelopment Plan Area (the "Redevelopment Plan"). On July 23rd, the Planning Commission accepted delegation from OCII. Per the Delegation Agreement, the Department will review and determine consistency and compliance with the Redevelopment Plan as to that portion of the Project that is within the Redevelopment Plan Area.

The Department has reviewed the plans for the proposed Project attached hereto as Exhibit B and has determined that the portion of the proposed building that is within the Redevelopment Plan Area is consistent with the Redevelopment Plan. It further determined that the portion of the building that falls within the Unimproved Triangle consists only of the below-grade garage, and a small corner of the building and streetscape and landscaping on floors 1 through 7, and the very edge of the building corner on floors 8 through 11 and nothing on floors 12 or above (the "Improvements Within the Redevelopment Area"). Pursuant to the Delegation Agreement, the Planning Department approved the design of portion of the Project within the Redevelopment Plan Area. The Project requires a Section 309 Authorization from the Planning Commission (the "Commission") as to those portions of the building exclusively

within the jurisdiction of the City of San Francisco (the “City”) since almost the entire building is within exclusive City jurisdiction. The staff recommends that the Planning Commission confirm the Department’s approval of the design of the Improvements Within the Redevelopment Area pursuant to this Section 309 Authorization by approving the entirety of the design for the proposed building as shown on the plans attached as Exhibit B to the Section 309 Review motion.

On July 23, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1122XVCUA.

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

MOVED, that the Commission hereby approves the conditional use authorization to allow accessory off-street parking in excess of principally permitted amounts requested in Application No.2011.1122XVCUA subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site consists of a lot developed with an 8-story above grade parking garage (the “Parking Garage Lot”) and includes what has been referred to as “the Unimproved Triangle” (3741/35, Parcel 3), that is within the Rincon Point South Beach Redevelopment Plan Area. The Project Sponsor intends to merge the Unimproved Triangle with the Parking Garage Lot through a lot line adjustment. The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the boundaries of the Transit Center District Plan Area and is located at the eastern edge of the District Plan Area. The subject property is 20,931 sq. ft. in size with approximately 156 feet of frontage on Howard Street and 134 feet of frontage on Steuart Street. The subject property is currently used as an eight-story, above grade parking garage with approximately 550 parking spaces.
3. **Surrounding Properties and Neighborhood.** The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the C-3-O(SD) (Downtown Office, Special Development) District and 200-S Height and Bulk District. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. Office and residential uses predominate, though some tourist and retail uses are present. The buildings to the north, south and west of the subject property are taller than the proposed Project.
4. **Project Description.** The Project Sponsor proposes to demolish the existing above-grade parking garage, merge the two lots, and construct a new 20-story-over-garage, 284,300 gsf, 133-unit

residential building with 5,824 sq. ft. of ground floor retail space, 100 off-street parking spaces, and 123 bicycle parking spaces (108 Class 1; 15 Class 2). The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). Commercial space would be located on both the Howard and Steuart Street frontages. The Project also includes fitness room, laundry, lobby, circulation and supportive service spaces designed to serve the intended family population. The Project includes exceptions pursuant to Planning Code Section 309, a Conditional Use Authorization, and two Variances. The 309 exceptions include an exception to Reduction of Ground-Level Wind Currents in C-3 Districts under Planning Code Section 148, Rear Yard requirements under Planning Code Section 134, and Height and Bulk requirements under Planning Code Sections 263.9, 270 and 272. The Project is receiving a Conditional Use Authorization for accessory off-street parking in excess of the principally permitted amounts. The Variance is for street frontage and exposure requirements.

5. **Public Comment.** On earlier iterations of the Project (the Original Project and the Reduced Height Alternative), the Department received comments from the neighboring community expressing opposition to the proposed height increase of the Original Project and the Reduced Height Alternative. Concerned parties also expressed concerns about the Project's shadow impacts on neighboring Rincon Park. The Sponsor has addressed many concerns in the current design by reducing the height and total area, resulting in a Code compliant building that complies with the underlying Height and Bulk District and zoning constraints, subject to certain exceptions discussed in the Section 309 Motion. The Department has also received inquiries from members of the public regarding the Project in its current form, as well as one letter of support.
6. **Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. XXXX, Case No. 2011.1122XVCUA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as set forth in Motion No. XXXX and in the following manner:
 - a. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-O(SD) District is 6.0 to 1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR"), and may exceed 9.0 to 1 without FAR limitations through participation in the Transit Center District Mello-Roos Community Facilities District, pursuant to Section 424.8.

The Project Site has a lot area of approximately 20,931 square feet. Therefore, up to 125,586 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 188,379 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 284,300 square feet of GFA. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, and to participate in the Transit Center District Mello-Roos Community Facilities District for that portion of the Project which exceeds a FAR of 9.0 to 1. Therefore the Project complies with Section 124.

- b. **Parking (Section 151.1).** Planning Code Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 3.5% of the total gross floor area of such uses.

The Project contains 133 dwelling units. Per Planning Code Section 151.1, 67 parking spaces are principally permitted ($133/2 = 66.5$), and an additional 33 parking spaces are conditionally permitted ($133/.75 = 99.75 - 66.5 = 33.25$). The Project proposes, as permitted by Planning Code Section 151.1, a total of 100 parked cars to serve the residential uses and thus complies with this requirement. In addition, the Project includes two (2) car share spaces, in accordance with Section 166, neither of which count against the permitted parking calculations. The Project will not provide any parking spaces for the commercial uses proposed, although, under Section 151.1, it could provide parking spaces equal to 3.5% of the gross floor area of the non-residential uses of the Project to serve the commercial uses, which space would accommodate another 2 to 3 spaces. However, the Project would require Conditional Use authorization for the 33 conditionally permitted parking spaces to serve the residential uses. Thus, the total number of spaces sought in this Conditional Use authorization is 33, but because the Project is not availing itself of the 2 to 3 spaces otherwise principally permitted under Section 151.1 to serve the commercial uses, as a practical matter, the Project is proposing only 30 to 31 non-principally permitted spaces.

- c. **Density (Section 210.2).** Planning Code Sections 210.2 establishes no density limit in the C-3 Districts. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.

The Project contains 133 dwelling units, which is allowed in the C-3-O(SD) District. The elimination of density controls in the C-3 Districts was recently approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- d. **Use (Section 210.2).** The Project Site is located in a Downtown Office Special Development (C-3-O(SD)) District wherein residential and commercial uses are permitted.

The residential and retail uses of the proposed Project at the density proposed would be consistent with the permitted Downtown Office Special Development uses, pursuant to Planning Code Section 210.2.

7. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

- a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

This Conditional Use authorization for parking in excess of principally permitted amounts would be desirable for and compatible with the neighborhood for several reasons. The Project's underground

parking will be used principally for car storage and will be stored in mechanical stackers making it less likely that residents will use on a daily basis. The location of the Project in the transit-rich downtown core also ensures that cars are not likely to be used for commuting since the residences will be within walking distance and convenient transit options to jobs and services. However, the provision of the parking storage option to residents would support the economic viability of the Project by permitting the Project Sponsor to provide adequate on-site parking for the residents of the development. This provision of adequate access to parking is consistent with the amount of parking provided in similar high-rise mixed-use residential/retail properties in the area and adjacent Downtown area that provide similar access to off-street parking supporting both residential and commercial use. .

The Project is desirable because it would replace the existing 550 space, 8 story above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture (including the Rincon Towers). This new development will greatly enhance the character of the existing neighborhood. The current development of this location, with the above-grade parking garage represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages.. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing eight-story parking garage and replacing it with a beautifully designed residential building. In addition, the replacement of 550 above-grade parking spaces with 100 below-grade spaces will bring the site into greater conformity with current Planning Code and urban design principles.

Parking in excess of principally permitted amounts would be compatible with the existing zoning of the Project, as well as the character of the neighborhood, because, unlike many Downtown parking facilities, including the existing garage on the Project site, it would be located entirely underground. This would allow the ground floor of the building to be occupied by active uses. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Howard Street.

- b. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
 - (i) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The 100 parking spaces proposed by the Project Sponsor would be located underground and accessed via mechanical stackers, thus increasing the above-ground space that may be used for residential purposes, and further allowing the Project to provide an active pedestrian ground floor which would minimize conflicts with pedestrians in the surrounding area. The proposed size, shape and arrangement of the Project is consistent with the existing site-layout and the character of the surrounding neighborhood. The proposed Project would likely promote, as opposed to impede, development potential in the vicinity by increasing the housing supply and customer base

with the ground floor retail, and creating an attractive residential tower with neighborhood-serving ground floor retail which would continue the pattern of active ground floor retail along the Stuart and Howard Street frontages.

- (ii) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

In general, the Project would provide a sufficient but not excessive amount of off-street parking. The Project would provide 100 off-street parking spaces in an underground garage, which exceeds the number of spaces permitted as of right and therefore is the subject of this Conditional Use authorization. In addition, the Project includes two (2) car share spaces, in accordance with Section 166, neither of which count against the permitted parking calculations, and which exceeds the Code requirement of one car share space for the Project. The parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

- (iii) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.

The parking in excess of principally permitted amounts would not result in noxious or offensive emissions such as noise, glare, dust, or odor. The new residential tower and ground floor retail space would generate noise similar to that generated by nearby existing residential and other uses. Any restaurant or retail uses will be properly vented and trash will be disposed of in an appropriate manner. Because all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. The above-grade portion of the Project will be designed to comply with City standards for material properties like reflectiveness and color.

- (iv) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs.

All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Howard Street.

In order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project would landscape a portion of the sidewalk and provide neighborhood-serving ground-floor retail uses. To complement the ground floor retail use, the Project would, in conjunction with the Department of Public Works, install new pedestrian amenities, including street trees and sidewalk landscaping, new surface materials in select areas to introduce color and texture and new lighting. Plant species would be climate-adapted and selected for form, color, fragrance and to support native wildlife, while being compatible with the narrow proportions of the site and the characteristics of water conservation, low-maintenance, high durability and San Francisco's Better Street Scape Plan guidelines.

- c. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The parking proposed for the Project which is the subject of this Conditional Use Authorization complies with the applicable sections of the Code. The residential and retail uses contemplated for the Project are permitted within the C-3-O(SD) District. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #8.

8. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.8

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish the existing above-grade parking garage and construct a residential building that contains 133 market rate units and approximately 5,824 gsf of retail use.

The Property is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages. The Project also includes the fee payment for 20% of the total number of units to satisfy the Inclusionary Affordable Housing Program of Planning Code Section 415.

Policy 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is two blocks from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also two blocks from the Embarcadero BART and MUNI stations, and is within one block of at least 10 MUNI bus lines. The Project is also a short walk from the new Transbay Terminal currently under construction. In addition, the placement of parking in stacker configurations will discourage frequent use of vehicles for shorter trips.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project supports this Policy. The Project would create 133 dwelling units, of which 36 are one-bedroom units, 71 are two-bedroom units, 23 are three-bedroom units, and three are four-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide money to the City's affordable housing fund to support the creation of affordable units elsewhere in the City.

OBJECTIVE 7:

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

In compliance with this policy, the Project would help secure funding for permanently affordable housing by paying a 20% in-lieu fee in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

The Project supports this Policy. The Project would create 133 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. Although there are no historic resources immediately adjacent to the site, the Project respects the City's historic fabric by replacing an existing above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture (including the Rincon Towers).. This new development will greatly enhance the character of the existing neighborhood. The current development of this location, with the above-grade parking garage represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing eight-story parking garage and replacing it with a beautifully designed residential building. In addition, the replacement of 550 above-grade parking spaces with 100 below-grade spaces will bring the site into greater conformity with current Planning Code and urban design principles. Finally, the Project design is intended to meet, and the Project Sponsor intends to seek, a LEED Platinum certification from the U.S. Green Building Council.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project uses an innovative design to relate to existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings. It would replace the existing above-grade parking garage with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture (including the Rincon Towers), and does so within the context of the land use and development controls of the Planning Code and the surrounding development. The building's mass is significantly reduced by multiple setbacks, recesses, and changes in façade detailing, resulting in a character that relates well to the scale of neighboring buildings.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project would add approximately 5,824 sq. ft. of new commercial space – divided between two tenant spaces – that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown Office Special Development District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Corridor, which is the most transit rich area of the City. The Project would provide only 0.75 parking spaces per dwelling, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 123 bicycles (108 Class 1, 15 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines, BART, and SAMTrans. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.

TRANSIT CENTER DISTRICT PLAN

Objectives and Policies

OBJECTIVE 2.9

PROVIDE BUILDING ARTICULATION ABOVE A BUILDING BASE ELEMENT TO DEFINE THE STREET REALM AT A COMFORTABLE HEIGHT OF NOT MORE THAN 1.25 TIMES THE WIDTH OF THE STREET.

Policy 2.11

Ensure that buildings taller than 150 feet in height establish a distinct base element to define the street realm at a comfortable height of not more than 1.25 times the width of the street.

The project provides a base approximately 70' feet in height, not even 1 times the width of Howard Street, which is approximately 82' in width. The proposed base helps define the street realm at a comfortable height, generally consistent with the base or podium heights of surrounding buildings.

OBJECTIVE 2.13

ENACT URBAN DESIGN CONTROLS TO ENSURE THAT THE GROUND-LEVEL INTERFACE OF BUILDINGS IS ACTIVE AND ENGAGING FOR PEDESTRIANS, IN ADDITION TO PROVIDING ADEQUATE SUPPORTING RETAIL AND PUBLIC SERVICES FOR THE DISTRICT.

Policy 2.21

Require transparency of ground-level facades (containing non-residential uses) that face public spaces. Guidelines for ground floors include: at least sixty percent of the portion of the façade between 3 and 12' above grade shall be comprised of clear, non-reflective windows that allow views of indoor space.

The Project provides ground floor retail along Howard and Steuart Streets, creating a more active and engaging environment for pedestrians, in addition to providing supporting retail and public services for the District. The ground floors will be comprised of clear, non-reflective windows that allow views of indoor space.

OBJECTIVE 4.16

CREATE A PARKING PLAN THAT ENCOURAGES THE USE OF PUBLIC TRANSIT AND OTHER MODES OF TRANSPORTATION THAT ARE ALTERNATIVES TO SINGLE-OCCUPANT VEHICLES.

The Project meets provides off-street parking at a ratio of .75:1. The parking will be provided in stackers, less convenient than conventional parking stalls, thus encouraging the use of other modes of transportation where the distant to be traveled is nearby. Additionally, a car share space will be provided, providing another alternative to single-occupant vehicles for residents.

DOWNTOWN AREA PLAN
Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 75 Howard Street is an above-grade parking garage. The Project would improve the existing character of the neighborhood by removing the above-grade parking structure. The proposed retail space, which includes a restaurant and café, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

Facilitate conversion of underused industrial and commercial areas to residential use.

The Project would demolish an above-grade parking structure and construct a 220-foot tall, 20-story-over-basement, 133-unit residential building within easy commuting distance of downtown jobs.

The Project would also include approximately 5,824 sq. ft. of ground floor commercial space, with tenant spaces on both Howard and Steuart Streets; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Howard and Steuart Streets.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

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

The Project would not displace existing neighborhood-serving retail uses because no retail uses currently exist at the Project Site. In addition to 133 residential units, the Project would include approximately 5,824 sq. ft. of retail space in two separate commercial spaces. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing

neighborhood-serving retail uses. Instead, the Project would enhance neighborhood-serving retail by adding approximately 5,824 square feet of new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly downtown core and would continue the pattern of active ground floor retail along the Steuart and Howard Street frontages.

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

The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 75 Howard Street is an above-grade parking garage. The Project would improve the existing character of the neighborhood by removing the above-grade parking structure. The proposed retail space, which includes a restaurant and café, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by complying with the affordable housing requirements of Planning Code Section 415.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is at a location well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.

- 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 would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office buildings and residential high-rise buildings.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety.

- G. That landmarks and historic buildings be preserved.

The Planning Department has determined that the 75 Howard Street parking garage, a 550-space concrete parking structure built in 1976, is not considered a landmark or historic resource. The Project Site is not adjacent to any historic districts or any identified historic resource, and the Project would not have an indirect impact on historic resources by altering the existing visual setting of these resources.

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

The Project would not cast any new shadows on parks under the jurisdiction of the San Francisco Parks and Recreation Department. The Project's shadow impacts to existing open spaces have been analyzed, and the Project will cast additional shadows on Rincon Park, which is not under the jurisdiction of the San Francisco Parks and Recreation Department. However, much of the shadows generated by the Project will be primarily subsumed by the shadow impacts of existing buildings.] Furthermore, the access to sunlight at Rincon Park will remain approximately 90% with the development of the Project, which is greater than most parks within the Downtown area.

10. **Rincon Point – South Beach Redevelopment Plan Compliance.** A small portion of the subject property, Block 3741, Lot 35, approximately 337 square feet of the entire project site, falls within the Rincon Point – South Beach Redevelopment Plan Area and subject to the Rincon Point – South Beach Redevelopment Plan and the Design for Development (collectively, the “Redevelopment Requirements”). The 337 square-foot portion is part of a larger Block 3741, Lot 35 parcel that contains the GAP headquarters office building, as is referred to as the “GAP Property”. The City's Office of Community Investment and Infrastructure (OCII) as the successor agency to the former Redevelopment Agency administers the Redevelopment Requirements.

- A. **Background / Initial Findings.** The Redevelopment Requirements provide specific standards for development but incorporate other local land use regulations to the extent that those regulations do not conflict with Redevelopment Requirements. Design for Development, § V at page 11 (“All new development shall meet the requirements of the General Plan, the City Planning Code and all other applicable codes, including changes or amendments thereto as may be made subsequent to the adoption of the Redevelopment Plan, except to the extent that changes and amendments conflict with the express provisions of the Redevelopment Plan and this Design for Development.”).

This GAP Property is identified in the Redevelopment Plan as being within the Rincon Point Sub-Area and designated on Map 1: Land Use Plan as Office (with an alternate for residential development). The GAP Property was developed by the GAP for its office headquarters in accordance with the Redevelopment Requirements and a Disposition and

Development Agreement by and between the Redevelopment Agency and the GAP. The development of the GAP office building left the Subject Property as an undeveloped remnant containing only a fence and some landscaping. The Subject Property is also physically separated from the remainder of the GAP Property by an easement and driveway serving the surface parking lot of a property commonly known as 201 Spear Street and an access driveway to the GAP Headquarters underground garage. The Project Sponsor is proposing to purchase the Subject Property from the GAP and to merge it into the 75 Howard Street parcel (Block 3741, Lot 31) (the "75 Howard Street Parcel"). The merger of the Subject Property with the 75 Howard Street Parcel will permit a squaring off of the 75 Howard Street Parcel.

Pursuant to a Delegation Agreement by and between OCII and the San Francisco Planning Department, OCII has delegated to the Planning Department the responsibility for administering the Redevelopment Requirements to the extent applicable to those portions of the 75 Howard Project that are located on the Subject Property. These finding constitute the determination of consistency between the 75 Howard Project and the Redevelopment Project.

The Commission finds that the Redevelopment Requirements applicable to the Subject Property were intended to govern the GAP headquarters building and were not intended to apply to the development of a separate project that is located mostly outside of the Redevelopment Project Area. For that reason, assuming the Subject Property is merged with the 75 Howard Street Parcel, the strict application of the Redevelopment Requirements to the portion of the 75 Howard Project that is located on the Subject Property is not appropriate. Instead, so long as the proposed new development meets the requirements of the General Plan, the City Planning Code and all other applicable codes, then the portion of the 75 Howard Project located on the Subject Property will not be considered to be in conflict with the express provisions of the Redevelopment Requirements.

Without limiting the foregoing, Section VII of the Redevelopment Plan also provides that the Agency (or in this case, the Planning Department, acting pursuant to the Delegation Agreement) may in its discretion permit minor variances from the land use controls of the Plan and Design for Development in the event of unusual and special conditions, provided such modifications would result in substantial compliance with the intent of the land use provisions.

- B. **Redevelopment Improvements:** Only a small number of improvements of the 75 Howard Project are located on the Subject Property. Those improvements (as shown on the current plans in Exhibit B) are: (i) the below grade parking garage; (ii) on floors 1 through 7, a small corner of the proposed building and some landscaping and streetscape; and (iii) on floors 8 through 11, the very edge of the building corner (collectively, the "Redevelopment Improvements"). There are no improvements proposed on the Subject Property from floor 12 and above.
- C. **Consistency Findings.** For the reasons discussed in Section A above, so long as the proposed new development meets the requirements of the General Plan, the City Planning

Code and all other applicable codes, then the portion of the 75 Howard Project located on the Subject Property will not be considered to be in conflict with the express provisions of the Redevelopment Requirements. Nevertheless, applying the Redevelopment Requirements to the Redevelopment Improvements, the following consistency findings for the Redevelopment Improvements are made:

- 1) Land Use and Density: Per the Land Use Plan attached to the Redevelopment Plan, the GAP Property is zoned for Office. However, housing with a density range of 150 to 300 units per acre may be developed as an alternate use. Such housing may include ground floor retail commercial uses.

The 75 Howard Project in its entirety would comply with these requirements since it includes 133 residential units (which equal approximately 277 units per acre) with ground floor retail space. Therefore, the Redevelopment Improvements, which contain a fraction of the 75 Howard Property, therefore also complies.

2) Height and Bulk:

- a) **MAXIMUM HEIGHT**. The Redevelopment Requirements provide for a maximum height of 240 for the Subject Property.

The Redevelopment Improvements consist of floors 1-11, which rise to a height of approximately 111 feet. As such, the Redevelopment Improvements comply with the maximum height restrictions of the Redevelopment Requirements.

- b) **BASE AND TOWER HEIGHT AND BULK**: The Design for Development (see Section III(A)(6)) sets forth height and bulk standards for the GAP Property. These requirements are as follows

- i) **BASE**: The maximum height of the base shall not exceed 90 feet.

The base of the 75 Howard Project building meets this requirement as it terminates at a height of 67'-2" feet at the seventh level of the building. Therefore, the Redevelopment Improvements comply with this provision.

- ii) **LOWER TOWER**: The maximum height of the lower tower must not exceed 165 feet. The maximum plan dimension must not exceed 185 feet in length and 243 feet in diagonal dimension. The maximum floor area must not exceed 28,000 square feet and the maximum average floor area must not exceed 26,600 square feet.

Only those portions of the lower tower up to the 11th floor, at a height of 111 feet fall within the Gap Property, which is consistent with the Design for Development.

Bulk requirements for the lower tower apply between 103 feet and 160 feet based on the 75 Howard Project's roof height of 220 feet. The 75 Howard Project's lower tower is less bulky than permitted by the Redevelopment Requirements. The floors in the lower tower have a maximum length of approximately 132 feet (a maximum length of 185 feet is permitted), and a maximum diagonal dimension of approximately 177'8" (a maximum diagonal of 243 feet is permitted). The floor plates in the lower tower average 14,295 sq. ft. with a maximum of 15,505 sq. ft., which is substantially less than the 26,600 sq. ft.

average floor size, and the 28,000 sq. ft. maximum floor size allowed by the Redevelopment Requirements. Therefore, the Redevelopment Improvements comply with this provision.

- iii) UPPER TOWER: The maximum height shall not exceed 240 feet. The maximum plan dimension shall not exceed 165 feet in length and 215 feet in diagonal dimension. The maximum floor area shall not exceed 21,000 square feet and the maximum average floor area shall not exceed 20,500 square feet.

The upper tower restrictions do not apply to the Redevelopment Improvements, since the Redevelopment Improvements do not include any portion of the upper tower.

- c) The minimum required volume reduction between the average floor area of the lower and upper tower shall be 15%.

As noted above, the upper tower restrictions do not apply to the Redevelopment Improvements, since the Redevelopment Improvements do not include any portion of the upper tower.

- 3) Parking and Loading: The Design for Development permits one (1) parking space for each dwelling unit. Other parking requirements applying to the GAP Property are not applicable as no non-residential parking is proposed for the 75 Howard Project. The Design for Development also requires off street loading of 2 spaces for 200,000-500,000 sq. ft..

The 75 Howard Project, in its entirety, is providing less than one space per unit, therefore the Redevelopment Improvements, which comprise a fraction of the 75 Howard Project, comply with these requirements. Furthermore, the Project provides 2 off-street loading spaces total, which meets the above requirement.

- 4) Open Space: 50 square feet minimum of open space is required for each dwelling unit.

The Redevelopment Improvements comply with this requirement, with 84 units within the Subject Property featuring private open spaces of at least 50 square feet, and the remaining 49 units sharing a common open space of 2,950 square feet (greater than the required 50 times 49 or 2,450 square feet) on the second level of the building.

- 11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12. The Commission hereby finds that approval of the Determination of Compliance with exceptions would promote the health, safety and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, 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, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Conditional Use Application No. 2011.1122XVCUA**, subject to the following conditions attached hereto as "Exhibit A" in general conformance with plans on file, dated April 30, 2015, and stamped "Exhibit B", which are incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FEIR and the record as a whole and finds that there is no substantial evidence that the Project would have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FEIR.

The Planning Commission hereby adopts the FEIR and the MMRP attached as Exhibit 1 and incorporated as part of the CEQA Findings Motion associated with this project. All required improvement and mitigation measures identified in the FEIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion if not appealed (After the 30- day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554- 5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 23, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 23, 2015

EXHIBIT A

AUTHORIZATION

This authorization is to grant a **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 151.1 to allow accessory off-street parking in excess of principally permitted amounts, in connection with a proposal to construct a new, 20-story-over-basement, approximately 220-foot tall, 284,300 gsf building containing approximately 5,824 gsf of ground floor commercial space, with 133 dwelling-units and 100 off-street parking spaces, on a site that currently contains an above grade parking lot within the C-3-O(SD) Zoning District and the 200-S Height and Bulk District, in general conformance with plans dated April 30, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1122XVCUA and subject to conditions of approval reviewed and approved by the Commission on July 23, 2015 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 23, 2015, under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 140, as 39 of the 133 dwelling-units do not meet the Planning Code requirements for exposure, and Section 145.1, as the proposed driveway does not meet the Code requirements for width of parking and loading access, and must satisfy all the conditions thereof. The Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Planning Code Sections 155.1 and 303, to allow accessory off-parking in excess of principally permitted amounts. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

7. **Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

8. **Transit Center District Mello-Roos Community Facility District.** Pursuant to Section 424.8, the Project Sponsor shall participate in the Transit Center District Mello-Roos Community Facility District for all development which exceeds the FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Planning Department at 415-558-6378, www.sf-planning.org

9. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit 1** of the CEQA Findings Motion associated with the Subject Project are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

10. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

11. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site Permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The Project currently shows the installation of ten of the fifteen required street trees, with an in-lieu fee requirement applicable for five street trees. The Project shall install the ten (10) street trees and pay the in-lieu fee for the

five (5) trees as set forth in Condition Number 23 below, unless the installation of the 10 trees proves infeasible, in which case the Project shall pay an in-lieu fee for any of the 10 trees not so installed.

Also, as required for all street trees within the C-3 Zoning Districts, new street trees shall have a minimum 2 inch caliper, measured at breast height; branch a minimum of 80 inches above sidewalk grade; be planted in a sidewalk opening at least 16 square feet, have a minimum soil depth of 3 feet 6 inches; and include street tree basins edged with decorative treatment, such as pavers or cobbles.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

12. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Site Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the Site Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

15. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit application.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

16. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may

not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).
- h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

17. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

18. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. In addition, the Project may provide up to three parking spaces per four dwelling units as a conditional use. With 133 dwelling units proposed, there is a maximum of 67 off-street parking spaces allowed as-of-right, and an additional 33 off-street parking spaces permitted with a Conditional Use authorization. With 100 off-street parking spaces total included, the Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Planning Code Sections 155.1 and 303, to allow accessory off-parking in excess of principally permitted amounts.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide two service vehicle off-street loading spaces in-lieu of the standard one required off-street loading space.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. **Car Share.** Pursuant to Planning Code Section 166, no less than one car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

21. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 123 bicycle parking spaces (108 Class 1 spaces for the residential portion of the Project and 15 Class 2 spaces - seven for residential and eight for commercial).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

22. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

23. **Street Tree In-Lieu Fee.** Pursuant to Planning Code Section 428, the Project Sponsor shall pay an in-lieu fee for five (5) street trees that are required under Planning Code Section 138.1, but that according to the Department of Public Works, cannot be planted. The in-lieu fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

24. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) for the new retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

25. **Transit Center District Open Space Fee.** Pursuant to Planning Code Section 424.6, the Project Sponsor shall pay the Transit Center District Open Space Fee for the new residential space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

26. **Transit Center District Transportation and Street Improvement Fee.** Pursuant to Planning Code Section 424.6, the Project Sponsor shall pay the Transit Center District Transportation and Street Improvement Fee for the new residential space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

27. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any

combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

28. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

29. **Art – Concept Development.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the approval of the first building or site permit application. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

30. **Art - Installation.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

AFFORDABLE UNITS

31. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this Project is twenty percent (20%). *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*
32. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as

required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the Project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the Project and pursue any and all other remedies at law.

MONITORING

33. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

34. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

35. **Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

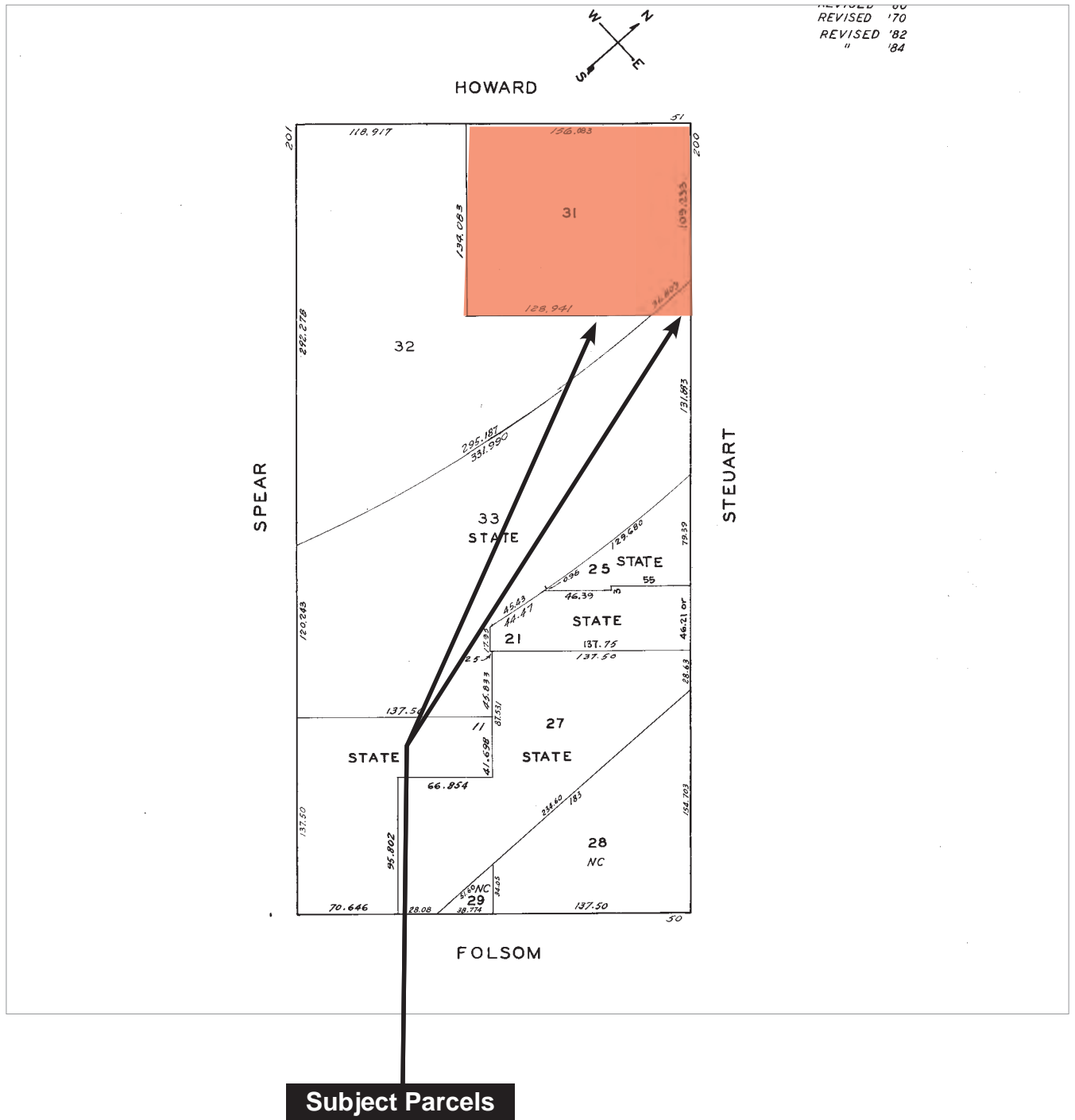
36. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

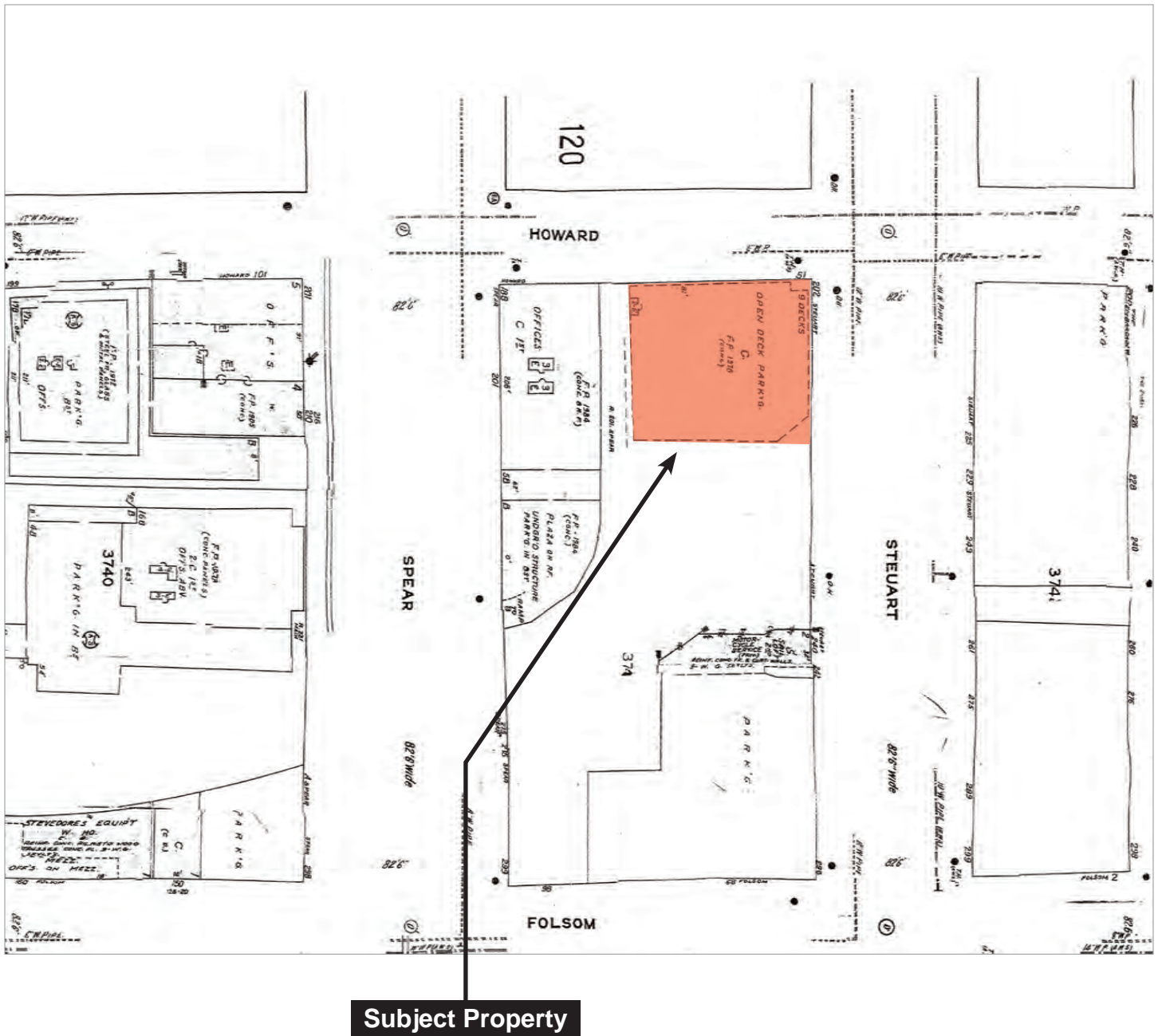
Exhibits

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Parcel Map

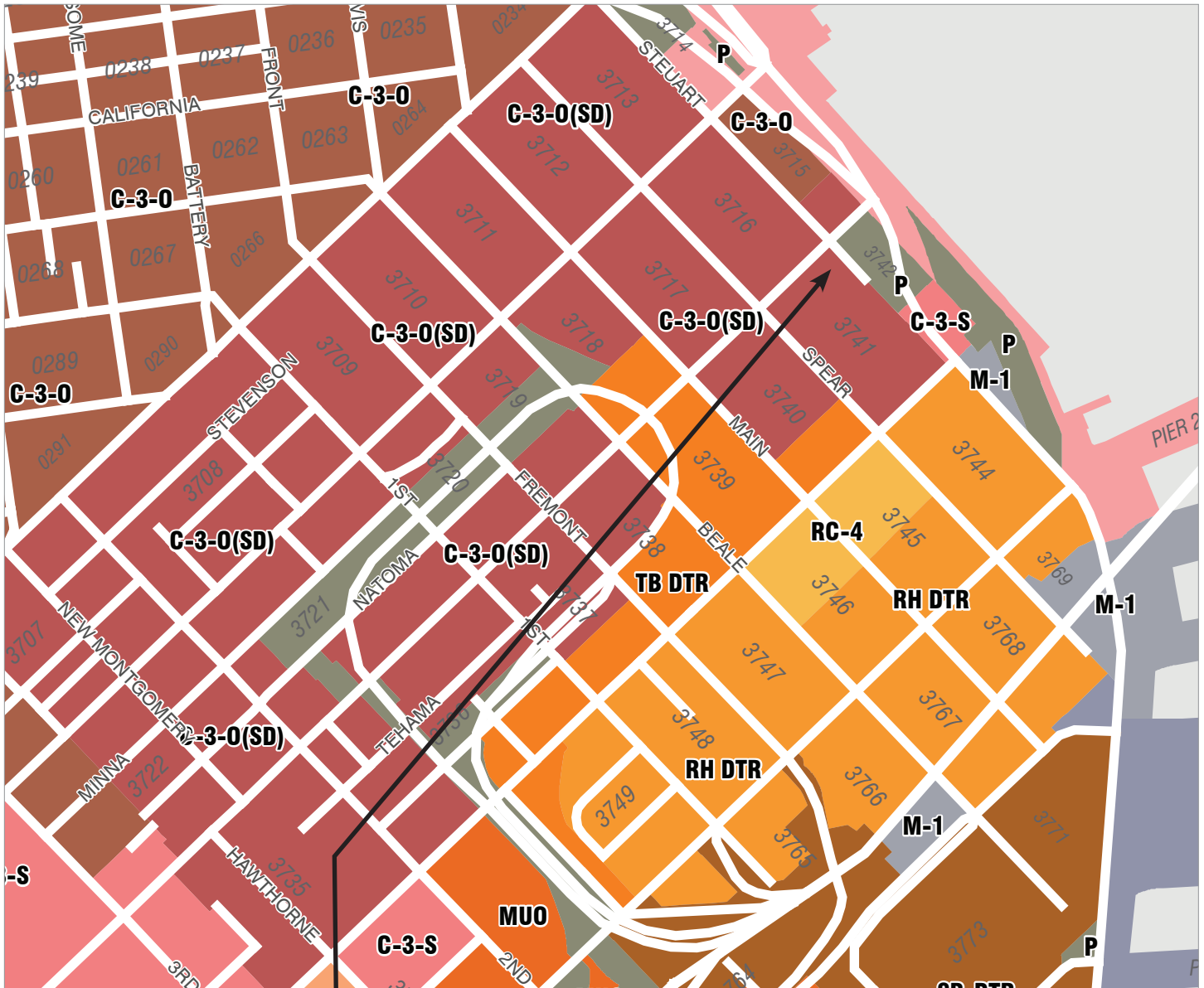


Sanborn Map



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Zoning Map

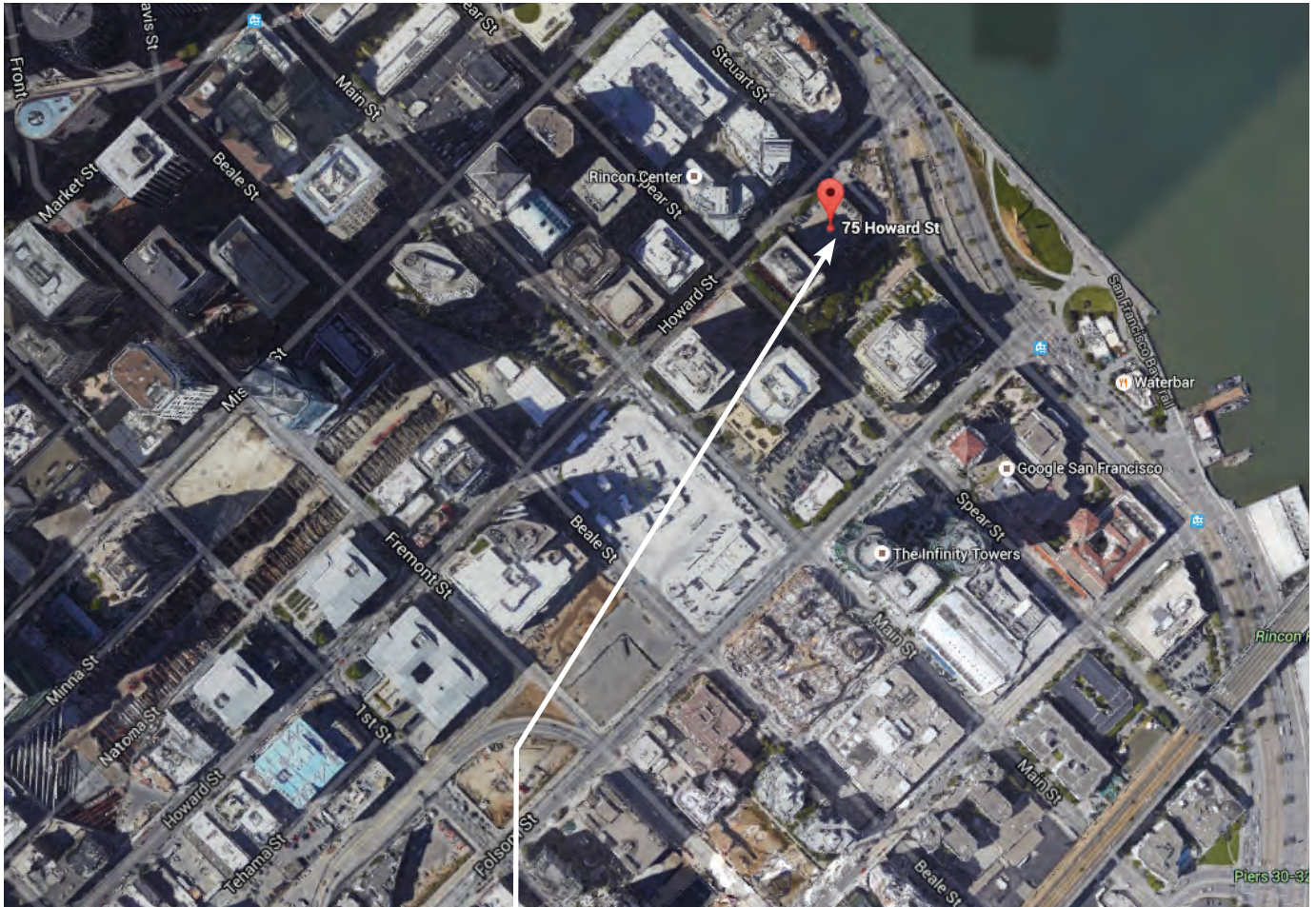


Subject Property

SAN FRANCISCO
PLANNING DEPARTMENT

Case Number 2011.1122XVCUA
75 Howard St.
Block 3741 Lot 031, 035

Aerial



Subject Property

Site Photo - Looking South



Site Photo - Looking West





SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: **January 11, 2013**

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

To: **Applicants subject to Planning Code Section 415: Inclusionary
Affordable Housing Program**

From: **San Francisco Planning Department**

Re: **Compliance with the Inclusionary Affordable Housing Program**

T: 415.558.6378

F: 415.558.6409

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

¹ California Civil Code Section 1954.50 et.al.

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

July 7, 2015

Date

I, Marce Sanchez, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

75 Howard Street

Address

3741/31; 3741/35 (Parcel 3)

Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2011.1122XVCUA

Planning Case Number

N/A

Building Permit Number

This project requires the following approval:

☒ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)

☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Tina Chang

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

☐ Yes (if yes, please indicate Tier) _____

☒ No

This project is exempt from the Inclusionary Affordable Housing Program because:

☐ This project uses California Debt Limit Allocation Committee (CDLAC) funding.

☐ This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

☒ Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).

☐ On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.² The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
- ☐ Development or density bonus or other public form of assistance.
- ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on this day in:

SAN FRANCISCO, CA.
Location

7.7.2015
Date

[Signature] V.P. CONSTRUCTION-DEVELOPMENT
Signature

BY: ROLF 75 HOWARD LLC
Name (Print), Title

BY: PARAGONAT GROUP OPERATING PARTNERSHIP
BY: PARAGONAT GROUP INC.
212 237 3129
Contact Phone Number

cc: Mayor's Office of Housing
Planning Department Case Docket
Historic File, if applicable
Assessor's Office, if applicable

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- ☐ On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

- ☐ Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Motion No. (if applicable)			Number of Market-Rate Units in the Off-site Project	

- ☐ Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee _____ % of affordable housing requirement.

2. On-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Motion No. (if applicable)			Number of Market-Rate Units in the Off-site Project	

Affidavit for **Compliance with the Inclusionary Affordable Housing Program**

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name	Company Name
Print Name of Contact Person	Print Name of Contact Person
Address	Address
City, State, Zip	City, State, Zip
Phone, Fax	Phone, Fax
Email	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
_____ Signature	_____ Signature
_____ Name (Print), Title	_____ Name (Print), Title

Exhibit B

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75 HOWARD

75 HOWARD STREET
SAN FRANCISCO, CA

A01.01 - EXISTING SITE PLAN
ALTA SURVEY
A1.01 - PROPOSED SITE PLAN WITH GROUND FLOOR PLAN
A1.02 - PROPOSED STREETScape PLAN
A1.04 - EXISTING SITE PHOTOGRAPHS
A1.05 - EXISTING SITE PHOTOGRAPHS
A2.B2 - BASEMENT LEVEL 2 PLAN
A2.B1 - BASEMENT LEVEL 1 PLAN
A2.01 - GROUND LEVEL PLAN
A2.02 - LEVEL 2 PLAN
A2.03 - TYPICAL PODIUM LEVEL PLANS 3-6
A2.07 - TERRACE LEVEL 7 PLAN
A2.08 - TYPICAL TOWER PLANS 8-10
A2.11 - TERRACE LEVEL 11 PLAN
A2.12 - TYPICAL TOWER PLANS 12-14
A2.15 - TERRACE LEVEL 15 PLAN
A2.16 - TYPICAL TOWER PLANS 16-18
A2.19 - TERRACE LEVEL 19 PLAN
A2.20 - LEVEL 20 PLAN
A2.RF - ROOF LEVEL PLAN
A5.02 - EAST/SOUTH ELEVATIONS
A5.03 - WEST/NORTH ELEVATIONS
A5.21 - SECTIONS
PROJECT SUMMARY

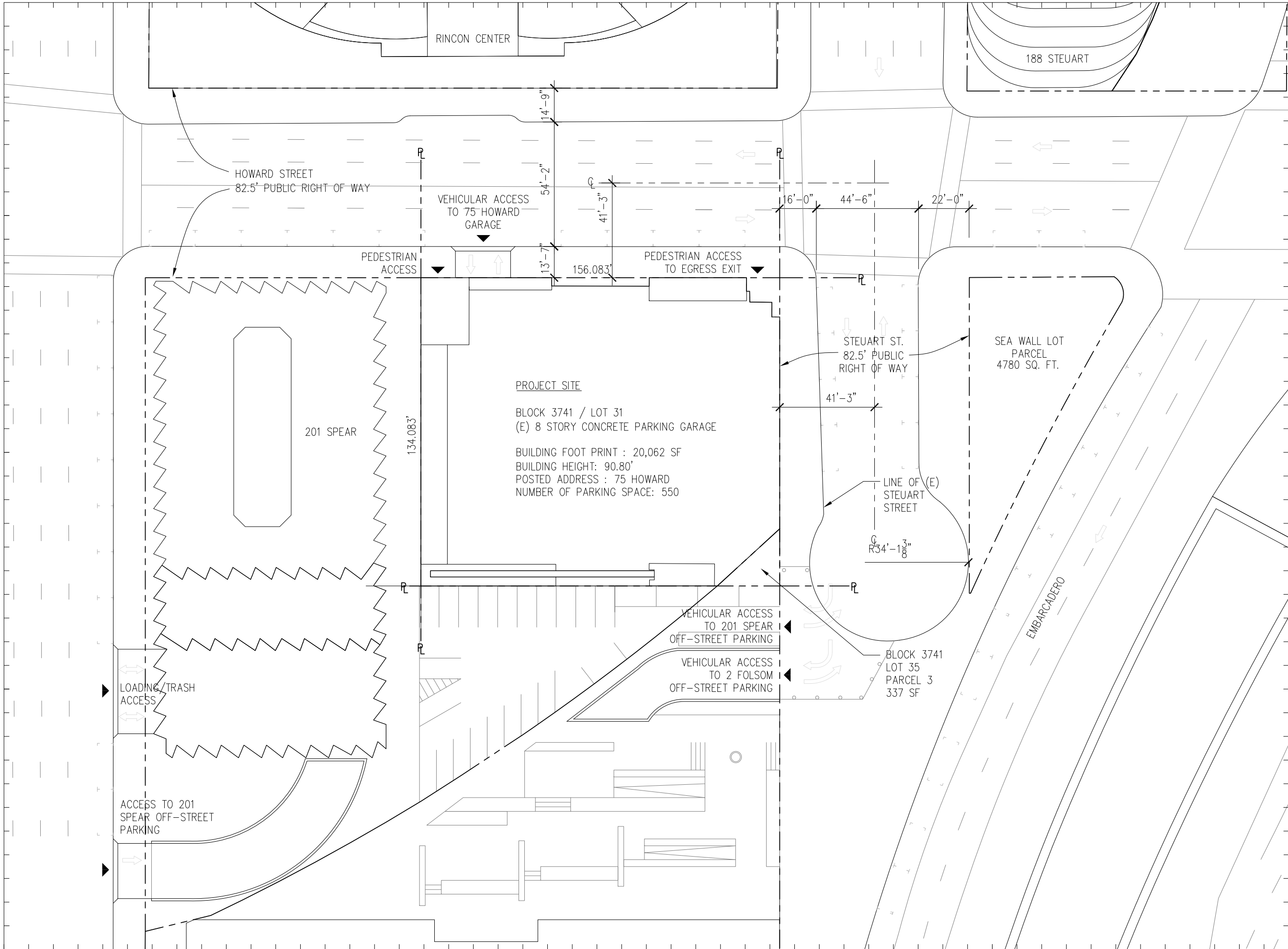
309 APPLICATION PACKAGE

PREPARED FEBRUARY 27, 2014
SUBMITTED AUGUST 13, 2014
REVISED JULY 6, 2015

 **PARAMOUNT
GROUP, INC.**
1633 Broadway Suite 1801
New York, NY 10019

 **SOM**
One Front Street
San Francisco, CA 94111

File Name: A01-01.dwg Plotted By: elena.hasbun 07/06/2015 [Mon 11:03am]



75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105

PARAMOUNT GROUP, INC.
1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM
SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

Issued For:	No.	Description:	Date:
1	PRELIMINARY PROJECT ASSESSMENT	28 SEP 11	
2	ENVIRONMENTAL EVALUATION APPLICATION	13 JAN 12	
3	REVISED ENVIRONMENTAL EVALUATION APPLICATION	20 APR 12	
4	REVISED ENVIRONMENTAL EVALUATION APPLICATION	02 JULY 12	
5	FINAL CEQA PACKAGE	13 JULY 12	
6	FINAL CEQA PACKAGE	19 JULY 12	
7	CEQA PACKAGE REVISED	20 JULY 12	
8	CEQA PACKAGE REVISED HOTEL VARIANT	31 AUG 12	
9	309 APPLICATION PACKAGE	19 MAR 13	
10	309 APPLICATION PACKAGE REVISED	10 SEP 10	
11	309 APPLICATION PACKAGE REVISED	07 FEB 14	
12	309 APPLICATION PACKAGE REVISED	29 APR 15	
14	309 APPLICATION PACKAGE REVISED	6 JULY 15	

Key Plan

Sheet Name:
EXISTING SITE PLAN

Project No.: 211040	Sheet No.: A01.01
Drawn By: TEAM	
Checked By: LEAD	
Scale: 1/4" = 1'-0"	

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STATUS		C-3-0 DOWNTOWN COMMERCIAL OFFICE DISTRICT		STATUS
ITEM	REQUIRED	OBSERVED		
PERMITTED USE	OFFICE	OFFICE		Contact Info: City of San Francisco www.sfdemarcourt.org
MIN. LOT AREA	NONE	20,595 SQUARE FEET		
MIN. FRONTAGE	NONE	156.1'		
MIN. LOT WIDTH	NONE	133.9'		
MAX. BLOG COVERAGE	9:1	97%		
MIN. SETBACKS FRONT	NONE	NONE		
MIN. SETBACKS SIDE	NONE	NONE		
MIN. SETBACKS REAR	NONE	NONE		
MAX. BUILDING HEIGHT	NONE	50.80'		
PARKING REGULAR	SEE NOTE	524		
PARKING HANDICAP	SEE NOTE	11		
PARKING TOTAL	SEE NOTE	535		

NOTES:
Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of San Francisco and the applicable zoning codes.

Items Corresponding to Schedule B

- ### Miscellaneous Notes

- FLOOD NOTE:** By graphic plotting only, this property is in a non-painted panel of the Flood Insurance Rate Map, Community Panel No. 00229 0001 N, which bears an effective date of NO DATE and is not in a Special Flood Hazard Area. By contact dated 03/25/2007 to the National Flood Insurance Program <http://www.fema.gov> we have learned this community does not currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Legend of Symbols & Abbreviations

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of the type style and format is strictly prohibited
without the written consent and permission of
Bock & Clark, Corp.

Survey Performed By:
Beck & Cleis Corp.
1076 Perry Highway
Waxford, PA 15080
Phone: 800-197-8594
Fax: 724-834-0602
Email: david@1000surveys.com

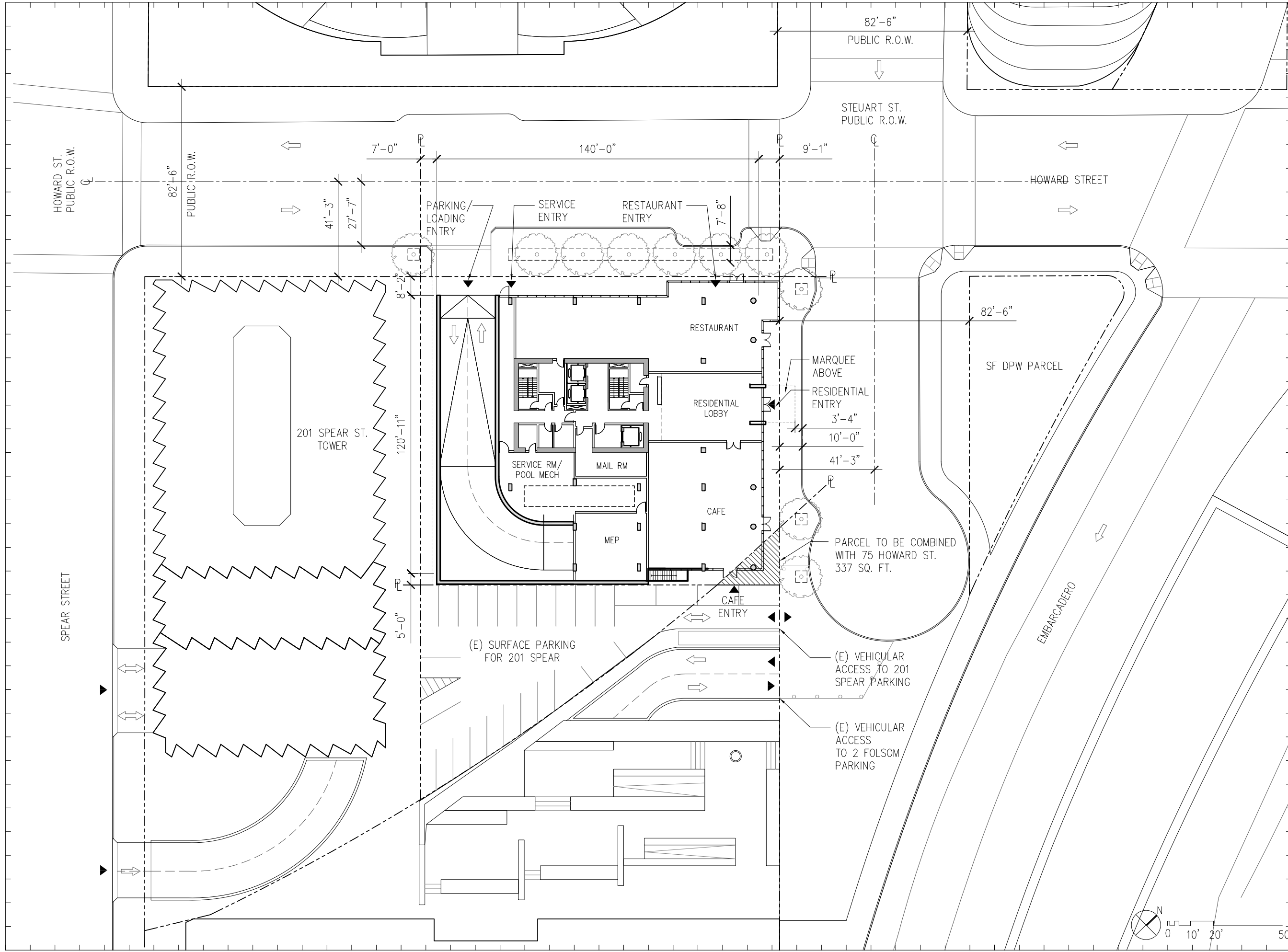
Page 1 of 1

Bock & Clark Project No. 4200700200

Bock & Clark's National Surveyors Network
National Coordinators of ALTA/ACSM Land Title Surveys
517 North Cleveland, Madison, WI 53703

PDF created with pdfFactory trial version www.pdffactory.com

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75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

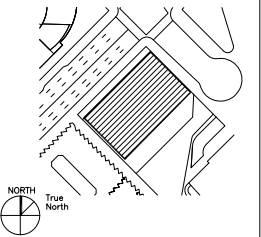
SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

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11	309 APPLICATION PACKAGE REVISED		07 FEB 14
12	309 APPLICATION PACKAGE REVISED		29 APR 15
13	309 APPLICATION PACKAGE REVISED		6 JULY 15

Key Plan



Sheet Name:
PROPOSED SITE PLAN

Project No:

211040

Sheet No.:

Drawn By:

TEAM

Checked By:

LEAD

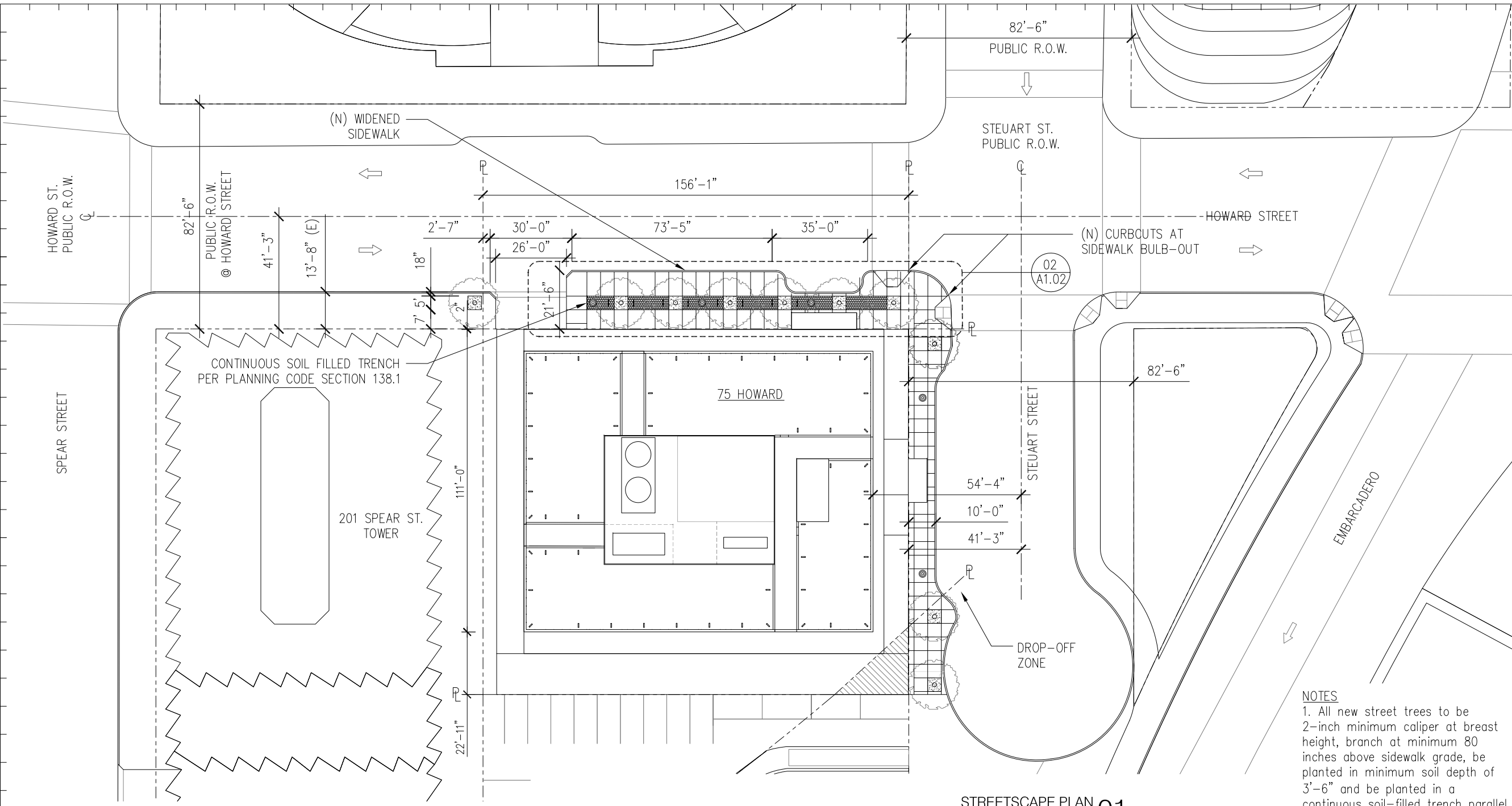
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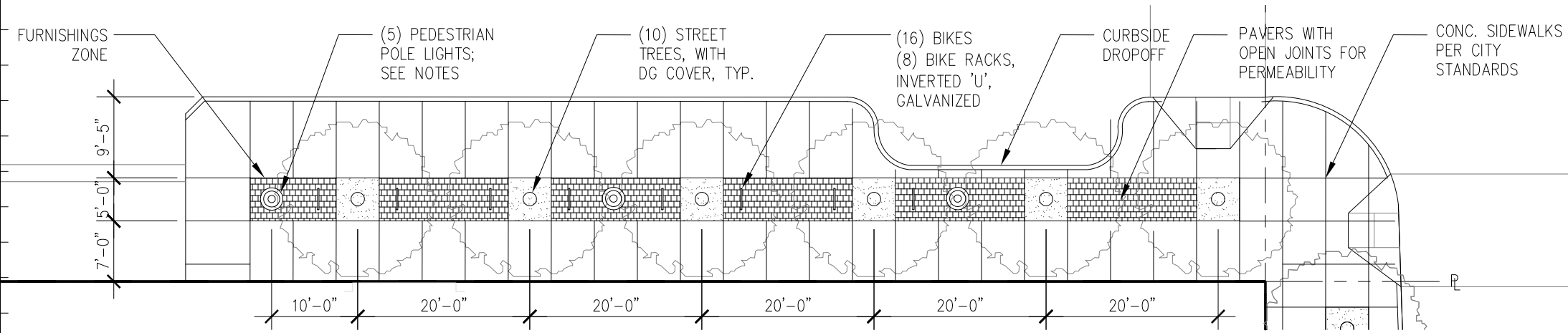
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STREETSCAPE PLAN 01
Scale: 1/16" = 1'-0"

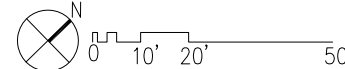


STREETSCAPE PLAN 02
Scale: 1/16" = 1'-0"

NOTES

1. All new street trees to be 2-inch minimum caliper at breast height, branch at minimum 80 inches above sidewalk grade, be planted in minimum soil depth of 3'-6" and be planted in a continuous soil-filled trench parallel to curb. In areas beneath open-jointed permeable pavers, structural soils may be used both for tree health and for infiltration.

2. New light fixtures should achieve a semi-cutoff light (5% or less concentration of light above a 90 degree angle from the fixture than the light output of the fixture), with a target of full-cutoff (zero light loss above the fixture or shield level). Final light spacing and fixture selection will be completed with input from lighting designer or electrical engineer.



75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:



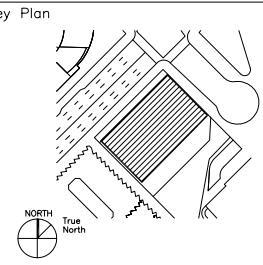
SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

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No. Description: Date:

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7	CEQA PACKAGE REVISED	20 JULY 12
8	CEQA PACKAGE REVISED HOTEL VARIANT	31 AUG 12
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10	309 APPLICATION PACKAGE REVISED	10 SEP 10
11	309 APPLICATION PACKAGE REVISED	07 FEB 14
12	309 APPLICATION PACKAGE REVISED	29 APR 15
13	309 APPLICATION PACKAGE REVISED	6 JULY 15



Sheet Name:
**PROPOSED
STREETSCAPE PLAN**

Project No.: 211040 Sheet No.:

Drawn By: TEAM
Checked By: LEAD
Scale: AS NOTED

A1.02

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VIEW FROM ACROSS EMBARCADERO TO SOUTH 4



VIEW FROM ACROSS EMBARCADERO TO NORTH 2



VIEW FROM NORTH CORNER OF HOWARD AND STEUART STREETS 3



VIEW FROM SEA WALL LOT ACROSS STEUART STREET 1

75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

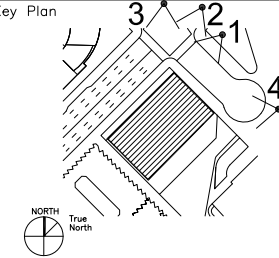
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ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

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5	309 APPLICATION PACKAGE REVISED	07 FEB 14
6	309 APPLICATION PACKAGE REVISED	29 APR 15



Sheet Name:
EXISTING SITE
PHOTOGRAPHS

Project No.:

211040

Sheet No.:

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A1.04

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VIEW FROM CENTER OF STEUART STREET 4



VIEW FROM HOWARD STREET 2



VIEW LOOKING EAST ON STEUART STREET 3



VIEW FROM ADJACENT PROPERTY TO THE SOUTH 1

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NEW YORK, NY 10019

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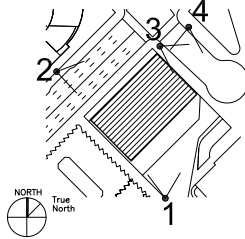
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| 2 | ENVIRONMENTAL EVALUATION APPLICATION | 13 JAN 12 |
| 3 | 309 APPLICATION PACKAGE | 19 MAR 13 |
| 4 | 309 APPLICATION PACKAGE REVISED | 10 SEP 10 |
| 5 | 309 APPLICATION PACKAGE REVISED | 07 FEB 14 |
| 6 | 309 APPLICATION PACKAGE REVISED | 29 APR 15 |

Key Plan



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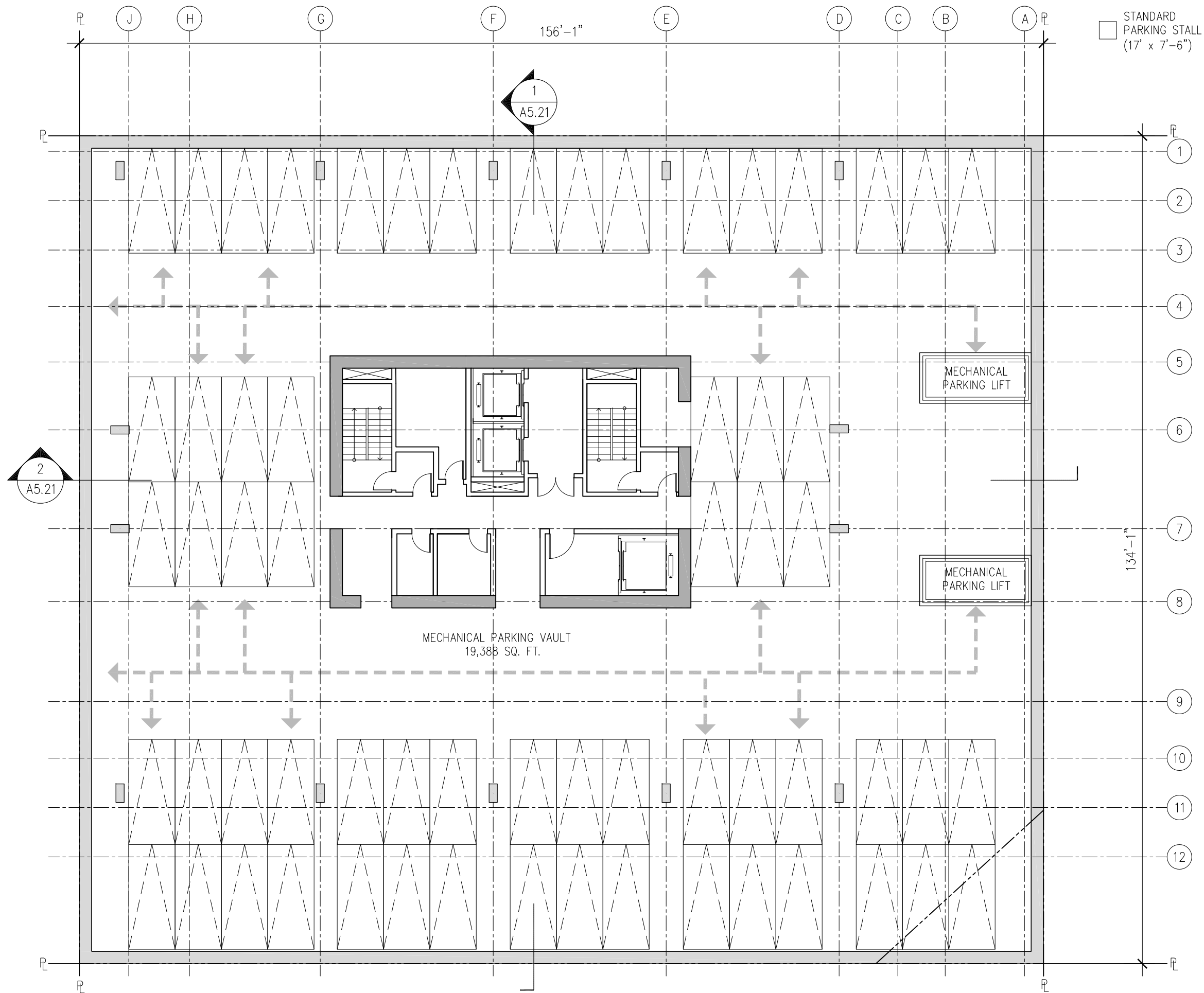
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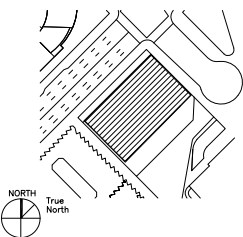
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Key Plan



Sheet Name:

BASEMENT LEVEL 2 PLAN

Project No.:

211040

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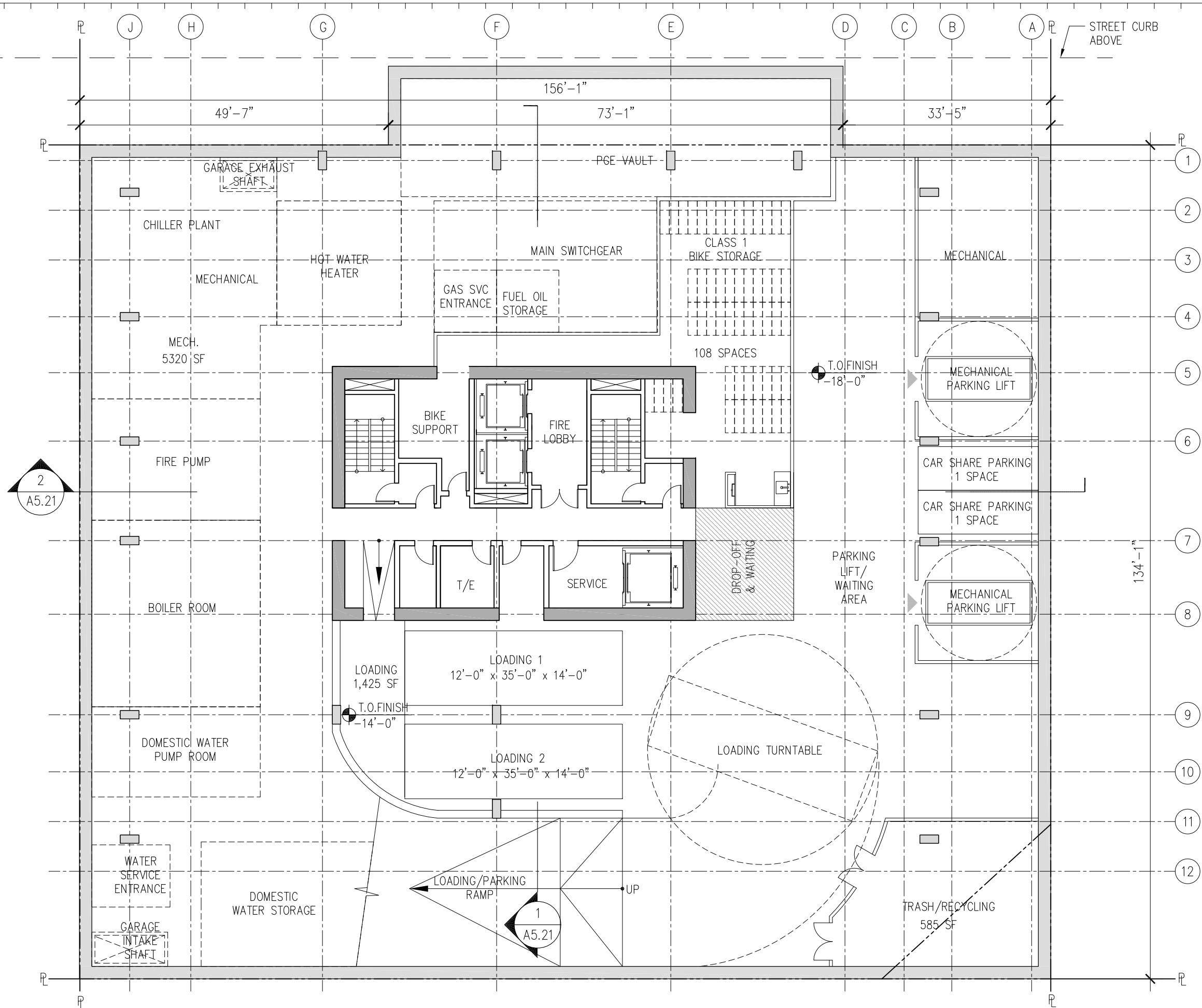
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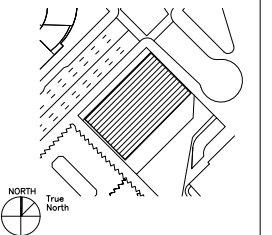
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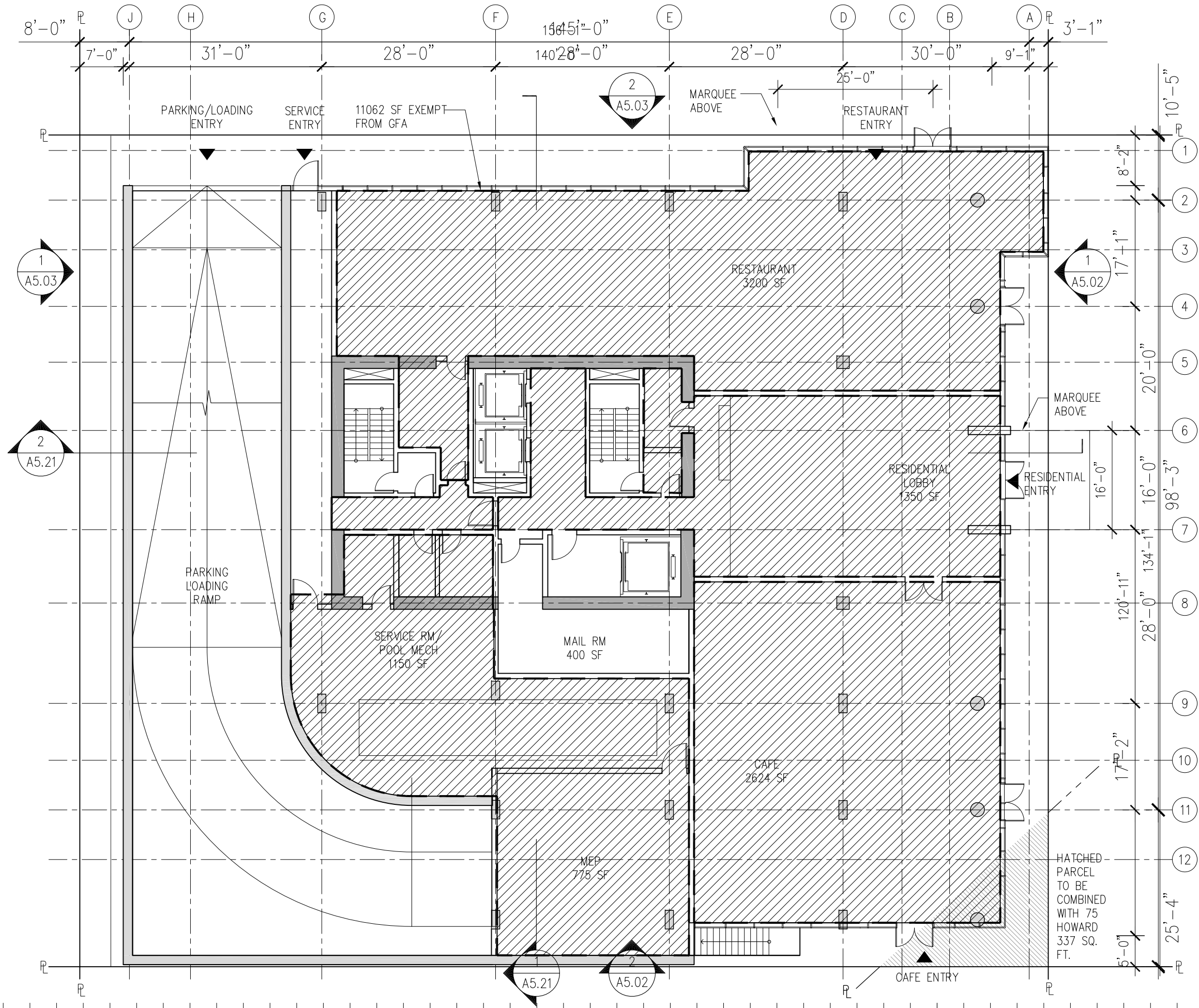
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BASEMENT LEVEL 1 PLAN

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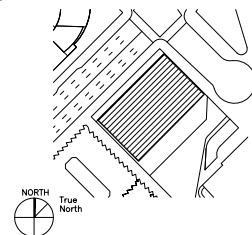
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Key Plan



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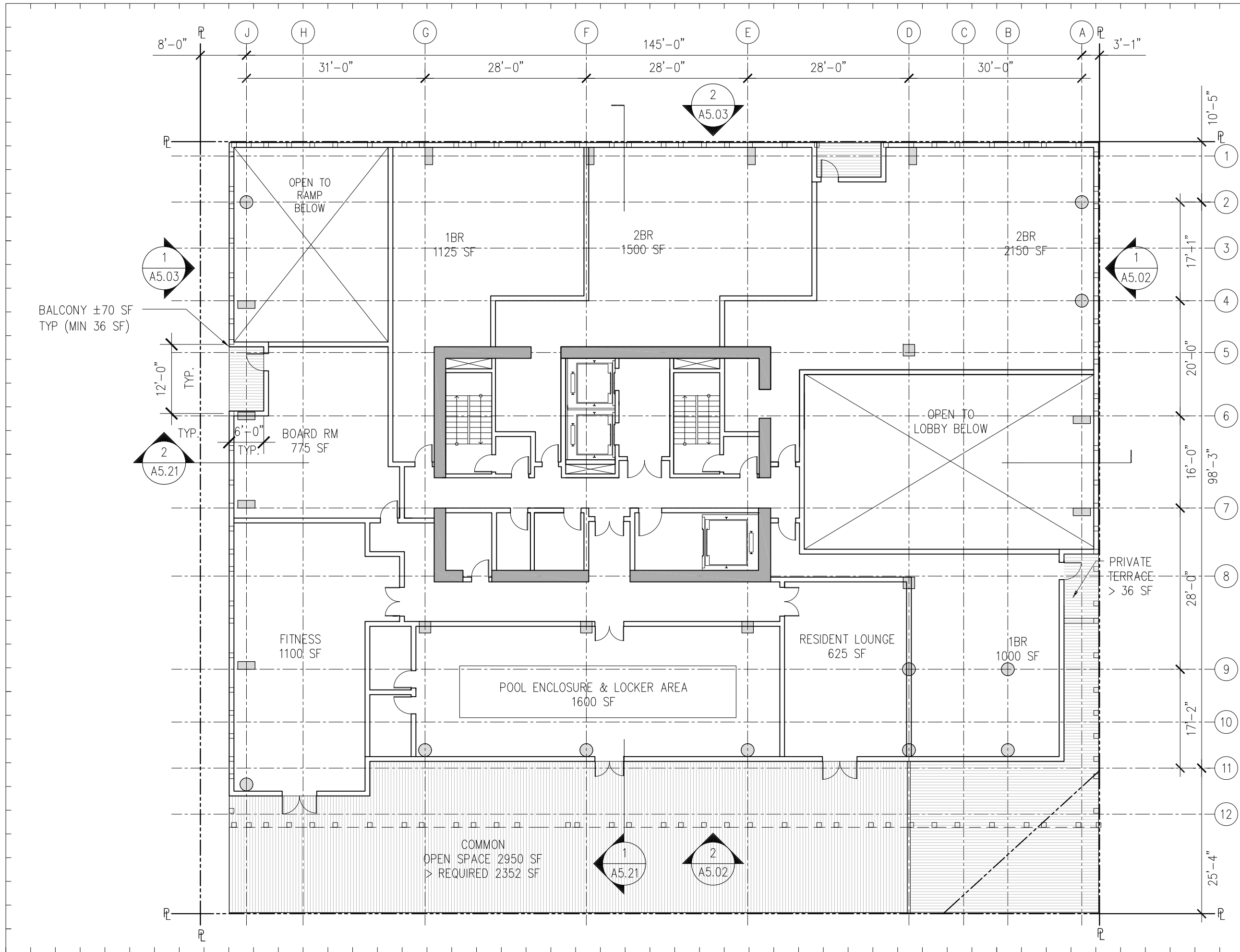
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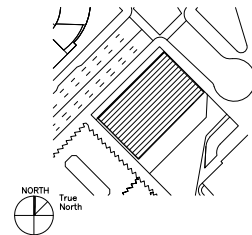
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Key Plan



Sheet Name:
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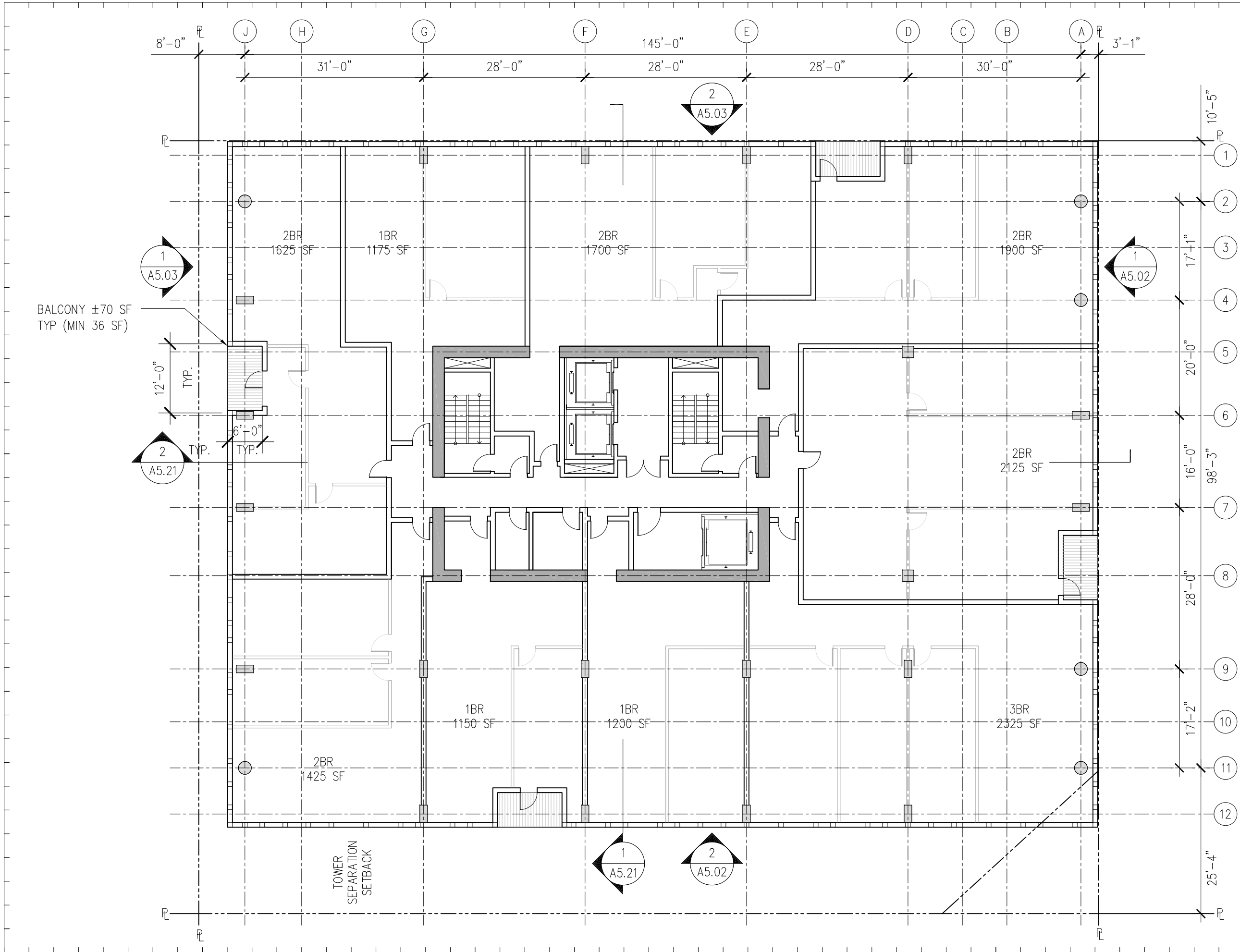
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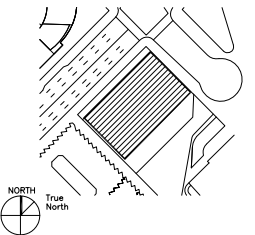
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Key Plan



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TYPICAL PODIUM LEVEL PLAN
LEVELS 3-6

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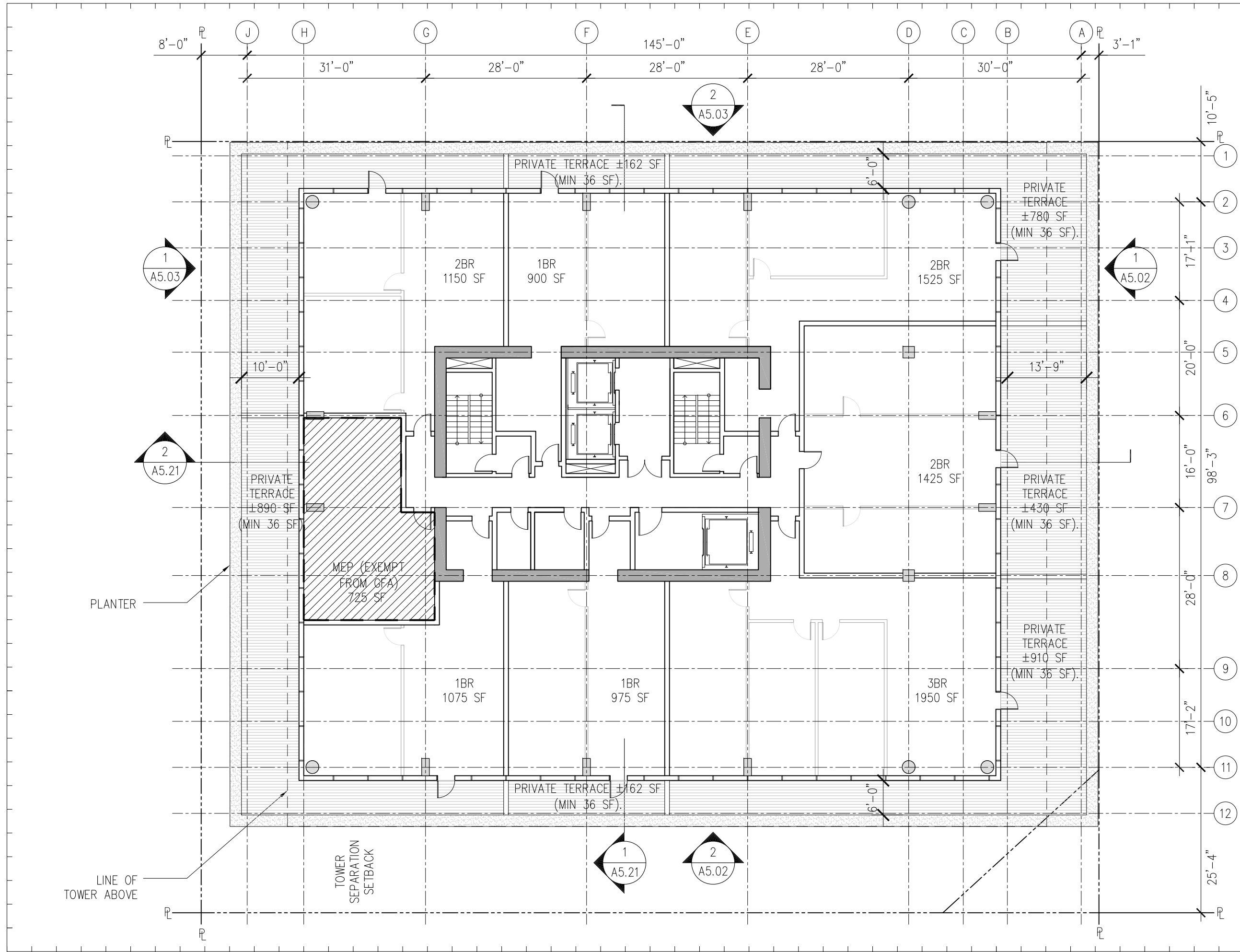
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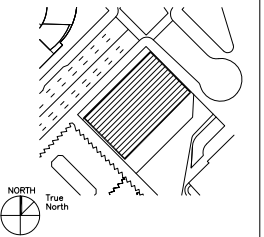
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Key Plan



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TERRACE LEVEL 7

Project No.:

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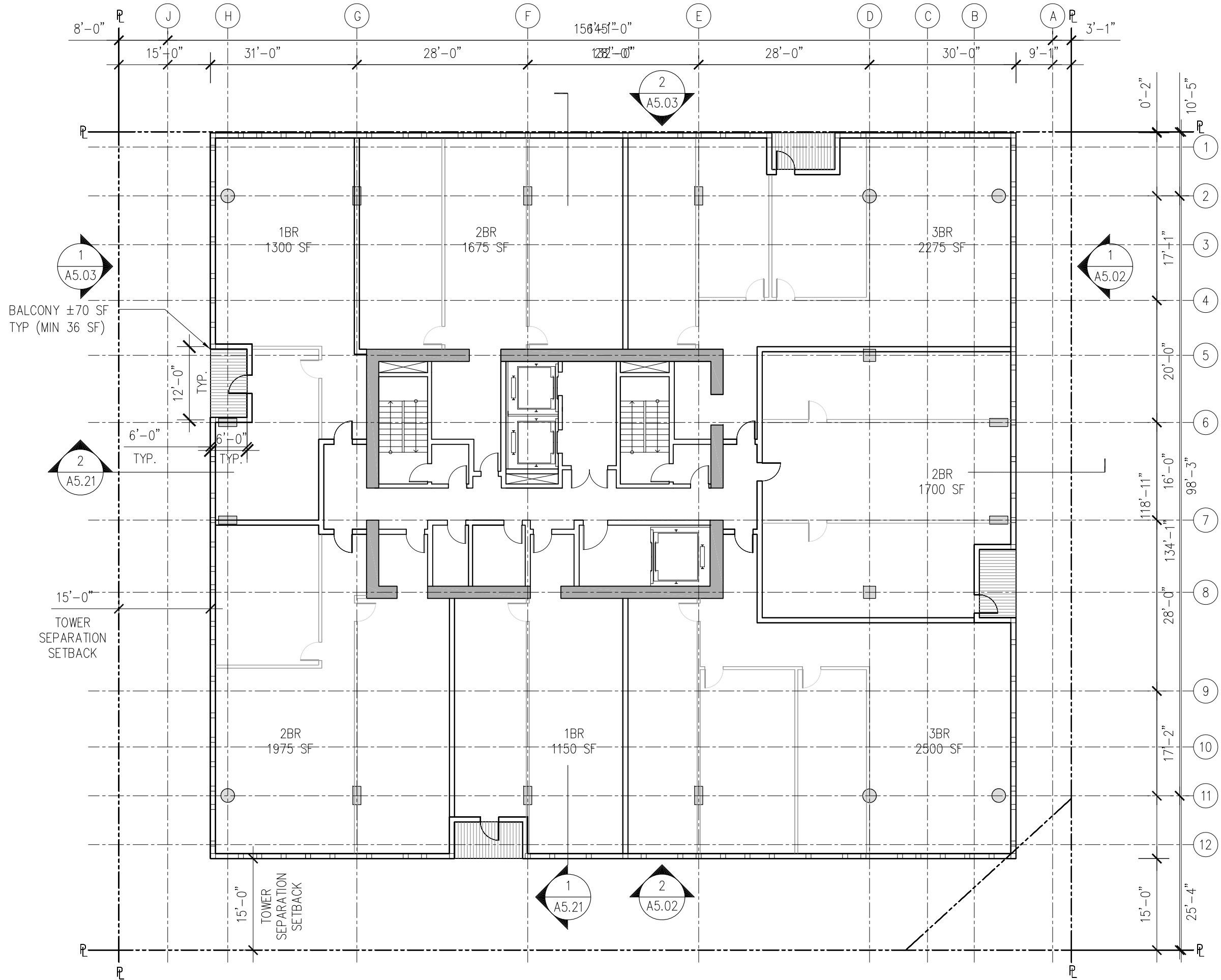
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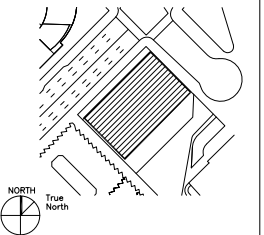
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Key Plan



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TYPICAL TOWER LEVEL PLAN
LEVELS 8-10

Project No.:

211040

Sheet No.:

A2.08

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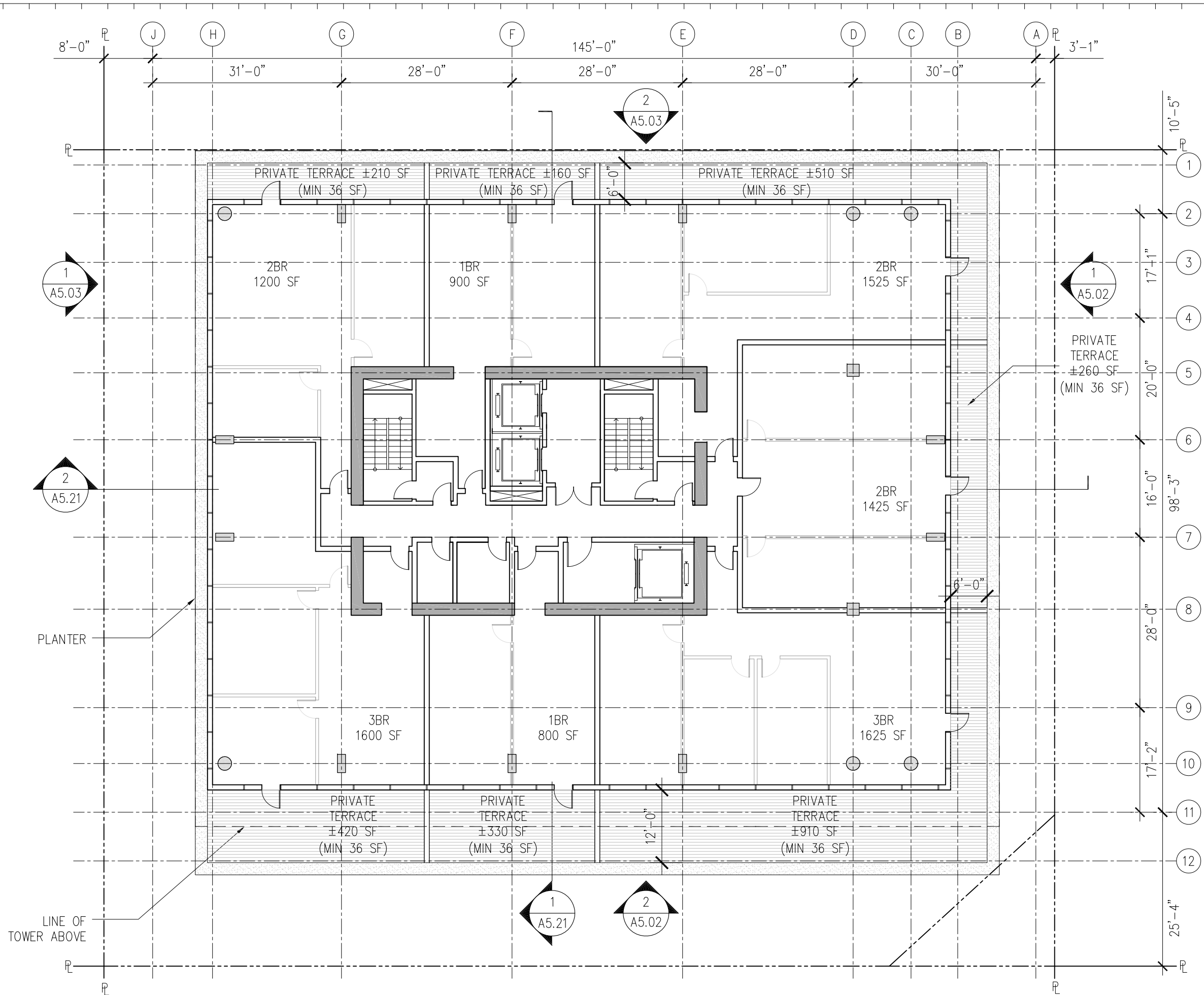
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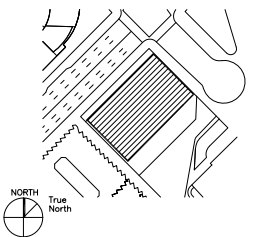
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Key Plan



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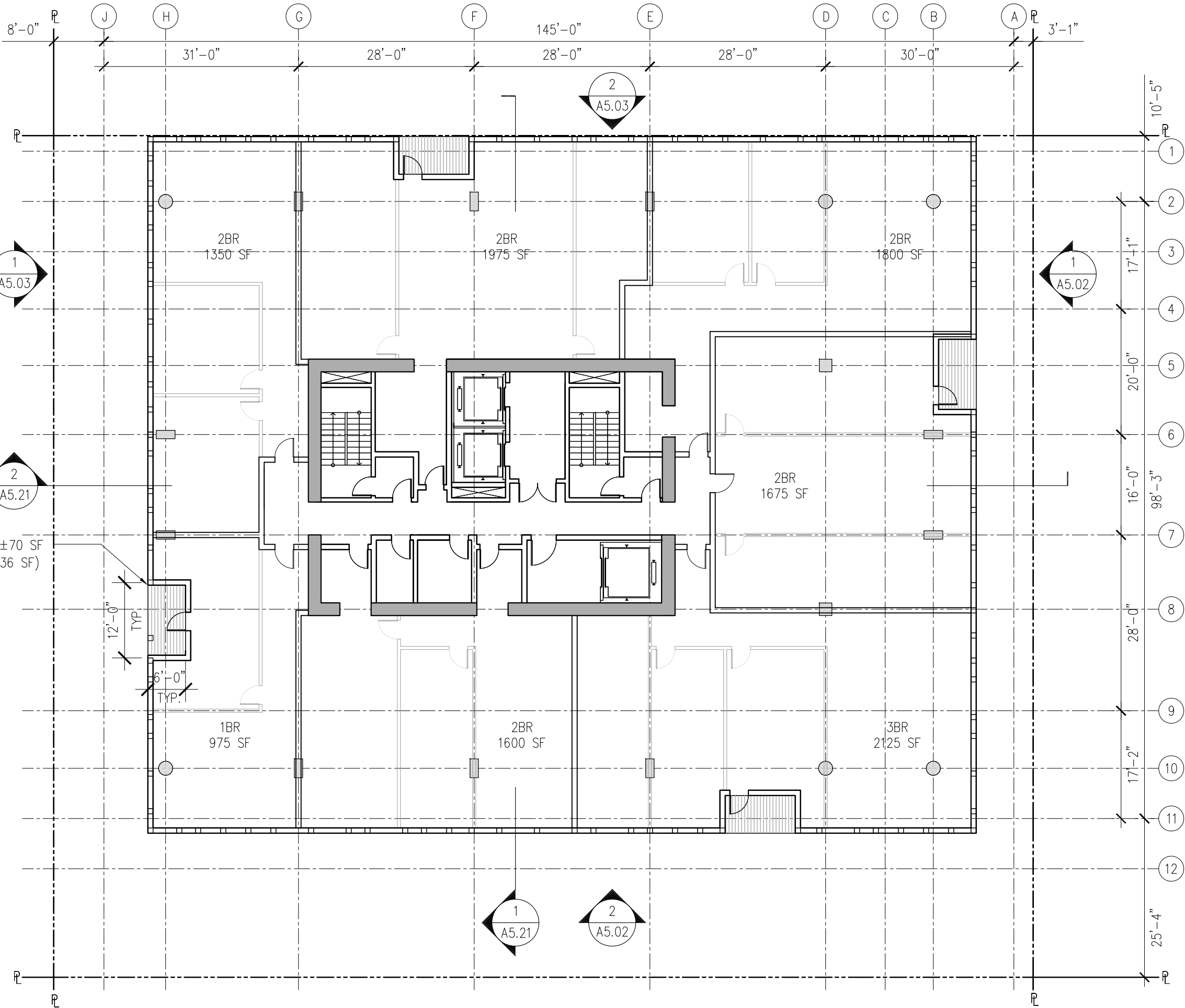
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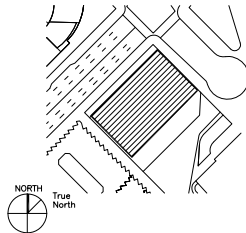
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Key Plan



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TYPICAL TOWER LEVEL PLAN
LEVELS 12-14

Project No.:

211040

Sheet No.:

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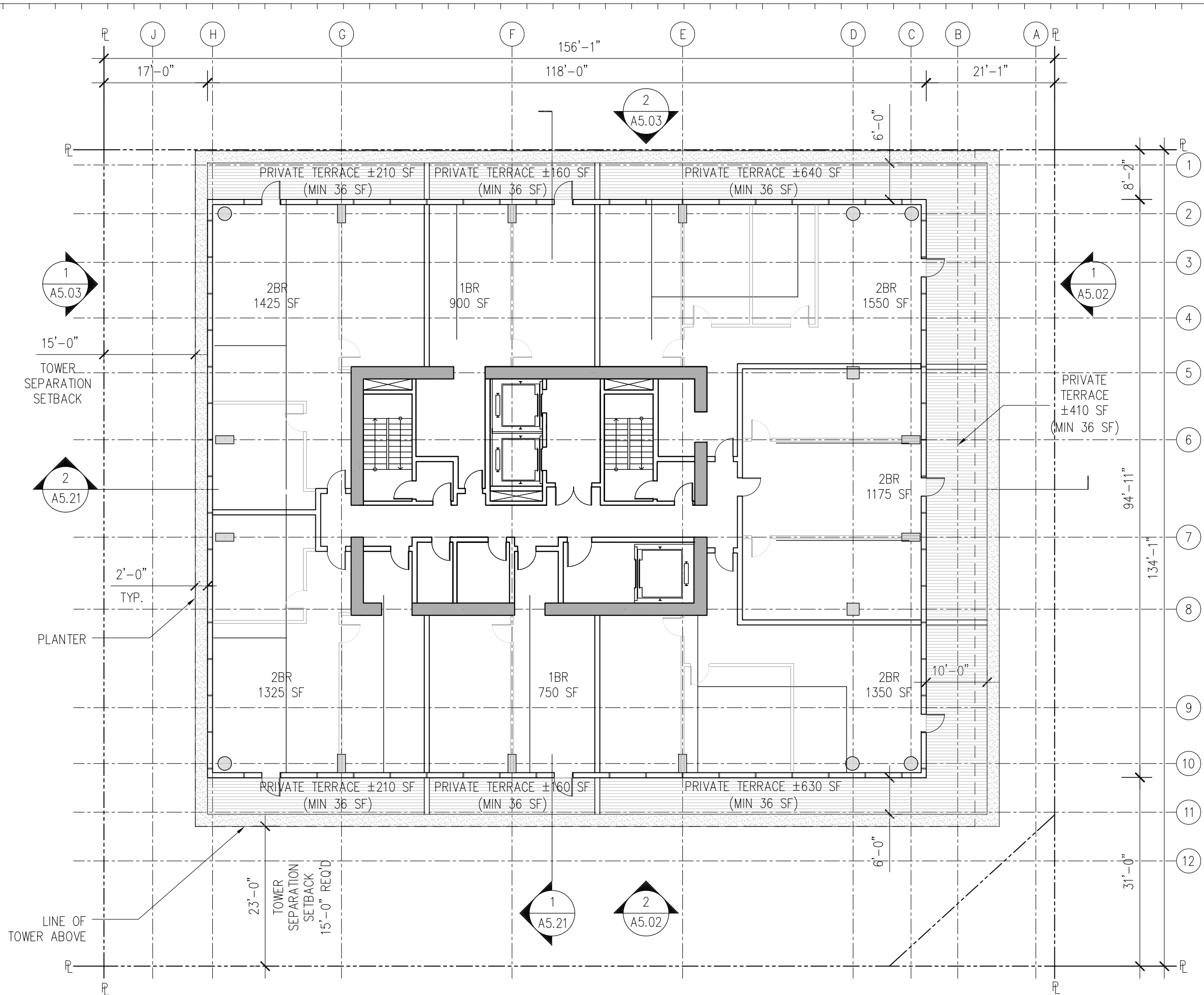
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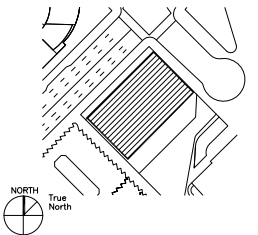
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TERRACE LEVEL 15

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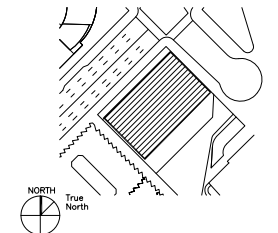
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Key Plan



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TYPICAL TOWER LEVEL PLAN
LEVELS 16-18

Project No.:	011010
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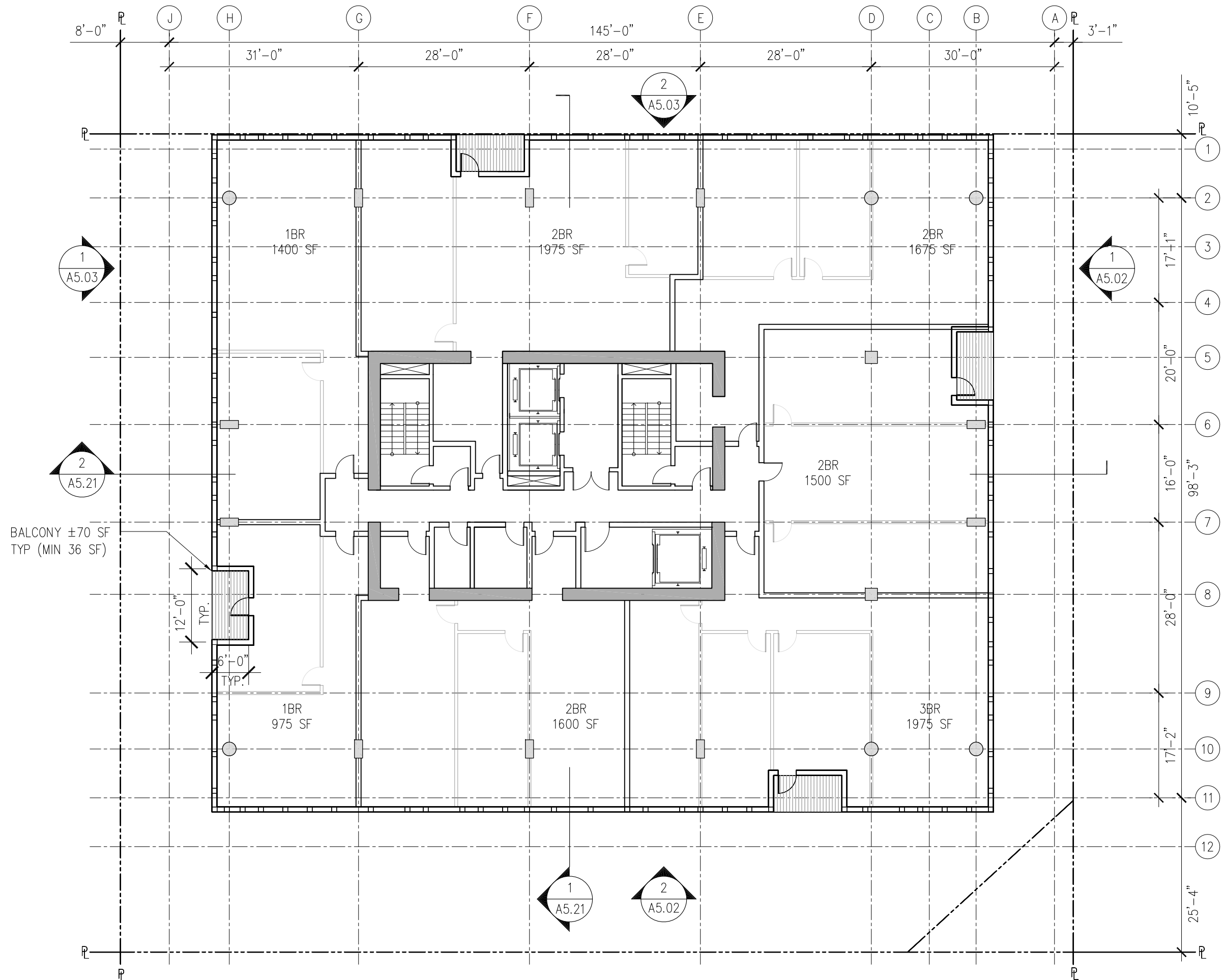
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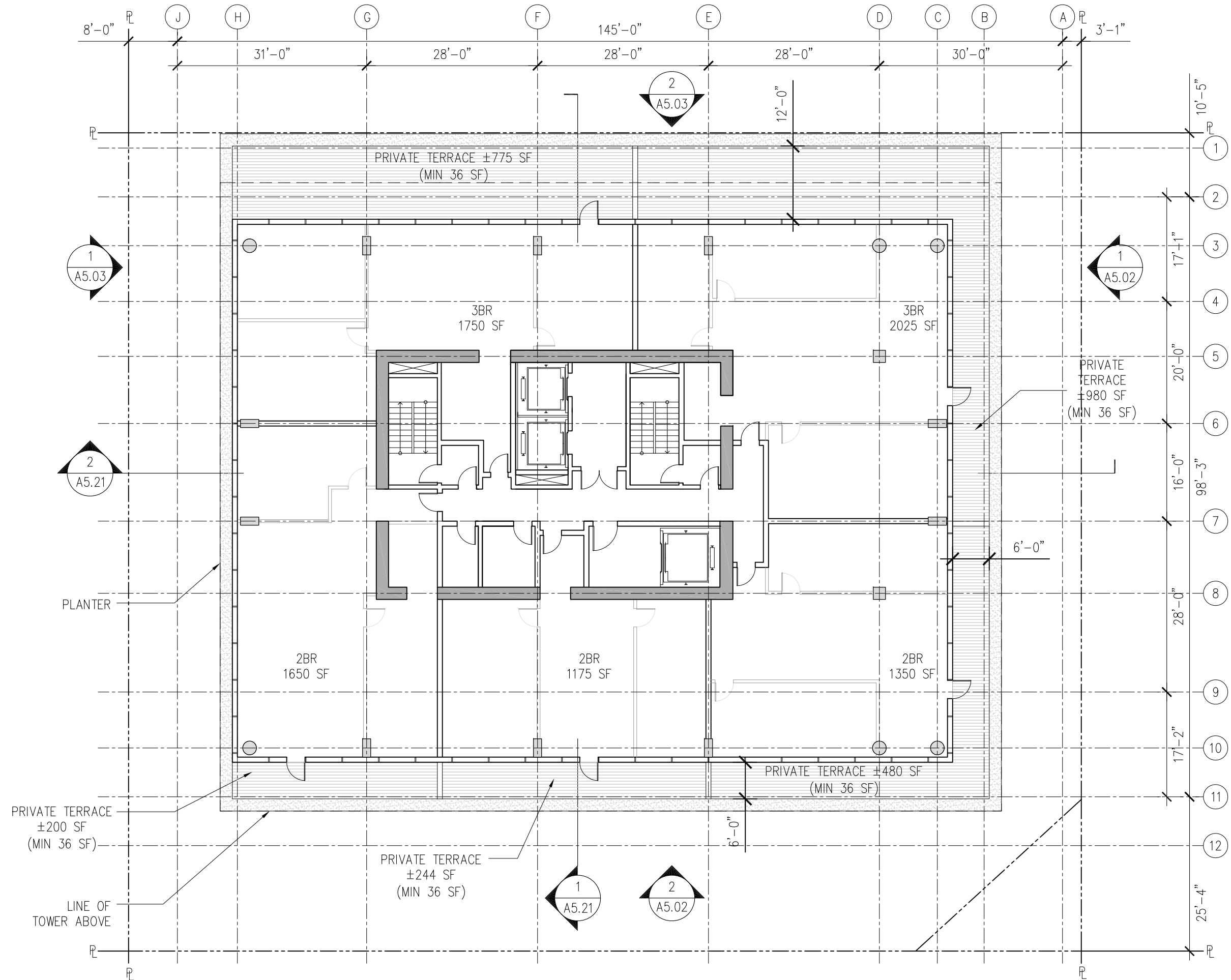
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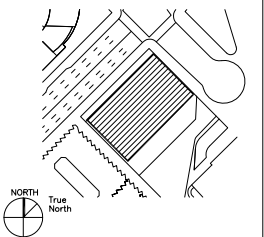
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7	CEQA PACKAGE REVISED	20 JULY 12
8	CEQA PACKAGE REVISED HOTEL VARIANT	31 AUG 12
9	309 APPLICATION PACKAGE	19 MAR 13
10	309 APPLICATION PACKAGE REVISED	10 SEP 10
11	309 APPLICATION PACKAGE REVISED	07 FEB 14
12	309 APPLICATION PACKAGE REVISED	29 APR 15
13	309 APPLICATION PACKAGE REVISED	22 JUNE 15
14	309 APPLICATION PACKAGE REVISED	2 JULY 15

Key Plan



Sheet Name:

TERRACE LEVEL 19

Project No.:

211040

Sheet No.:

A2.19

Drawn By:

TEAM

Checked By:

LEAD

Scale:

1/16"=1'-0"

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File Name: A2-20.dwg Plotted By: elena.hasbun 07/06/2015 [Mon 5:58pm]

BALCONY ±70 SF
TYP (MIN 36 SF)

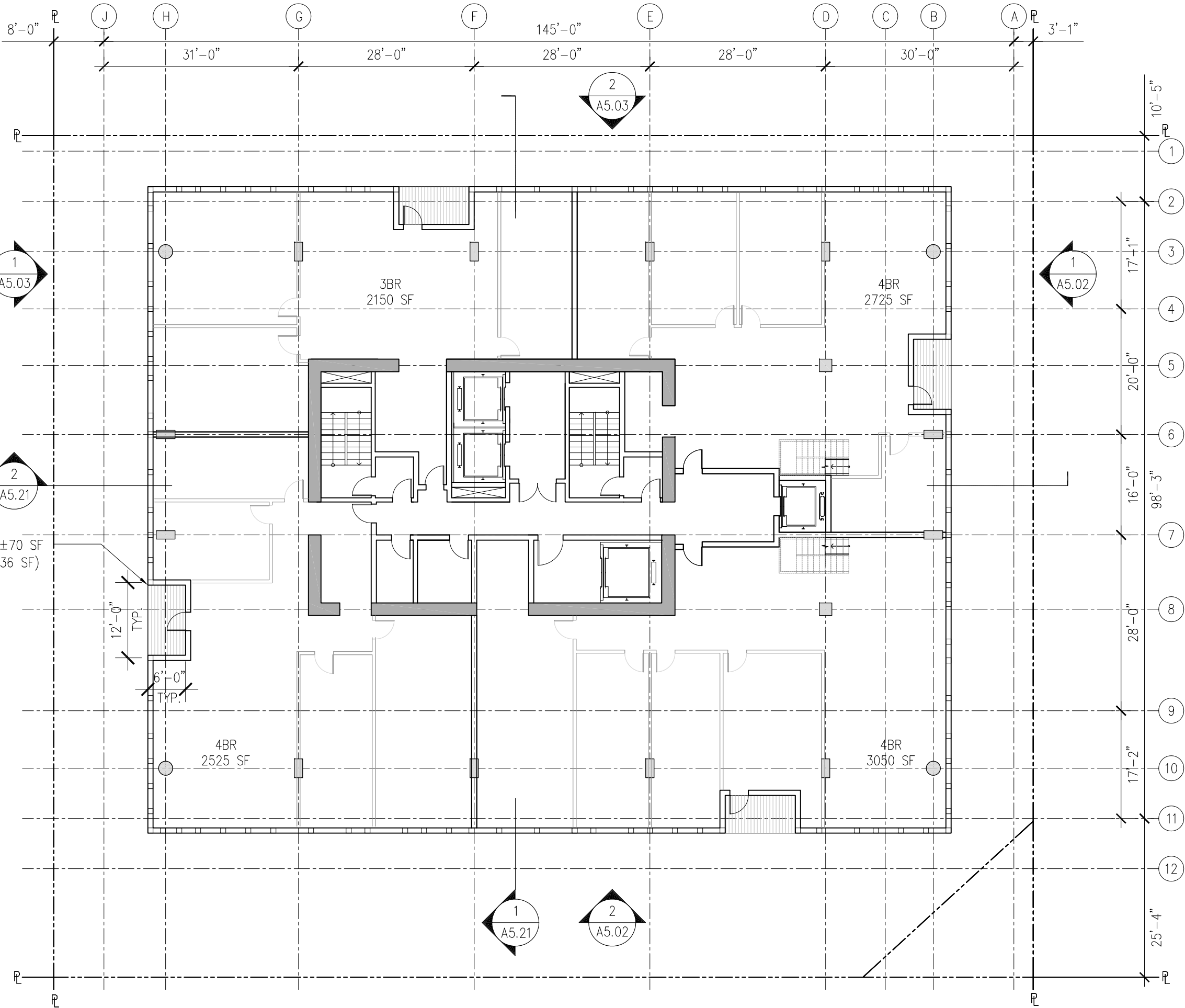
12'-0"
TYP
6'-0"
TYP

4BR
2525 SF

3BR
2150 SF

4BR
2725 SF

4BR
3050 SF



75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105

PARAMOUNT
GROUP, INC.

1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

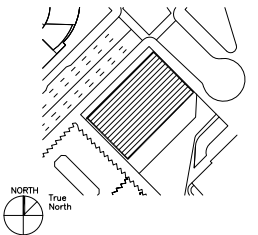
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12	309 APPLICATION PACKAGE REVISED	29 APR 15
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14	309 APPLICATION PACKAGE REVISED	6 JULY 15

Key Plan



Sheet Name:

LEVEL 20 PLAN

Project No.:

211040

Sheet No.:

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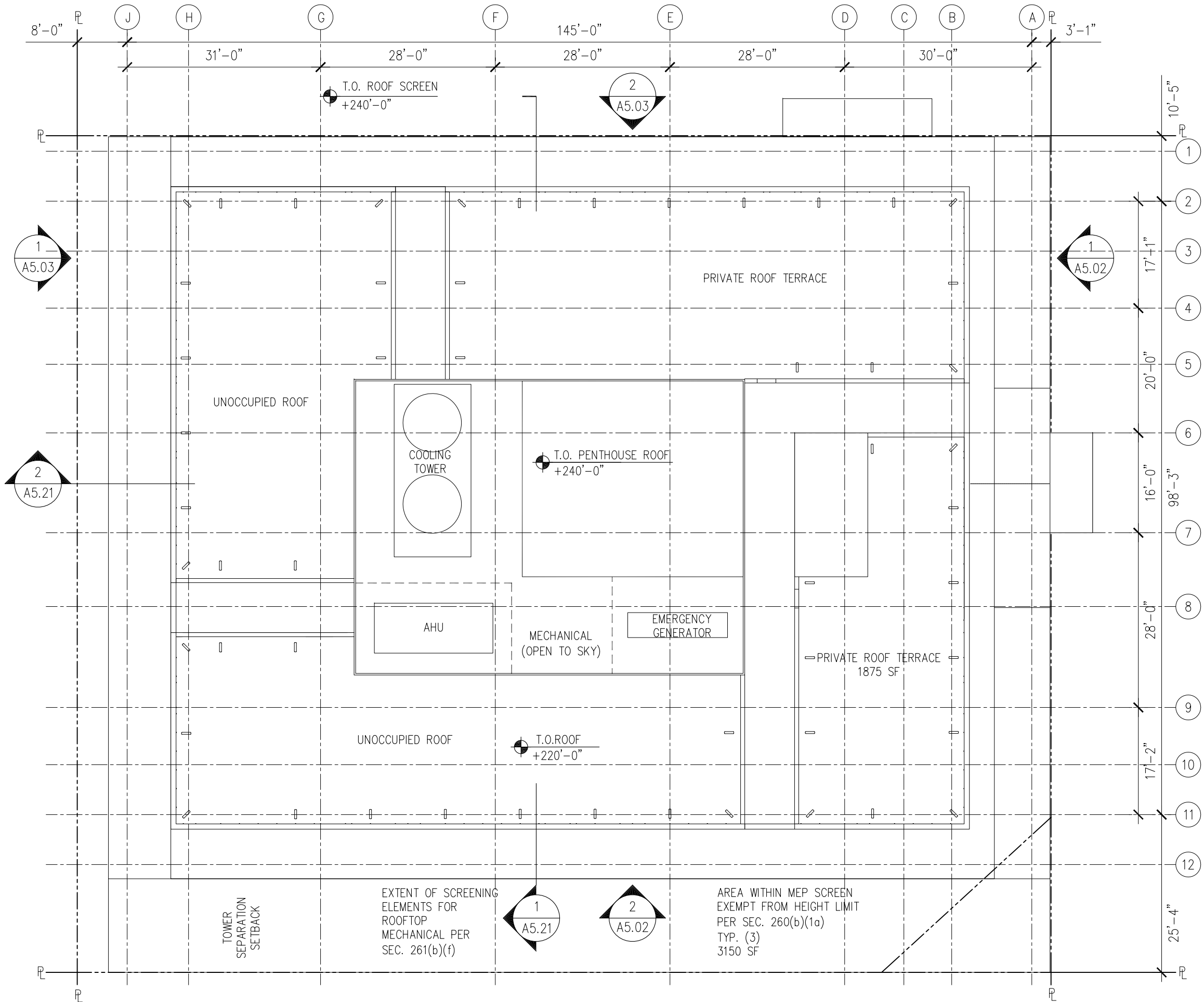
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A2.20

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75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

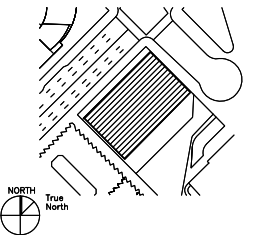
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14	309 APPLICATION PACKAGE REVISED	6 JULY 15

Key Plan



Sheet Name:

UPPER ROOF LEVEL PLAN

Project No:

211040

Sheet No.:

Drawn By:

TEAM

Checked By:

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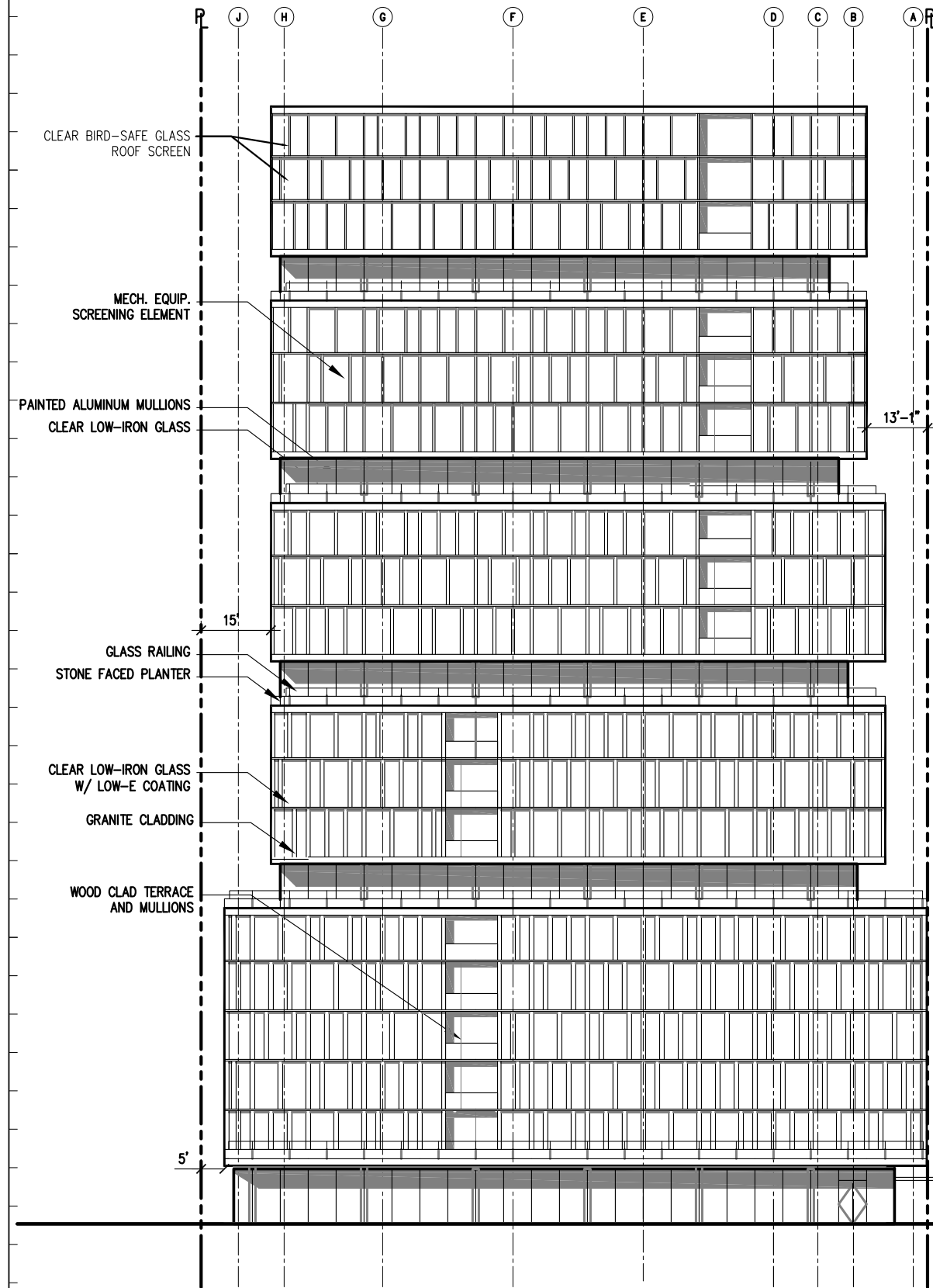
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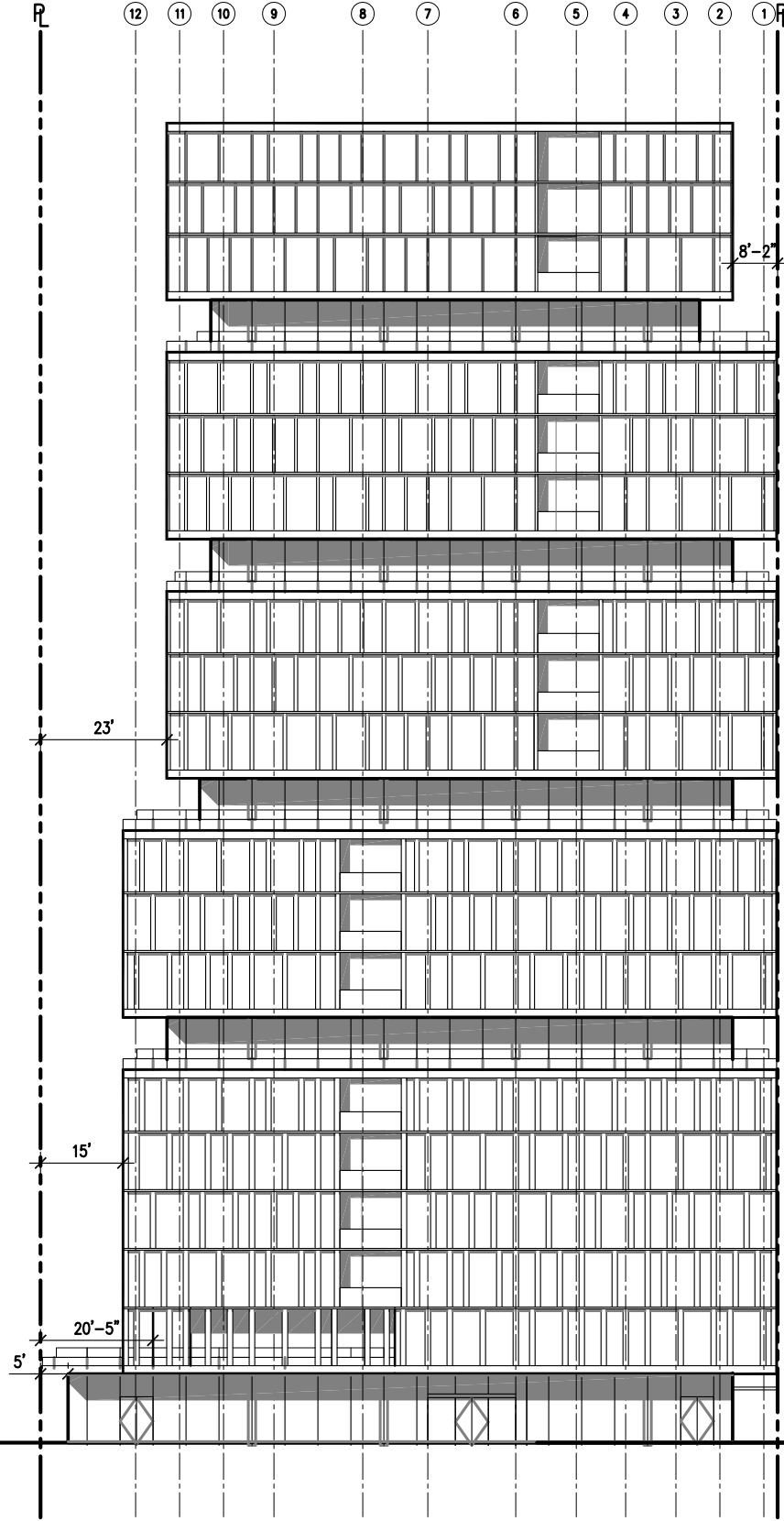
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SOUTH ELEVATION 02
Scale: 1/32" = 1' - 0"

20'	T.O. SCREEN	240'-0"
	T.O. ROOF	220'-0"
	LEVEL 20	209'-4"
	LEVEL 19	198'-4"
	LEVEL 18	187'-2"
	LEVEL 17	176'-6"
	LEVEL 16	165'-10"
	LEVEL 15	154'-10"
	LEVEL 14	143'-8"
	LEVEL 13	133'-0"
	LEVEL 12	122'-4"
	LEVEL 11	111'-4"
	LEVEL 10	100'-2"
	LEVEL 9	89'-6"
	LEVEL 8	78'-10"
	LEVEL 7	67'-9"
	LEVEL 6	56'-8"
	LEVEL 5	46'-0"
	LEVEL 4	35'-4"
	LEVEL 3	24'-8"
	LEVEL 2	14'-0"
14'	LEVEL 1	0'-0"



EAST ELEVATION 01
Scale: 1/32" = 1' - 0"

20'	T.O. SCREEN	240'-0"
	T.O. ROOF	220'-0"
	LEVEL 20	209'-4"
	LEVEL 19	198'-4"
	LEVEL 18	187'-2"
	LEVEL 17	176'-6"
	LEVEL 16	165'-10"
	LEVEL 15	154'-10"
	LEVEL 14	143'-8"
	LEVEL 13	133'-0"
	LEVEL 12	122'-4"
	LEVEL 11	111'-4"
	LEVEL 10	100'-2"
	LEVEL 9	89'-6"
	LEVEL 8	78'-10"
	LEVEL 7	67'-9"
	LEVEL 6	56'-8"
	LEVEL 5	46'-0"
	LEVEL 4	35'-4"
	LEVEL 3	24'-8"
	LEVEL 2	14'-0"
14'	LEVEL 1	0'-0"

75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

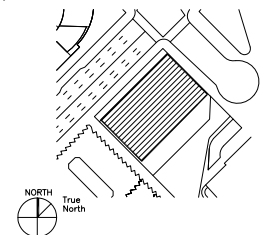
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No. Description:

Date:

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13	309 APPLICATION PACKAGE REVISED	22 JUNE 15
14	309 APPLICATION PACKAGE REVISED	2 JULY 15

Key Plan



Sheet Name:

OVERALL BUILDING
ELEVATIONS
EAST AND SOUTH ELEVATIONS

Project No:

211040

Sheet No.:

A5.02

Drawn By:

TEAM

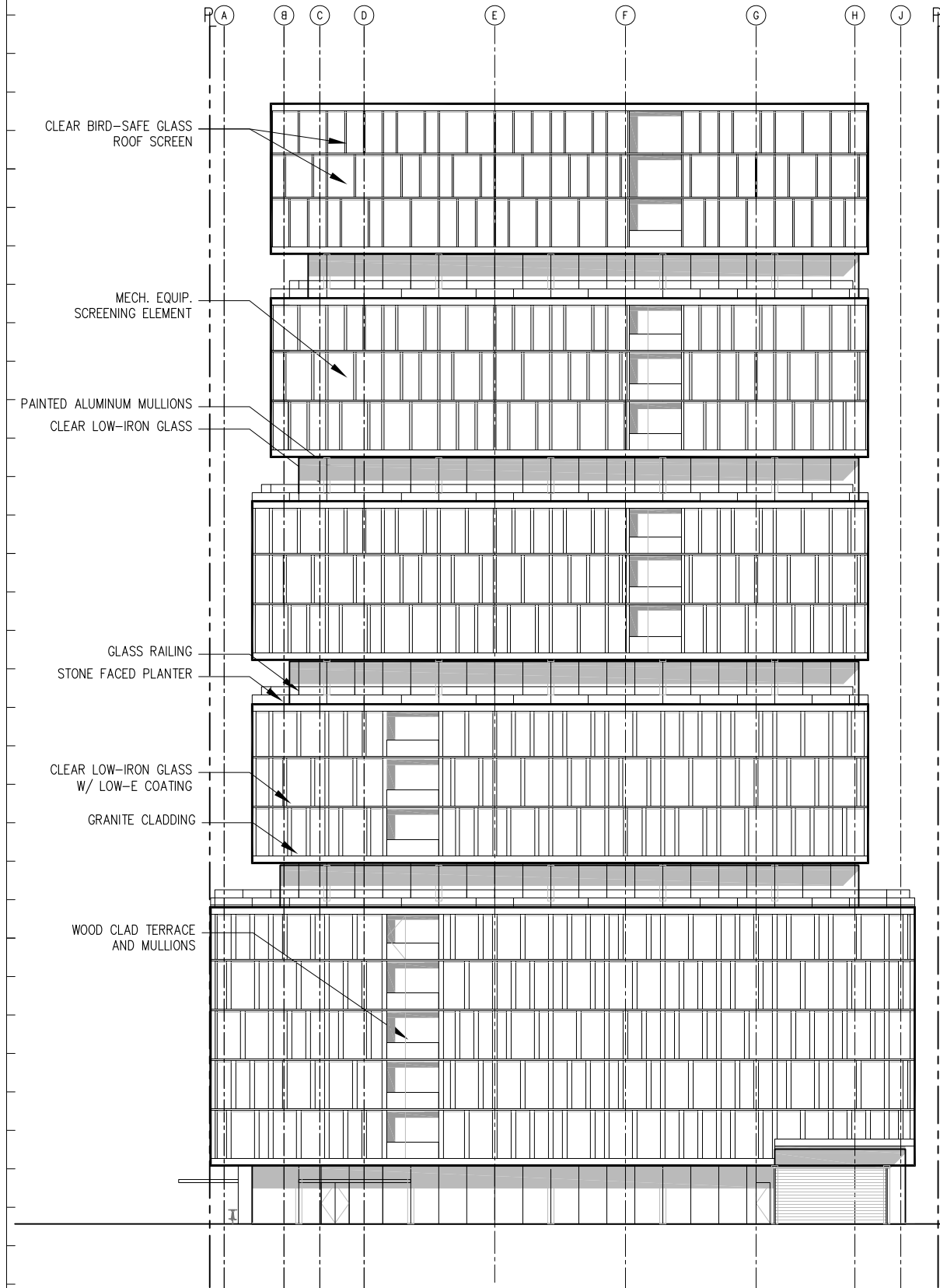
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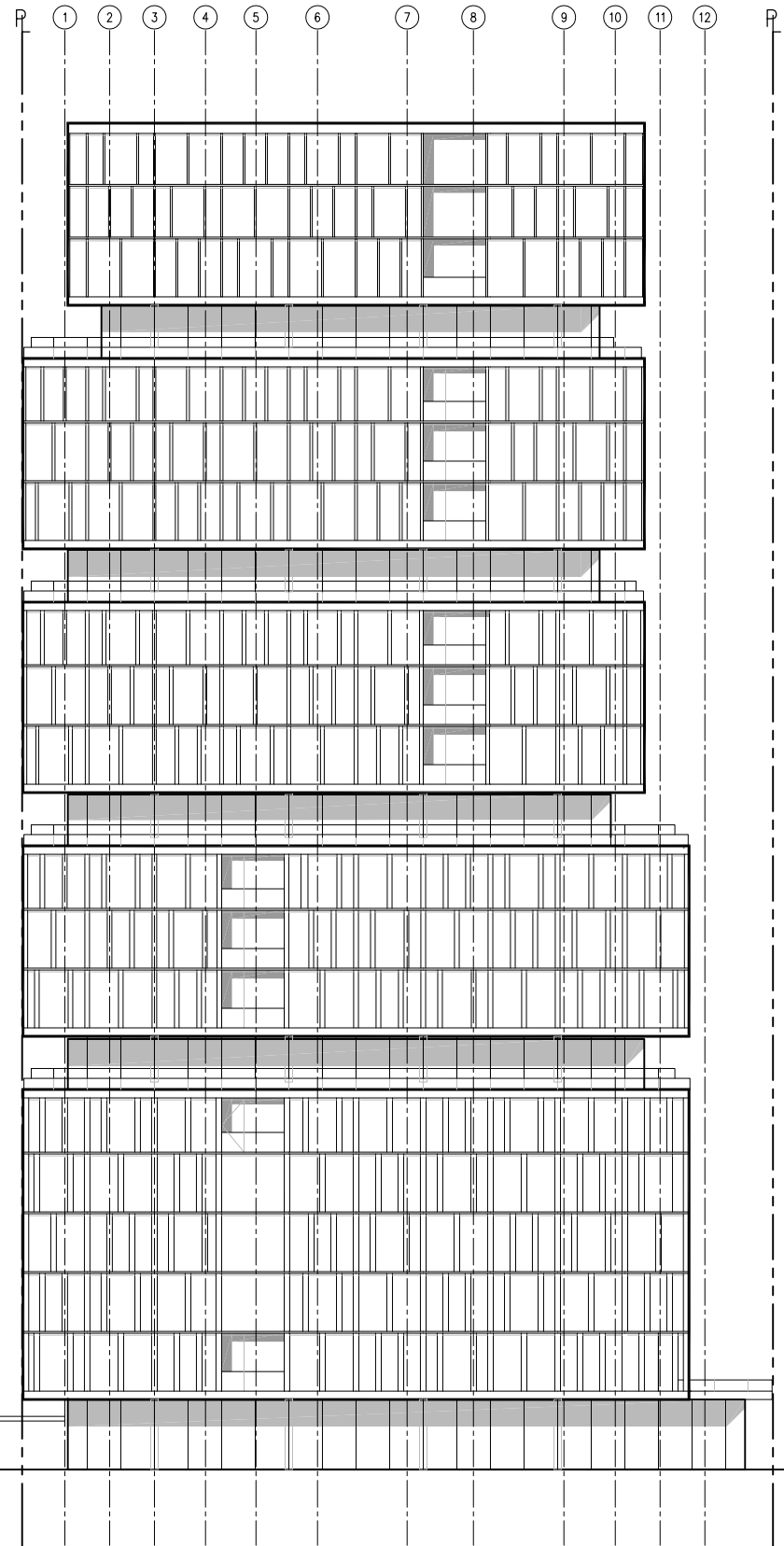
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File Name: A5-03.dwg Plotted By: elena.hasbun 07/02/2015 [Thu 6:28pm]



NORTH ELEVATION 02
Scale: 1/32" = 1'-0"

20'	T.O. SCREEN 240'-0"
10'-8"	T.O. ROOF 220'-0"
11'-1"	LEVEL 20 209'-4"
11'-1"	LEVEL 19 198'-4"
11'-1"	LEVEL 18 187'-2"
10'-8"	LEVEL 17 176'-6"
10'-8"	LEVEL 16 165'-10"
11'-1"	LEVEL 15 154'-10"
11'-1"	LEVEL 14 143'-8"
10'-8"	LEVEL 13 133'-0"
10'-8"	LEVEL 12 122'-4"
11'-1"	LEVEL 11 111'-4"
11'-1"	LEVEL 10 100'-2"
10'-8"	LEVEL 9 89'-6"
10'-8"	LEVEL 8 78'-10"
11'-1"	LEVEL 7 67'-9"
10'-8"	LEVEL 6 56'-8"
10'-8"	LEVEL 5 46'-0"
10'-8"	LEVEL 4 35'-4"
10'-8"	LEVEL 3 24'-8"
14'	LEVEL 2 14'-0"
0'-0"	LEVEL 1 0'-0"



WEST ELEVATION 01
Scale: 1/32" = 1'-0"

20'	T.O. SCREEN 240'-0"
10'-8"	T.O. ROOF 220'-0"
11'-1"	LEVEL 20 209'-4"
11'-1"	LEVEL 19 198'-4"
11'-1"	LEVEL 18 187'-2"
10'-8"	LEVEL 17 176'-6"
10'-8"	LEVEL 16 165'-10"
11'-1"	LEVEL 15 154'-10"
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10'-8"	LEVEL 8 78'-10"
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10'-8"	LEVEL 6 56'-8"
10'-8"	LEVEL 5 46'-0"
10'-8"	LEVEL 4 35'-4"
10'-8"	LEVEL 3 24'-8"
14'	LEVEL 2 14'-0"
0'-0"	LEVEL 1 0'-0"

75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

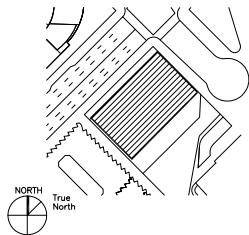
SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

Issued For:		Date:
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Key Plan

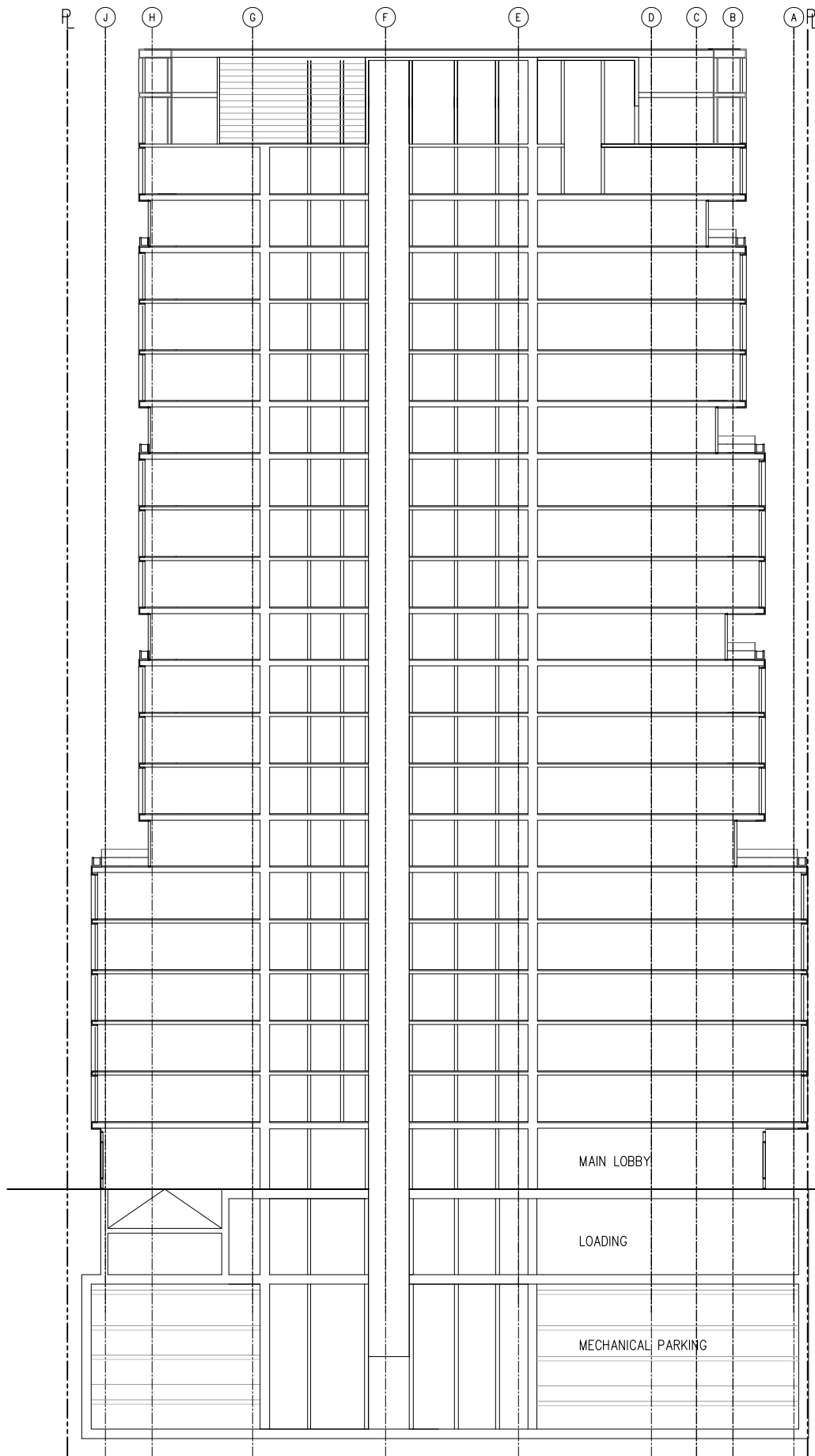


Sheet Name:
OVERALL BUILDING
ELEVATIONS
WEST AND NORTH
ELEVATIONS

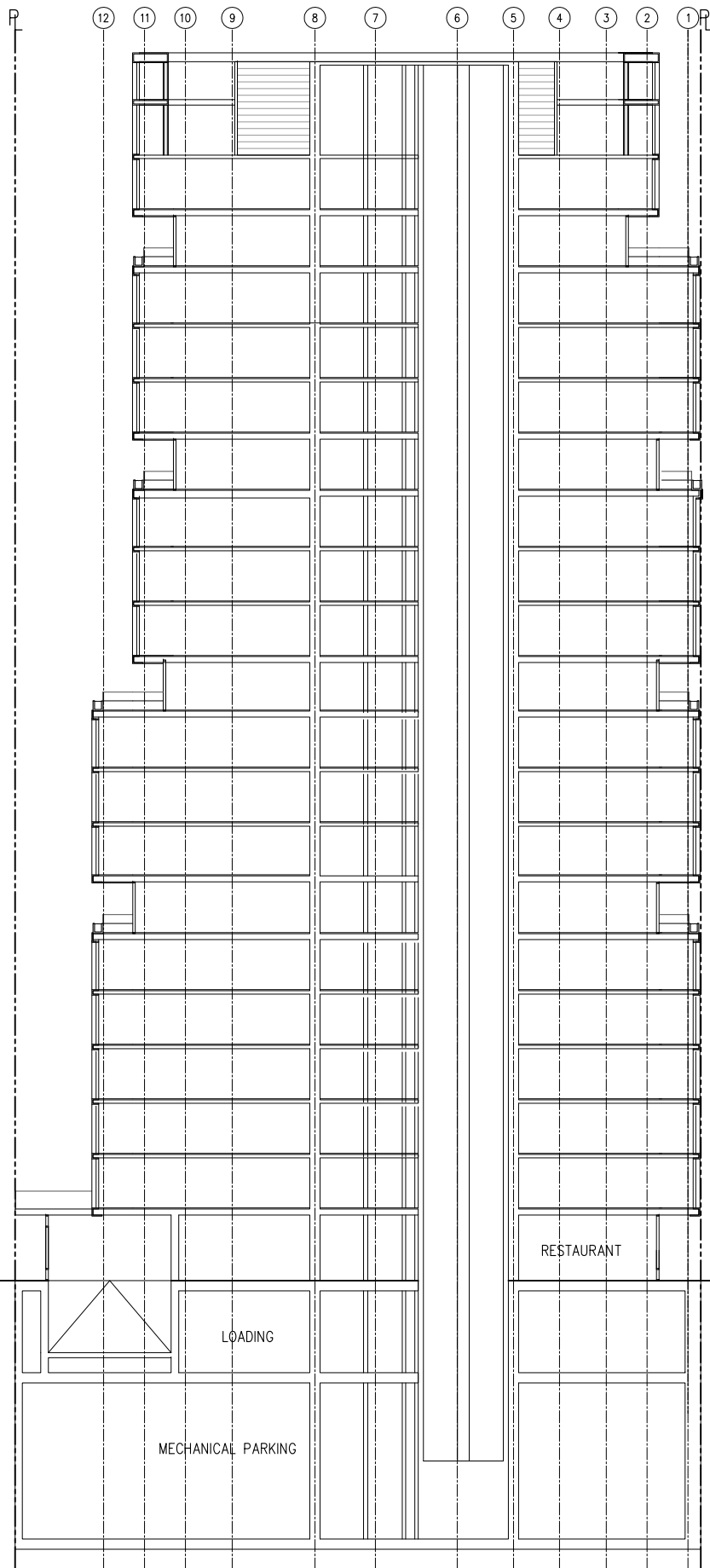
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Drawn By: TEAM	
Checked By: LEAD	
Scale:	

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File Name: A5-21.dwg Plotted By: Elena-Hasbun 06/22/2015 [Mon 8:04pm]



EAST WEST SECTION 02
1/32" = 1' - 0"



NORTH-SOUTH SECTION 01
1/32" = 1' - 0"

75 HOWARD
75 HOWARD STREET
SAN FRANCISCO, CA 94105



1633 BROADWAY SUITE 1801
NEW YORK, NY 10019

Architect:

SOM

SKIDMORE, OWINGS & MERRILL LLP
ONE FRONT STREET, SAN FRANCISCO, CA 94111

Consultants:

Seal & Signature:

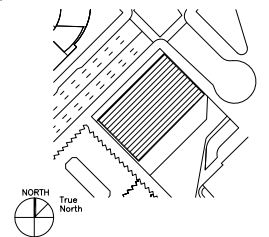
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Key Plan



Sheet Name:

OVERALL BUILDING SECTIONS

Project No:

211040

Sheet No.:

Drawn By:

TEAM

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A5.21

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FLOOR		PROGRAM TYPE	FTF	EL.	TOTAL BUILDING AREA	GROSS FLOOR AREA¹	AREA EXEMPT FROM GFA	RETAIL
TP				240' - 0"				
ROOF			20' - 0"	220' - 0"				
20	PENTHOUSE	RESIDENTIAL	10' - 8"	209' - 4"	12,987	12,797	190⁶	
19	GARDEN D	RESIDENTIAL	11' - 1"	198' - 4"	10,497	10,307	190⁶	
18	TOWER C	RESIDENTIAL	11' - 1"	187' - 2"	14,011	13,821	190⁶	
17		RESIDENTIAL	10' - 8"	176' - 6"	14,011	13,821	190⁶	
16		RESIDENTIAL	10' - 8"	165' - 10"	14,011	13,821	190⁶	
15	GARDEN C	RESIDENTIAL	11' - 1"	154' - 10"	11,205	11,015	190⁶	
14	TOWER B	RESIDENTIAL	11' - 1"	143' - 8"	14,454	14,264	190⁶	
13		RESIDENTIAL	10' - 8"	133' - 0"	14,454	14,264	190⁶	
12		RESIDENTIAL	10' - 8"	122' - 4"	14,454	14,264	190⁶	
11	GARDEN B	RESIDENTIAL	11' - 1"	111' - 4"	11,829	11,639	190⁶	
10	TOWER A	RESIDENTIAL	11' - 1"	100' - 2"	15,505	15,315	190⁶	
9		RESIDENTIAL	10' - 8"	89' - 6"	15,505	15,315	190⁶	
8		RESIDENTIAL	10' - 8"	78' - 10"	15,505	15,315	190⁶	
7	GARDEN A	RESIDENTIAL / MECH.	11' - 1"	67' - 9"	12,650	11,735	915⁶	
6	PODIUM	RESIDENTIAL	11' - 1"	56' - 8"	17,754	17,564	190⁶	
5		RESIDENTIAL	10' - 8"	46' - 0"	17,754	17,564	190⁶	
4		RESIDENTIAL	10' - 8"	35' - 4"	17,754	17,564	190⁶	
3		RESIDENTIAL	10' - 8"	24' - 8"	17,754	17,564	190⁶	
2		RESIDENTIAL / AMENITY / MECH.	10' - 8"	14' - 0"	14,196	14,006	190⁶	
1		LOBBIES / RESTAURANT / AMENITY / CAFÉ	14' - 0"	0' - 0"	16,574	5,512	11,062⁵	5,824
B1		LOADING / PARKING / MECH.		18' - 0"	20,500	0	20,500	
B2		PARKING VAULT		41' - 0"	20,500	6,833	13,667³	
TOTAL					333,864	284,300	49,564	5,824

RESIDENTIAL								VEHICLE PARKING		BICYCLE PARKING		
RESIDENTIAL UNITS					OPEN SPACE			RES.²	CAR SHARE	RESIDENTIAL		COMM
1BR	2BR	3BR	4BR	TOTAL	UNITS W/PRIVATE	PRIVATE SF	COMMON SF ⁴			CLASS 1⁸	CLASS 2⁹	CLASS 2¹⁰
0	0	1	3	4	4	280						
0	3	2	0	5	5	350						
2	4	1	0	7	4	280						
2	4	1	0	7	4	280						
2	4	1	0	7	4	280						
2	4	1	0	7	7	2,472						
1	5	1	0	7	4	280						
1	5	1	0	7	4	280						
1	5	1	0	7	4	280						
2	3	2	0	7	7	2,866						
2	3	2	0	7	4	280						
2	3	2	0	7	4	280						
2	3	2	0	7	4	280						
3	3	1	0	7	7	4,438						
3	5	1	0	9	4	280						
3	5	1	0	9	4	280						
3	5	1	0	9	4	280						
3	5	1	0	9	4	280						
2	2	0	0	4	2	140	2352					
									2	108	7	8
								100				
36	71	23	3	133	84	28,372	2,352	100	2	108	7	8

¹ Gross area is per Section 102.9 of the San Francisco Planning Code.

² Parking calculation is per Table 151.1 of San Francisco Planning Code.

³ Parking exempted from gross area is per Section 102.9(b)(7) of San Francisco planning code.

⁴ Common Residentail Open space calculation is per Section 135 Table 135A.

⁵ Gross area exemption for Ground Floor is per Section 102.9(c)(14) of the San Francisco Planning Code.

⁶ Gross area exemption for MEP spaces is per Section 102.9(b)(4) of the San Francisco Planning Code.

⁷ Site Area: 20,930 SF

⁸ Class 1 Bicycle Spaces per Table 155.2

⁹ Class 2 Bicycle Spaces per Table 155.2

¹⁰ Class 2 Common Bicycle Spaces per Table 155.2

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75 Howard

Planning Commission Presentation
July 23, 2015

 **PARAMOUNT
GROUP, INC.**

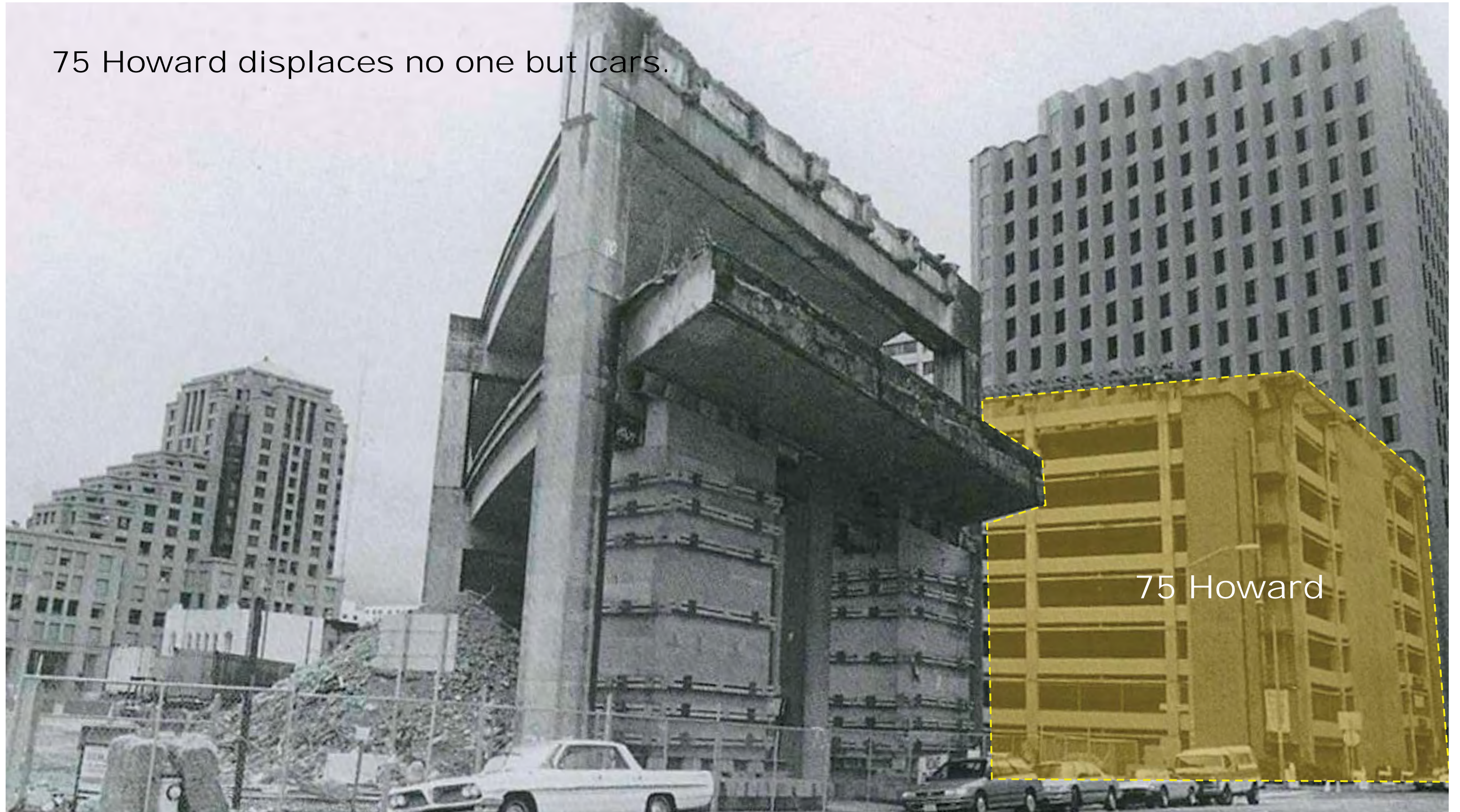
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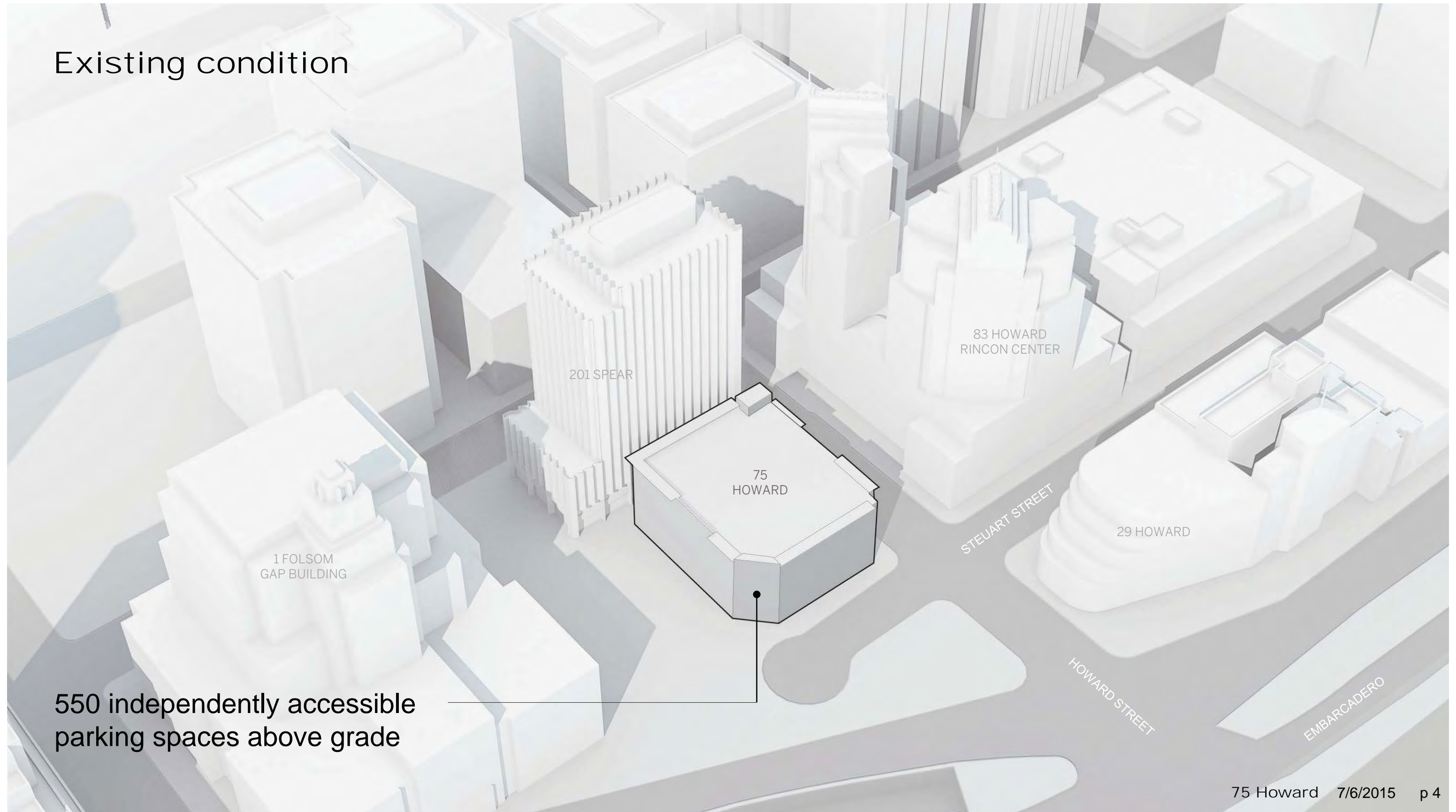
Transit Center District Plan Area

75 Howard

75 Howard displaces no one but cars.

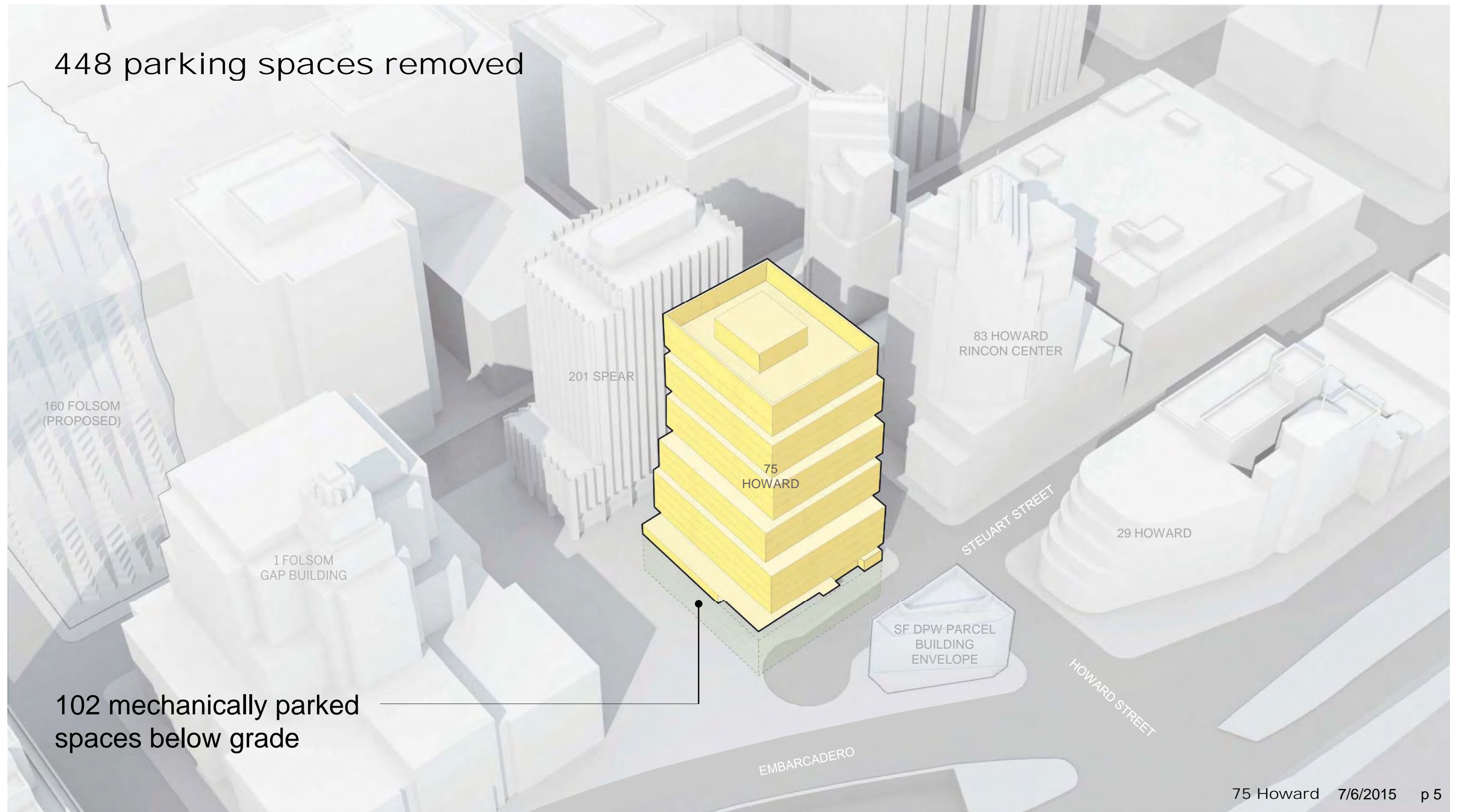


Existing condition



550 independently accessible
parking spaces above grade

448 parking spaces removed



102 mechanically parked
spaces below grade

Proposed Program

160 FOLSOM
(PROPOSED)

Height to Roof	220 ft.
Top of Screen	240 ft.
Stories (Podium)	7
Stories (Total)	20
Total GSF	332,200 sf
Residential GSF	286,250 sf
Retail GSF	4,950 sf
Podium Footprint	14,196 sf - 17,754 sf
Lower Tower Footprint	11,829 sf – 15,505 sf
Upper Tower Footprint	10,497 sf – 14,011 sf
Total Units	133
Car Parking Spaces	100 + 2 car share
Bicycle Parking Spaces	116

201 SPEAR

75
HOWARD

83 HOWARD
RINCON CENTER

29 HOWARD

SF DPW PARCEL
BUILDING
ENVELOPE

1 FOLSOM
GAP BUILDING

STEUART STREET

HOWARD STREET







enhancing the public realm

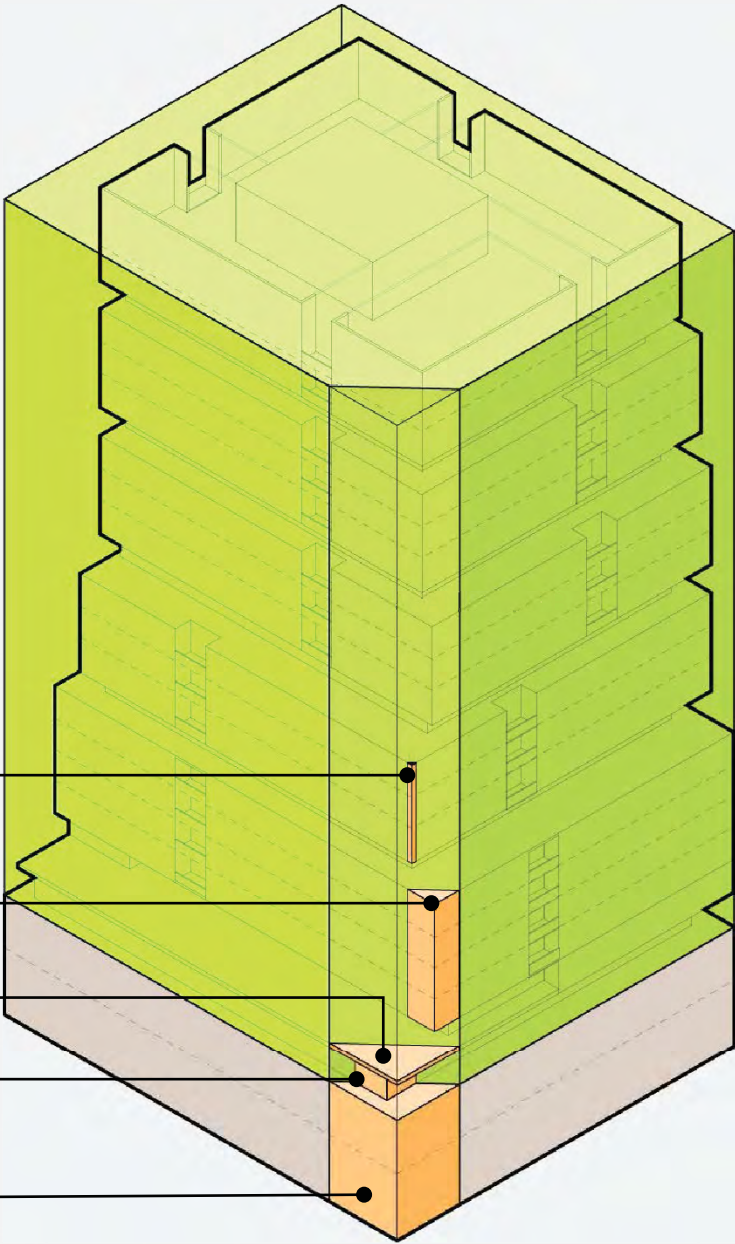
Site Context



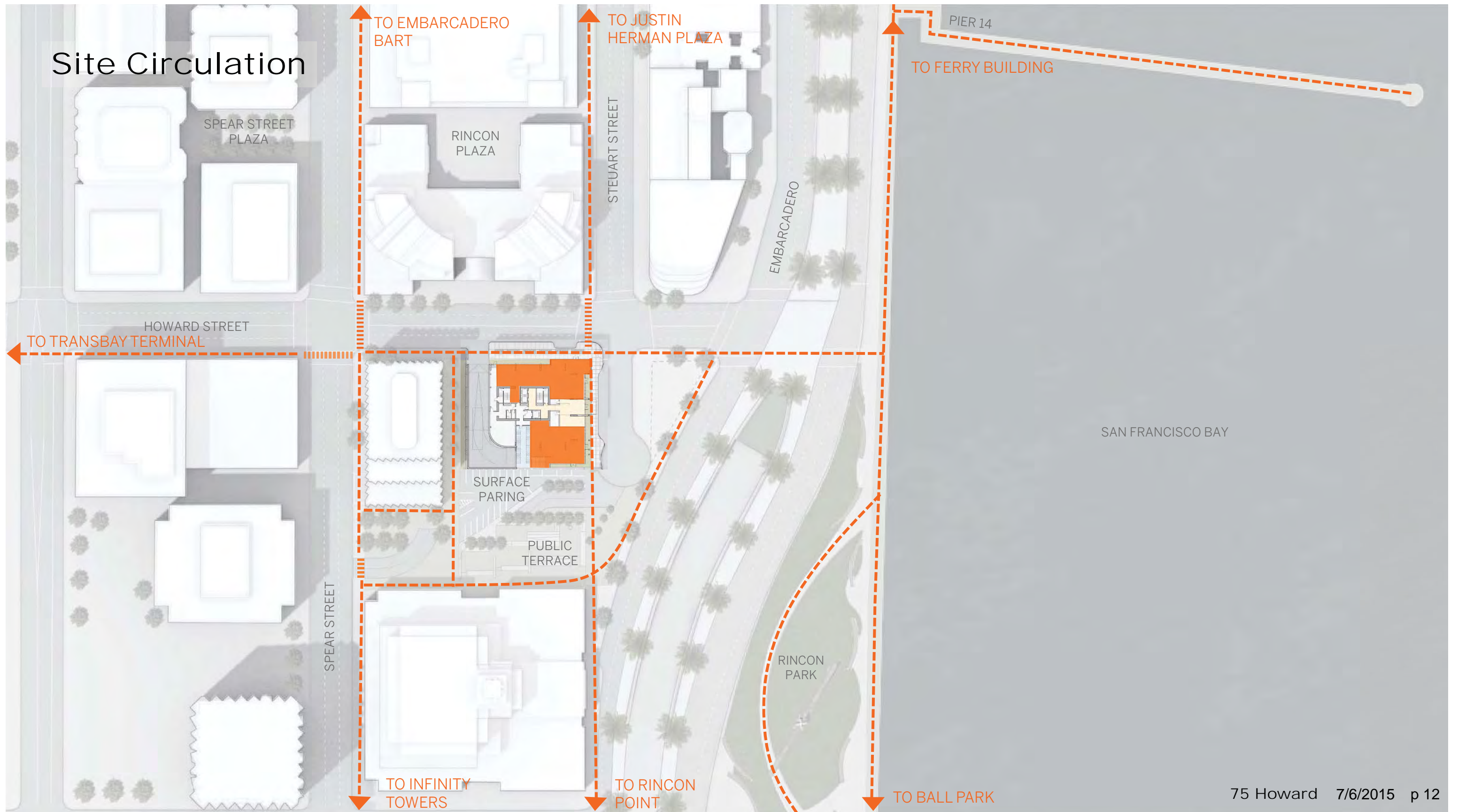
Redevelopment Plan

0.4% of the total building area of 75 Howard is within an adjacent parcel that was part of the Rincon Point – South Beach Redevelopment Area.

- Levels 8-10: 1 SF of floor area within adjacent parcel
- Levels 3-6 : **0.3%** (50 SF) of floor area within adjacent parcel
- Level 2: **1.6%** (337 SF) of floor area within adjacent parcel
- Level 1: **0.5%** (82 SF) of floor area within adjacent parcel
- Basement levels: **1.6%** (337 SF) of floor area within adjacent parcel



Site Circulation



Ground Floor

NO INCREASE IN CURB CUTS
FROM EXISTING CONDITION

RETAIL AND LOBBY = 85% OF
PUBLIC FRONTAGE

RAMP TO
PARKING

RESTAURANT

LOBBY

CAFE





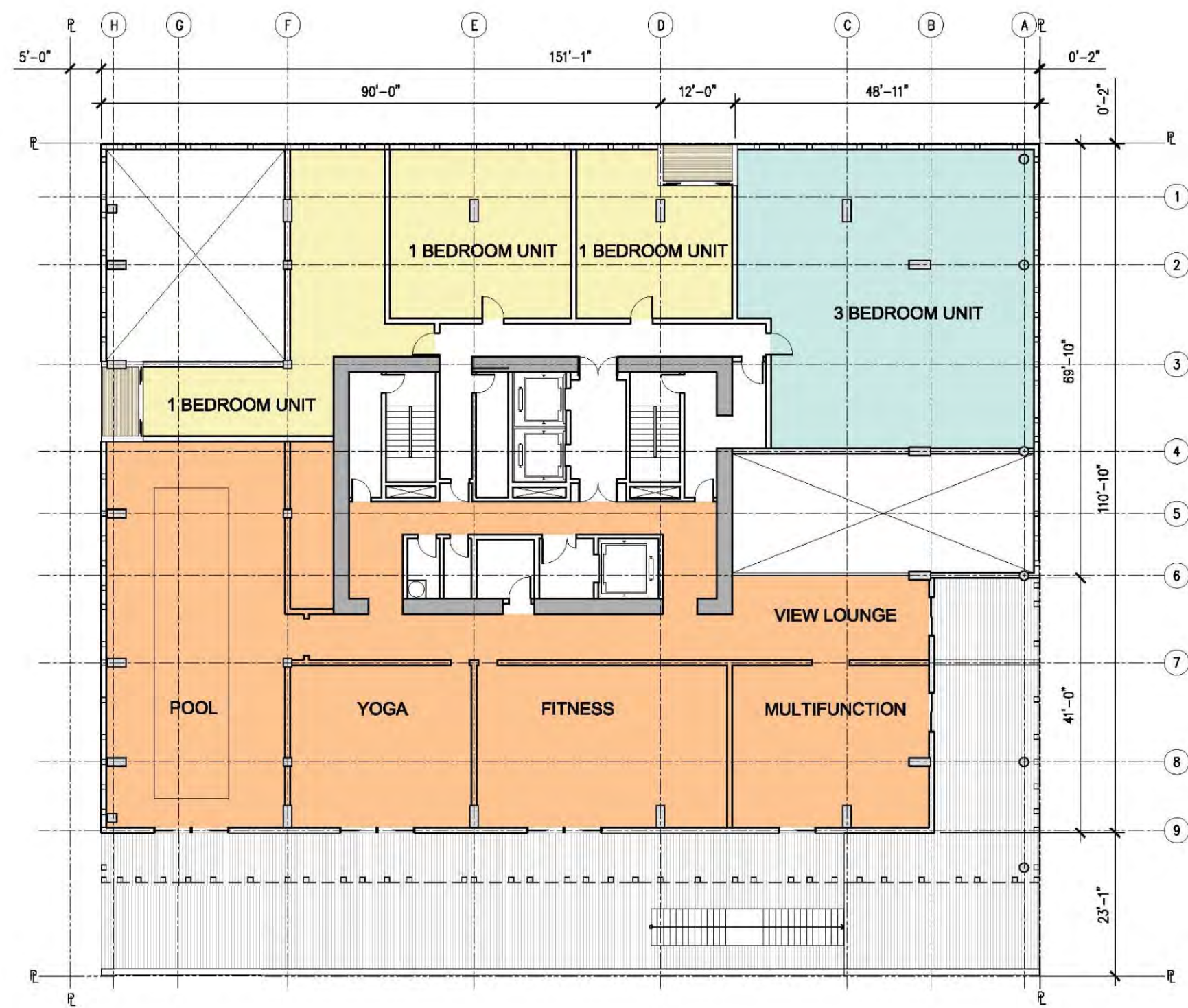








Level 2







urban form

Urban Form



75 Howard

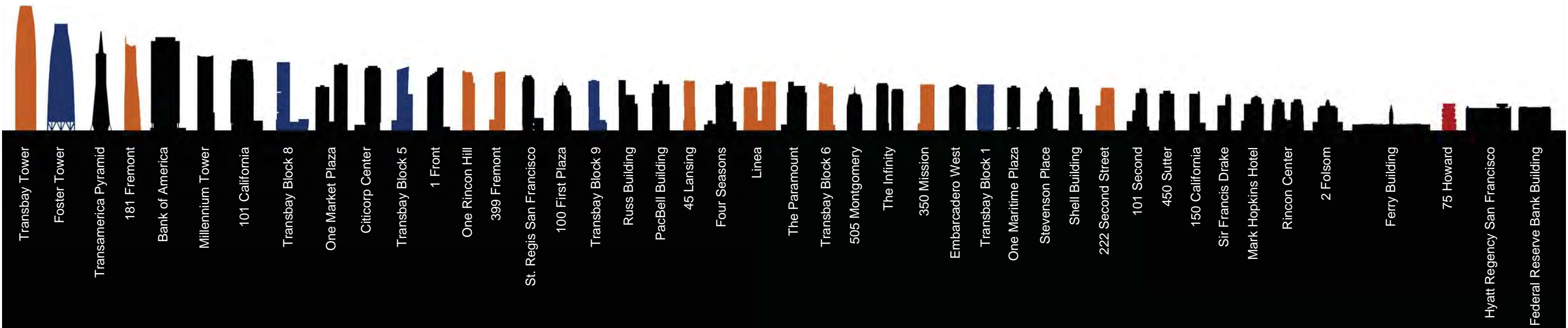
Relative heights of selected buildings

within a one-mile radius

under construction

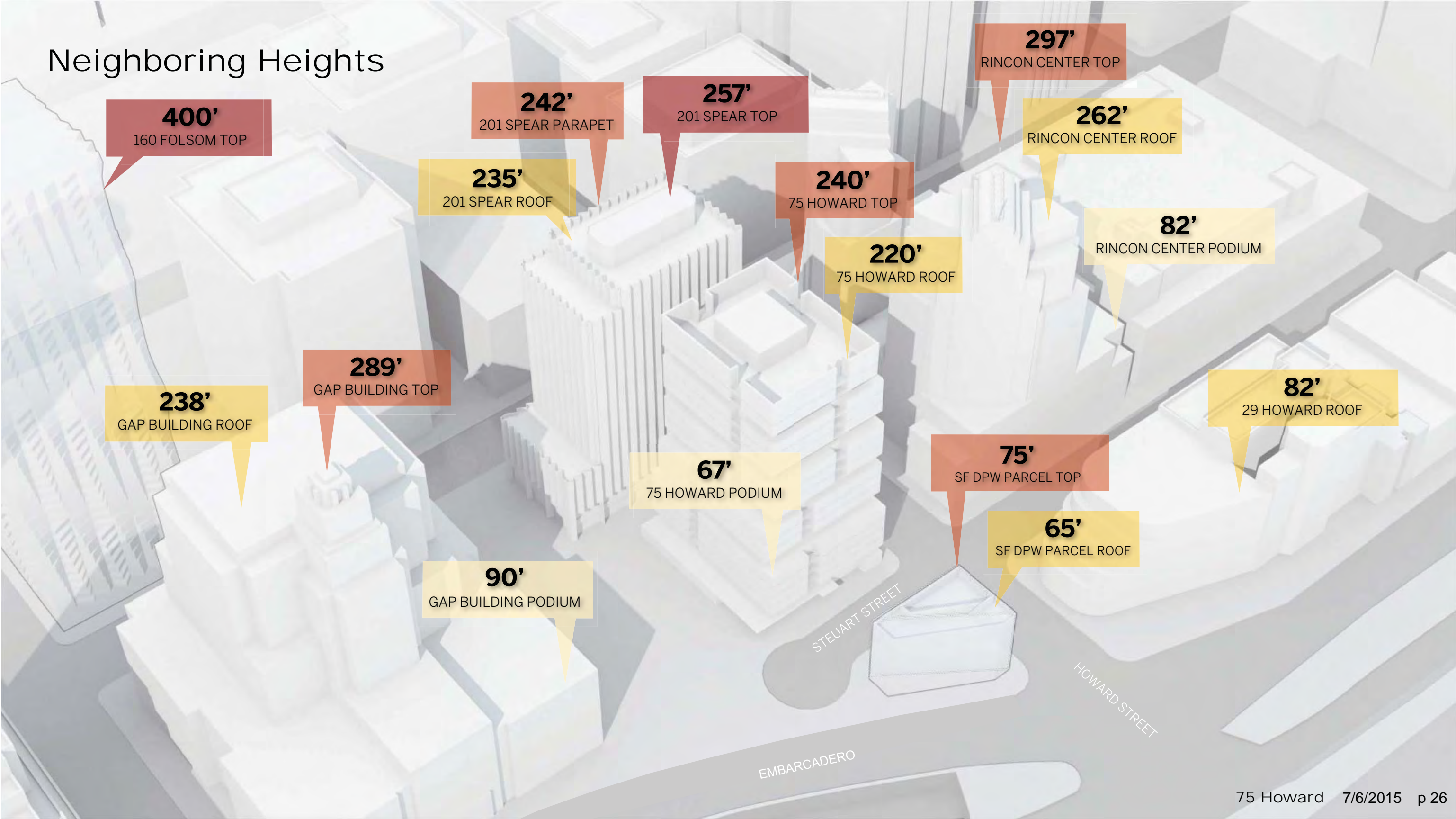
proposed

75 Howard (220'-0")

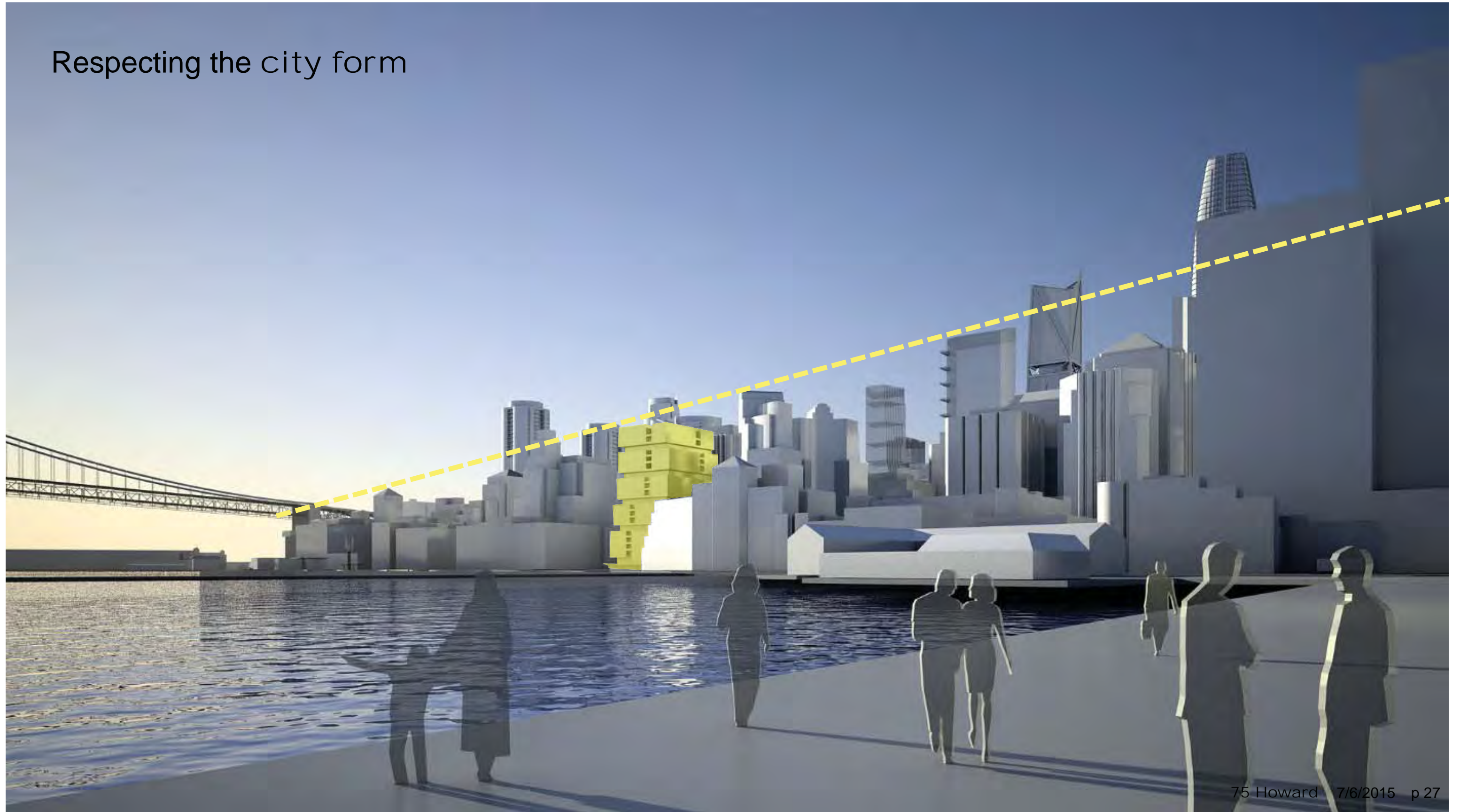




Neighboring Heights



Respecting the city form



Massing Analysis

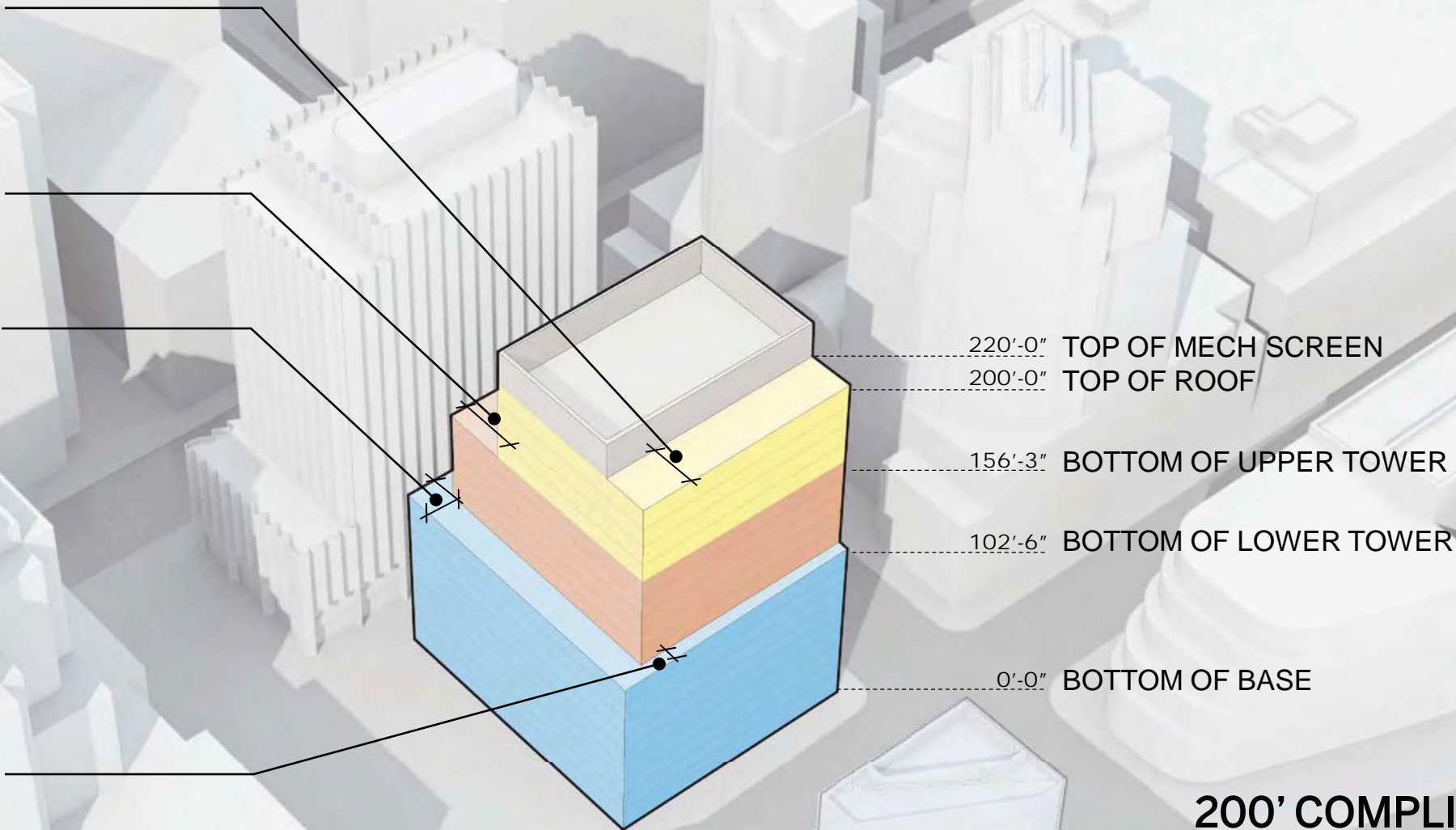
Sec. 260(b)(1)(F)
Roof Screen set back to minimize coverage to 75% of roof area.

Sec. 270(d)(3) and Chart C
Upper Tower setback reduction of limits and volume.

Sec. 132.1(c)(1)
15' setbacks required on east and south elevations.

Sec. 132.1(c)(1)
10' of horizontal relief with min. 5' setback for 40% of the street frontage is obtained by a 6' setback on Steuart Street and a 4' Marquee (as permitted per Sec. 136.1.)

The total frontage of Steuart and Howard Streets is 290' and the Steuart Street frontage is 134', or 46% of total.



200' COMPLIANT MASSING

This is the fully code compliant height and bulk for the site. The setback elevations are slightly lower than code limits based on floor-to-floor heights, which are assumed to be generally the same as the proposed project. Using these assumptions, the volume contains 316,013 square feet of total building area above grade.

Massing Analysis

Sec. 260(b)(1)(F)
Roof Screen set back to minimize coverage to 75% of roof area.

Sec. 270(d)(3) and Chart C
Upper Tower setback reduction of limits and volume.

Sec. 132.1(c)(1)
15' setbacks required on east and south elevations.

Sec. 132.1(c)(1)
10' of horizontal relief with min. 5' setback for 40% of the street frontage is obtained by a 6' setback on Steuart Street and a 4' Marquee (as permitted per Sec. 136.1.)

The total frontage of Steuart and Howard Streets is 290' and the Steuart Street frontage is 134', or 46% of total.

240'-0" TOP OF MECH SCREEN

220'-0" TOP OF ROOF

156'-3" BOTTOM OF UPPER TOWER

102'-6" BOTTOM OF LOWER TOWER

0'-0" BOTTOM OF BASE

220' COMPLIANT MASSING

This is the fully code compliant height and bulk for the site making use of the upper tower extension per Section 263.9. The upper tower is reduced in volume per Chart C but increased in height. The total building area, using the same assumptions as the prior illustration, is increased to 330,393 square feet.

Massing Analysis

Roof Screen integrates with the expression of floating boxes.

Sec. 132.1(c)(1) and Sec. 272
Varying setbacks of 4', 8' and 14' increments at Base and Lower Tower elevations meet requirements and consistently progress through the Upper Tower and Roof Screen.

Sec. 132.1(c)(1)
10' of horizontal relief with a minimum 5' setback for 40% of the street frontage is obtained by a 9' setback on Steuart Street.

The total frontage of Steuart and Howard Streets is 290' and the Steuart Street frontage is 134', or 46% of the total.

240'-0" TOP OF MECH SCREEN
220'-0" TOP OF ROOF
154'-6" BOTTOM OF UPPER TOWER
87'-2" BOTTOM OF LOWER TOWER
0'-0" BOTTOM OF BASE

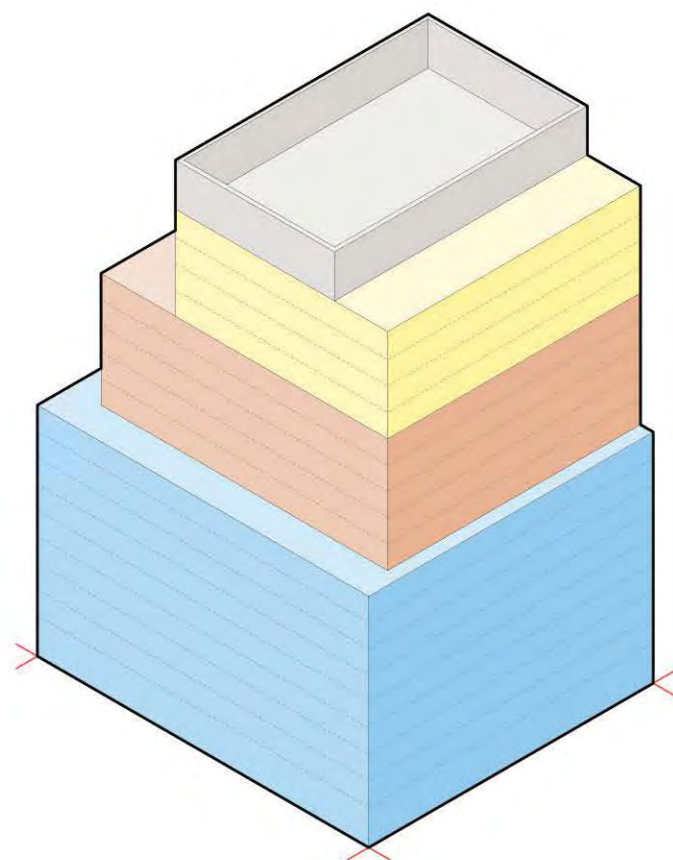
220' PROPOSED PROJECT

The proposed project is articulated into a series of small scale, highly animated horizontal trays. These five volumes range from one to five stories in height and are separated by usable outdoor space. The mass is further reduced by the articulation of balconies. The total building area above grade is only 292,864 square feet.

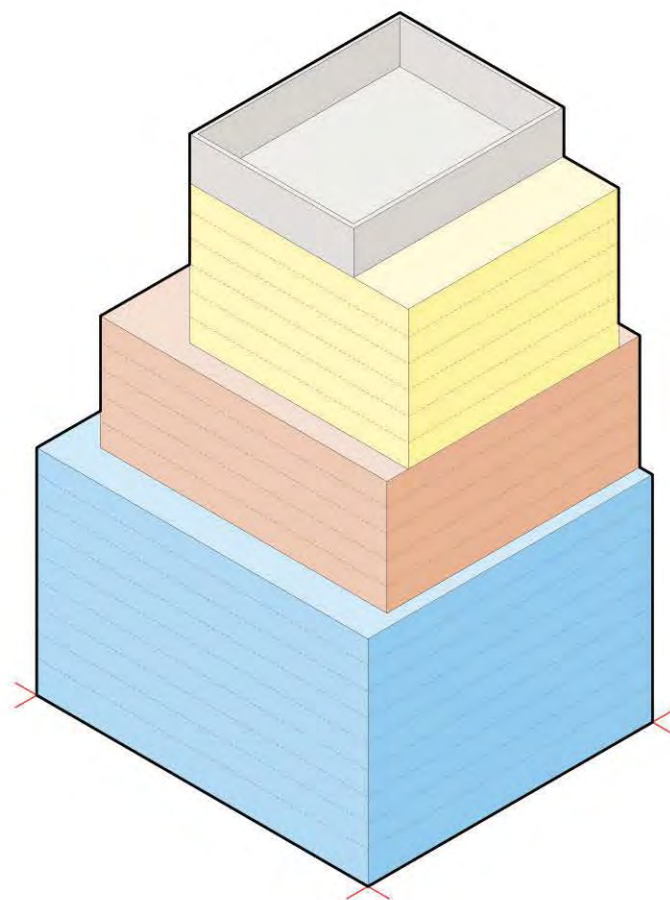
Massing Comparison

The proposed project has less volume than either 100% bulk compliant envelope

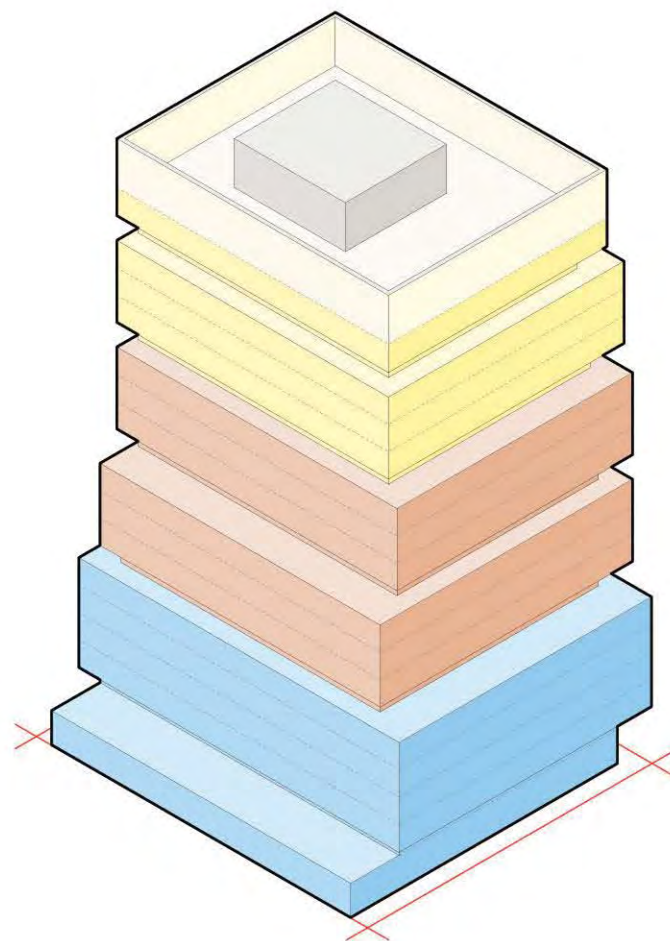
200' COMPLIANT MASSING



220' COMPLIANT MASSING



220' PROPOSED MASSING

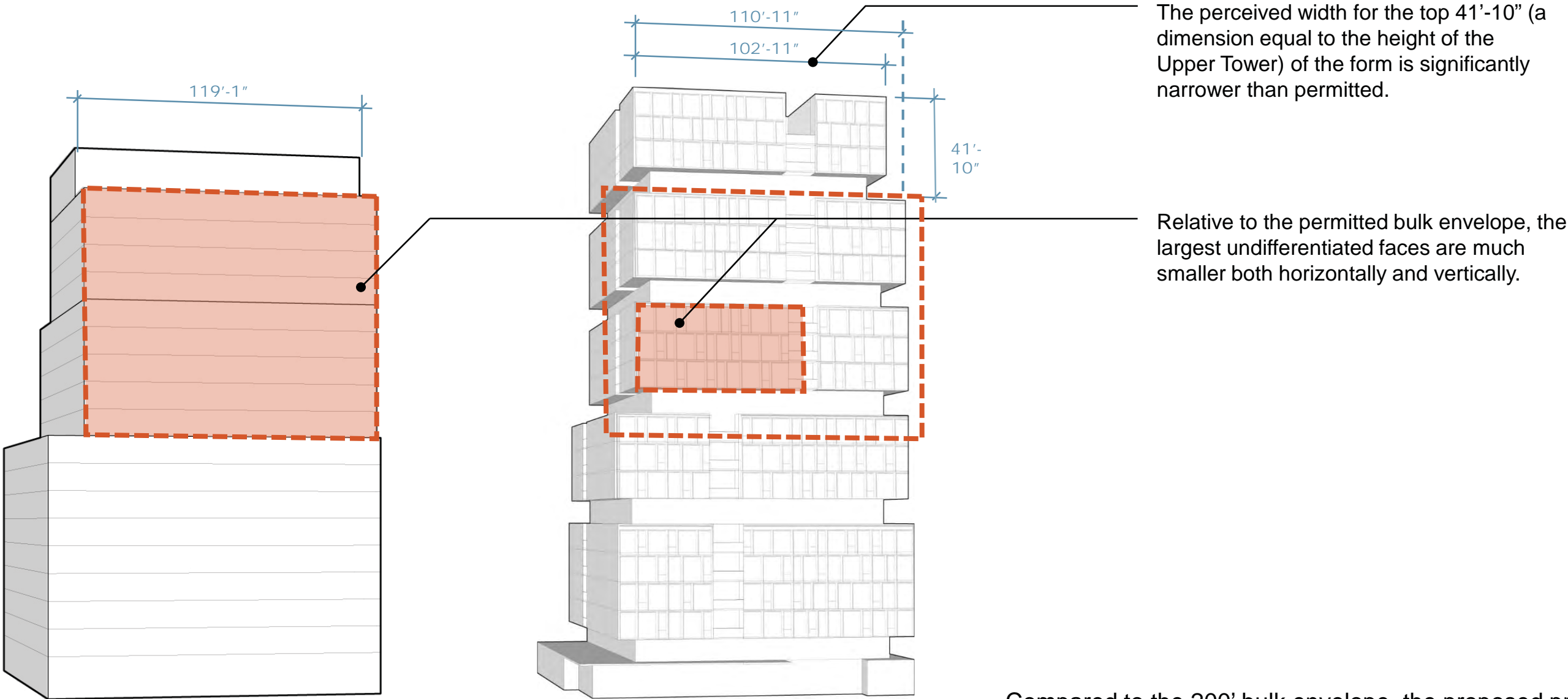


TOTAL BUILDING AREA	316,013 SF
UPPER TOWER AVG. AREA	11,888 SF
LOWER TOWER AVG. AREA	16,065 SF
BASE TOWER AVG. AREA	20,904 SF

330,393 SF
10,322 SF
16,065 SF
20,904 SF

292,864 SF
12,787 SF
14,295 SF
16,964 SF

Massing Concepts

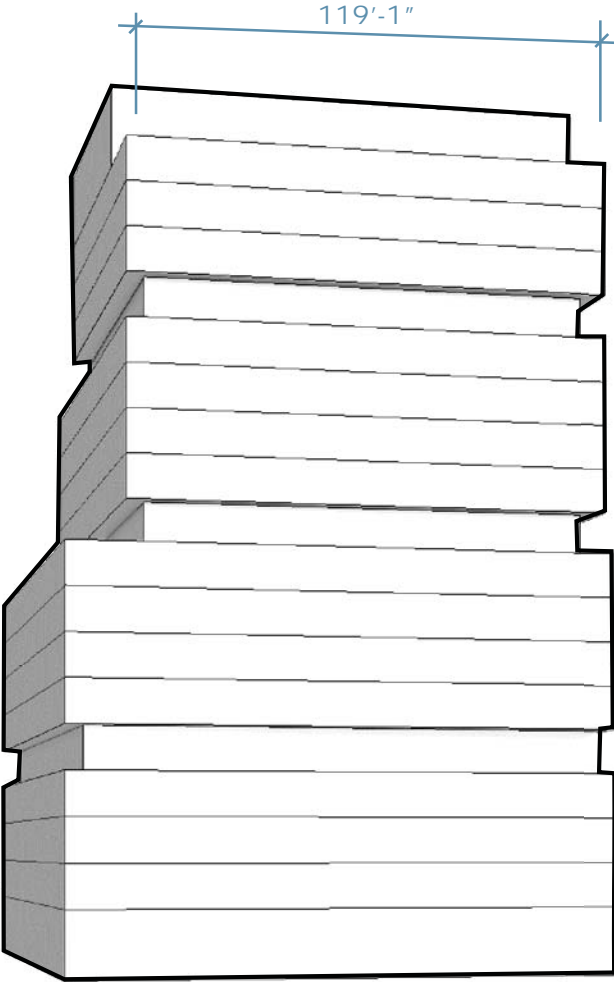


200' COMPLIANT MASSING

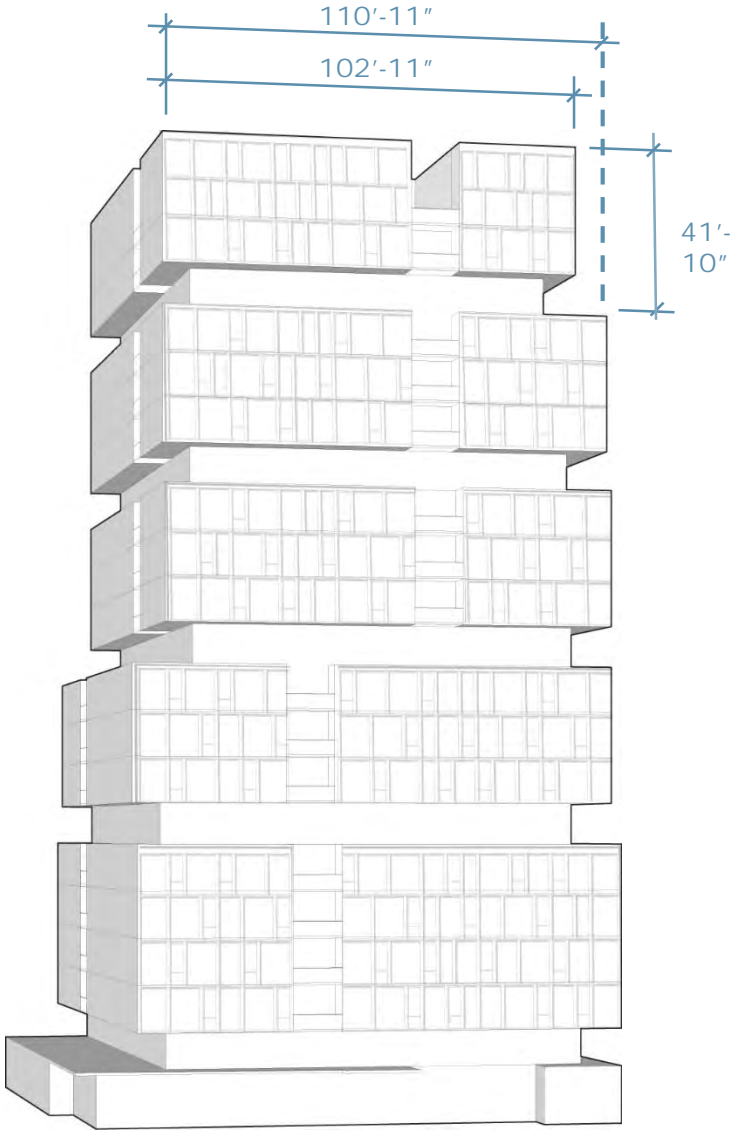
220' PROPOSED MASSING

Compared to the 200' bulk envelope, the proposed project appears slenderer and lighter because of frequent horizontal and vertical relief (no single surface is longer than about 72' in any direction on the east face) and the gradual reduction of footprints. The much smaller footprints at base and lower tower contribute to slenderness and reduce the project area by almost 8% from the code envelope.

Massing Concepts



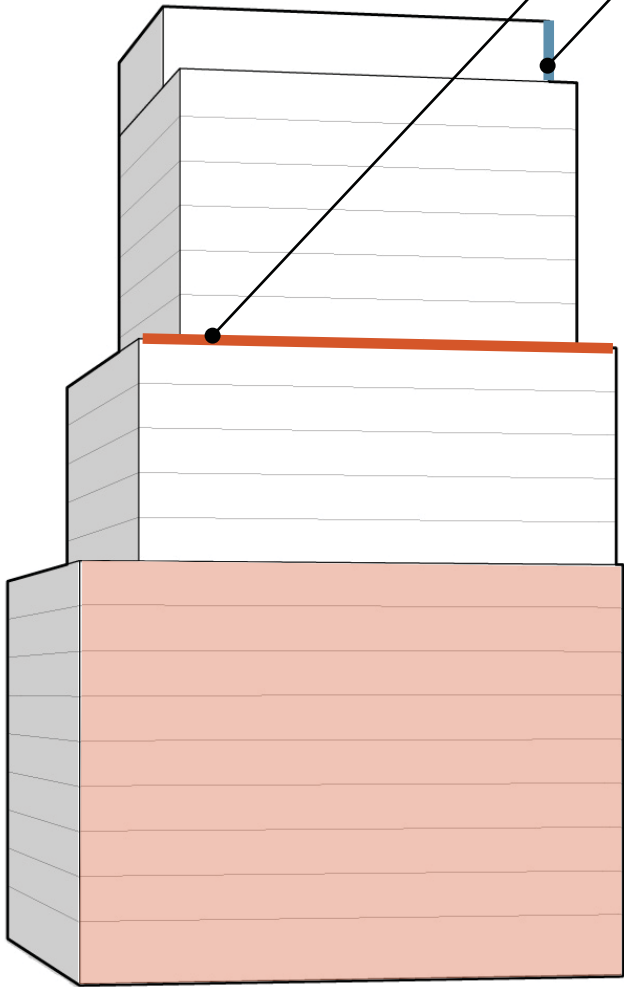
200' COMPLIANT MASSING



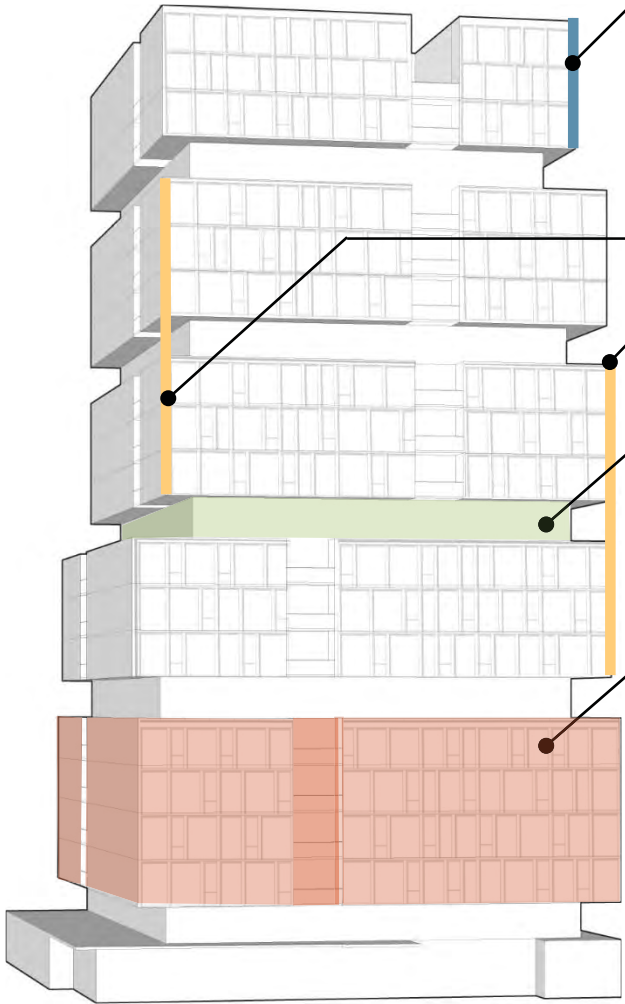
220' PROPOSED MASSING

Even applying the same “stacked garden” concept to the 200’ code compliant massing, the proposed building is smaller in area, width, and appears lighter and more vertical against the skyline. The potential shadow impact of the upper volume is reduced by treating the entire mechanical screen as a translucent or transparent extension of the typical façade, which is approximately 70% glazing.

Massing Concepts



220' COMPLIANT MASSING



220' PROPOSED MASSING

TOP OF BUILDING
Due to the low total height, a large single setback at 160' does not contribute to slenderness; rather it emphasizes the broad horizontality of the base.

The additional setback of the top two floors of 75 Howard and the integrated roof screen add visual interest to the termination of the building.

SLENDERNESS
Alternating vertical lines use setbacks to emphasize slenderness

STACKED MASSING
Horizontal terraces break up the mass, creating a more slender form.

PEDESTRIAN SCALE
A reduced podium height relates to pedestrian scale and contributes to vertical reading of stacked trays.

Compared to the 220' bulk envelope, the proposed project uses more proportionally balanced compositions of vertical and horizontal relief to achieve a better design. The intentions of both Sections 272 and 263.9 are fulfilled and the overall volume is smaller than the fully bulk-compliant 220' version by 11.5%.

The project's proposed form minimizes impact to neighboring buildings

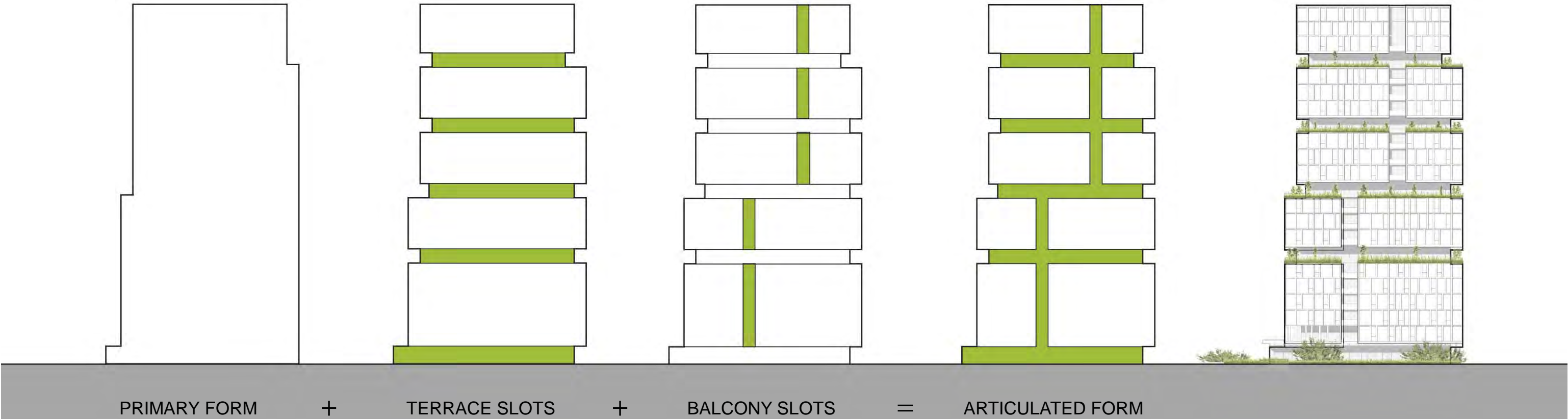
Fewer windows are obstructed by proposed project than fully height and bulk compliant envelope.





stacked gardens

Design Concept



Elevation



Elevations



East Elevation



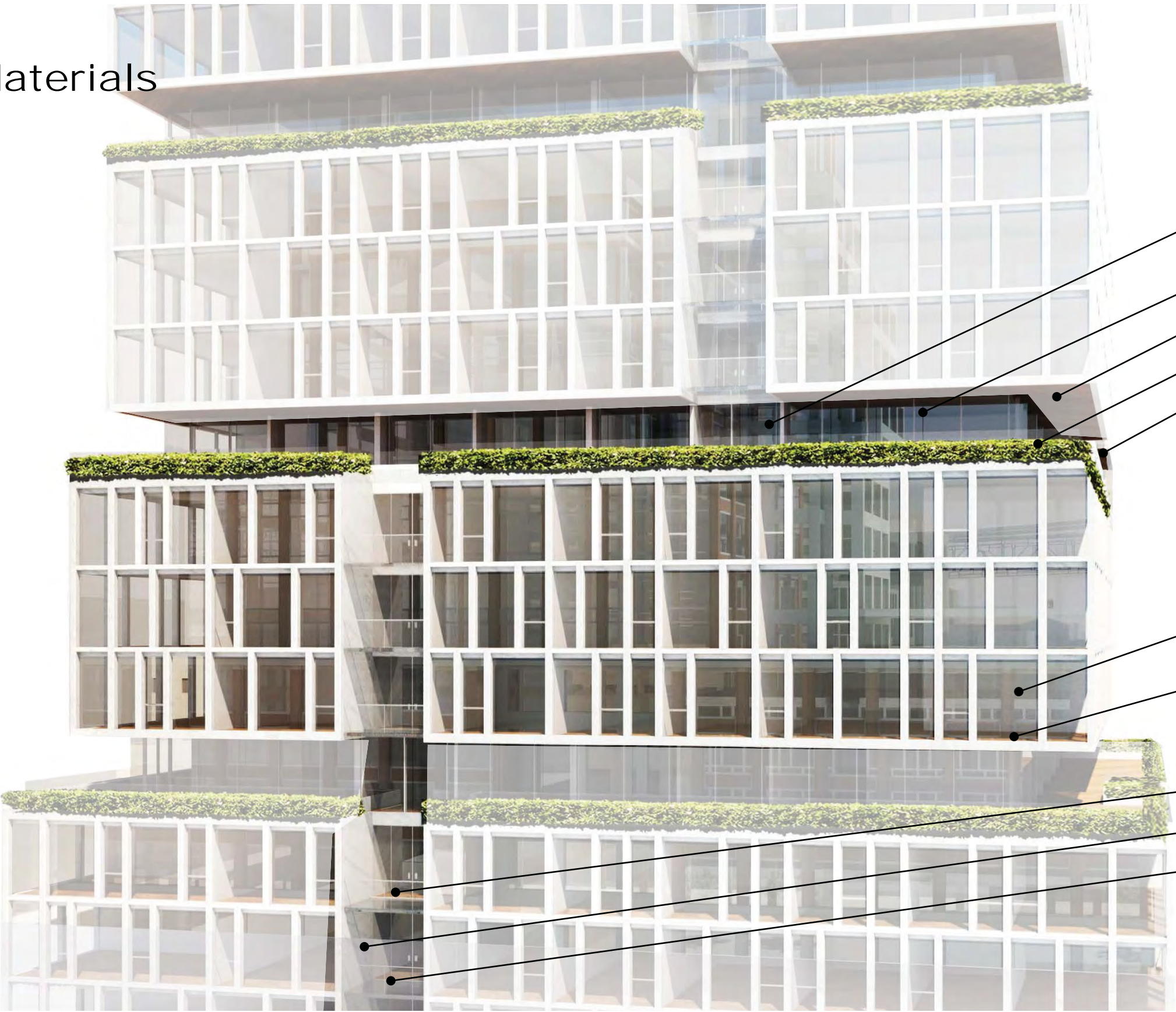
South Elevation







Materials



terrace levels

- clear insulated low-iron glazing with neutral low-e coating
- painted aluminum mullions
- Ipe wood soffit and terrace floor
- granite clad planter
- clear glass railing

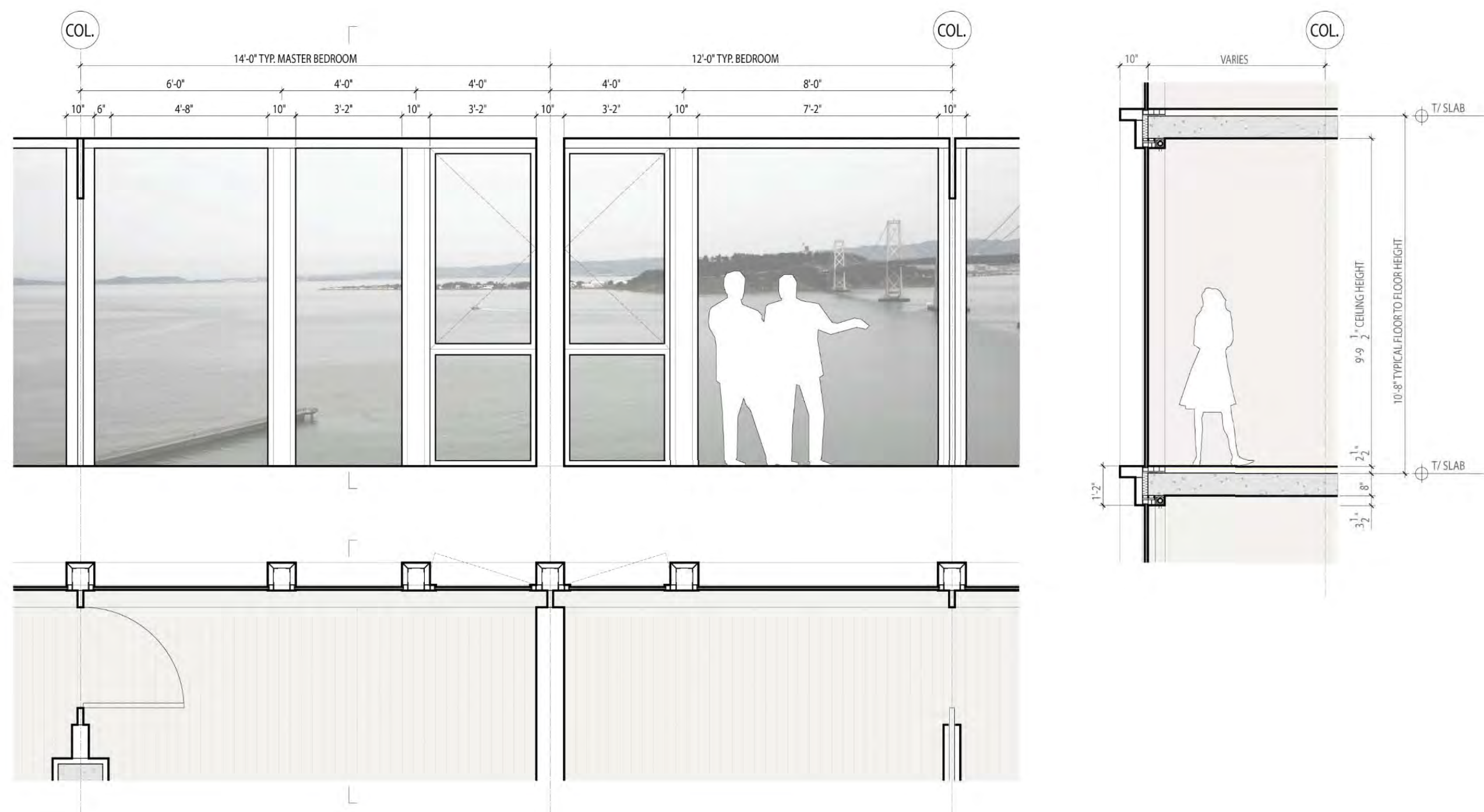
maisonette levels

- clear insulated low-iron glazing with neutral low-e coating
- granite façade cladding

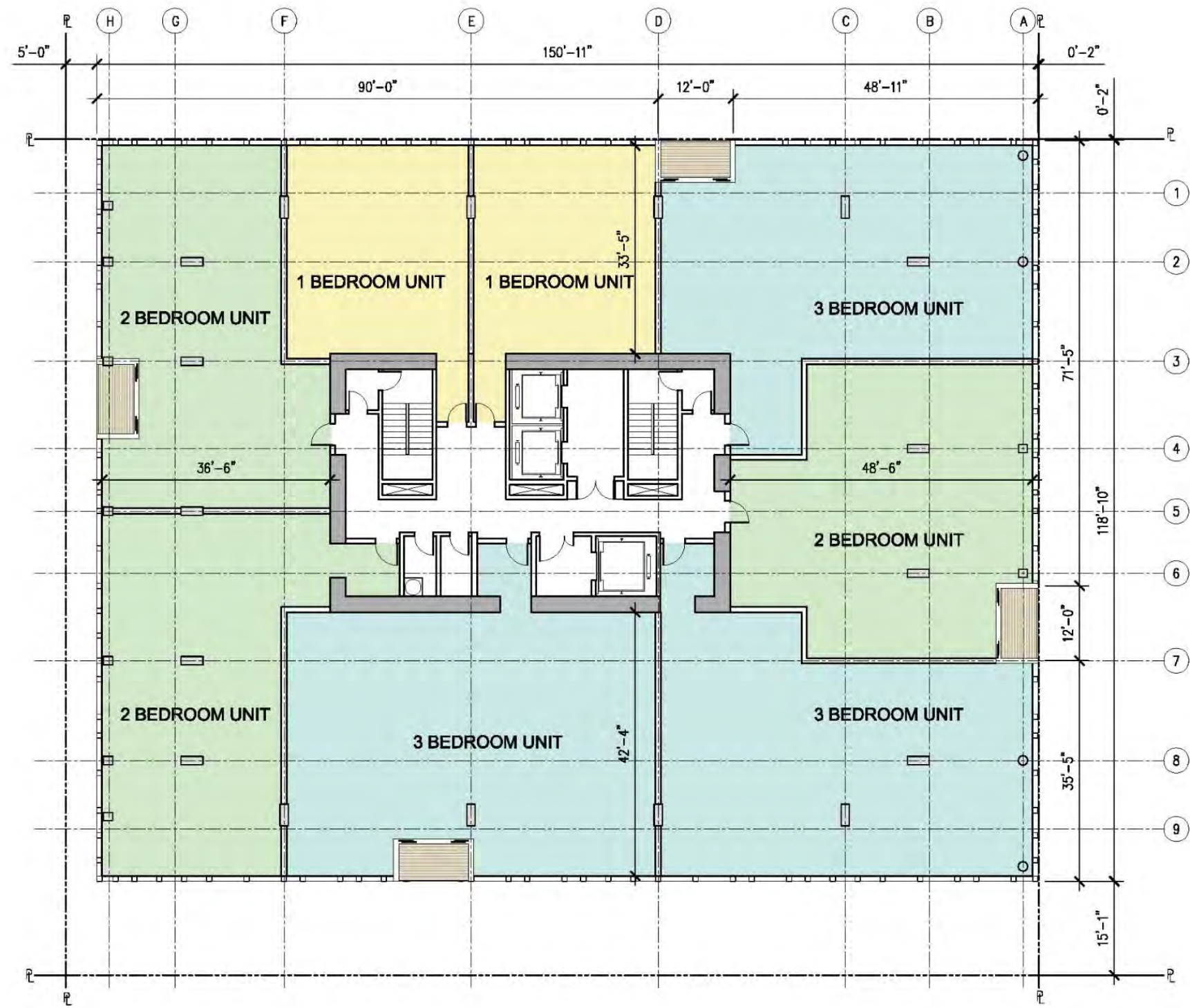
balconies

- clear glass railings
- granite side walls
- frosted glass floor infill

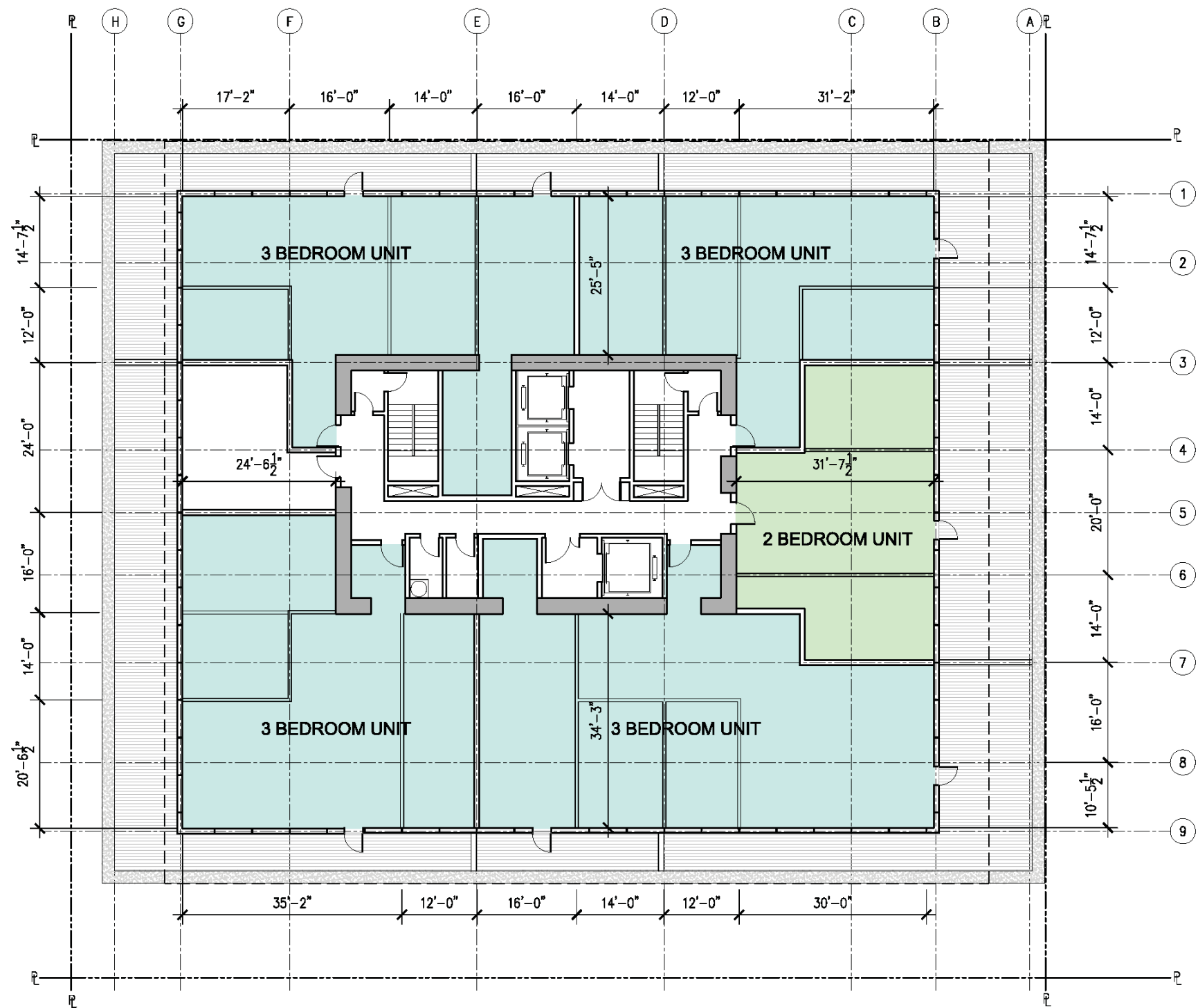
Facade proportions



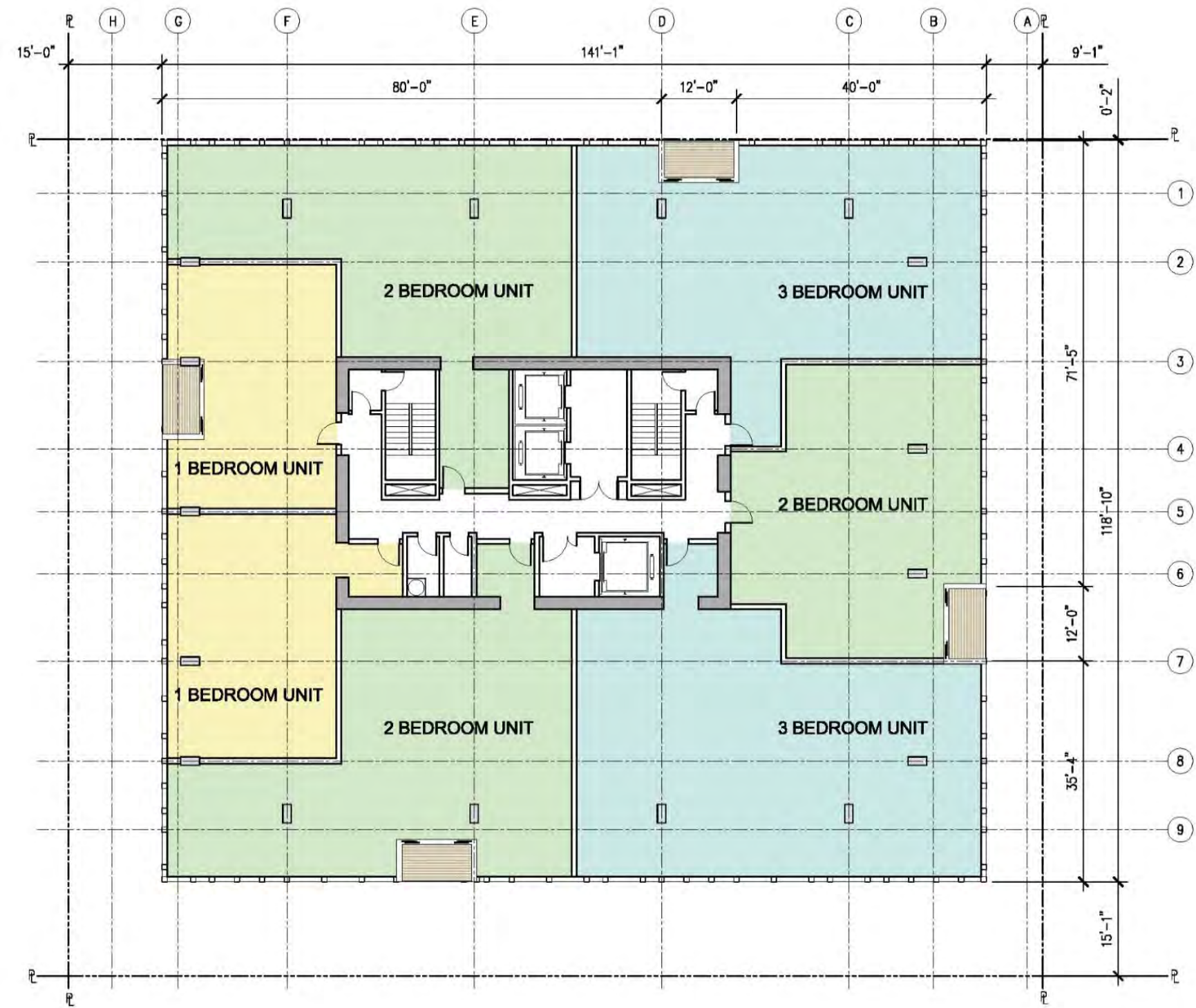
Level 3



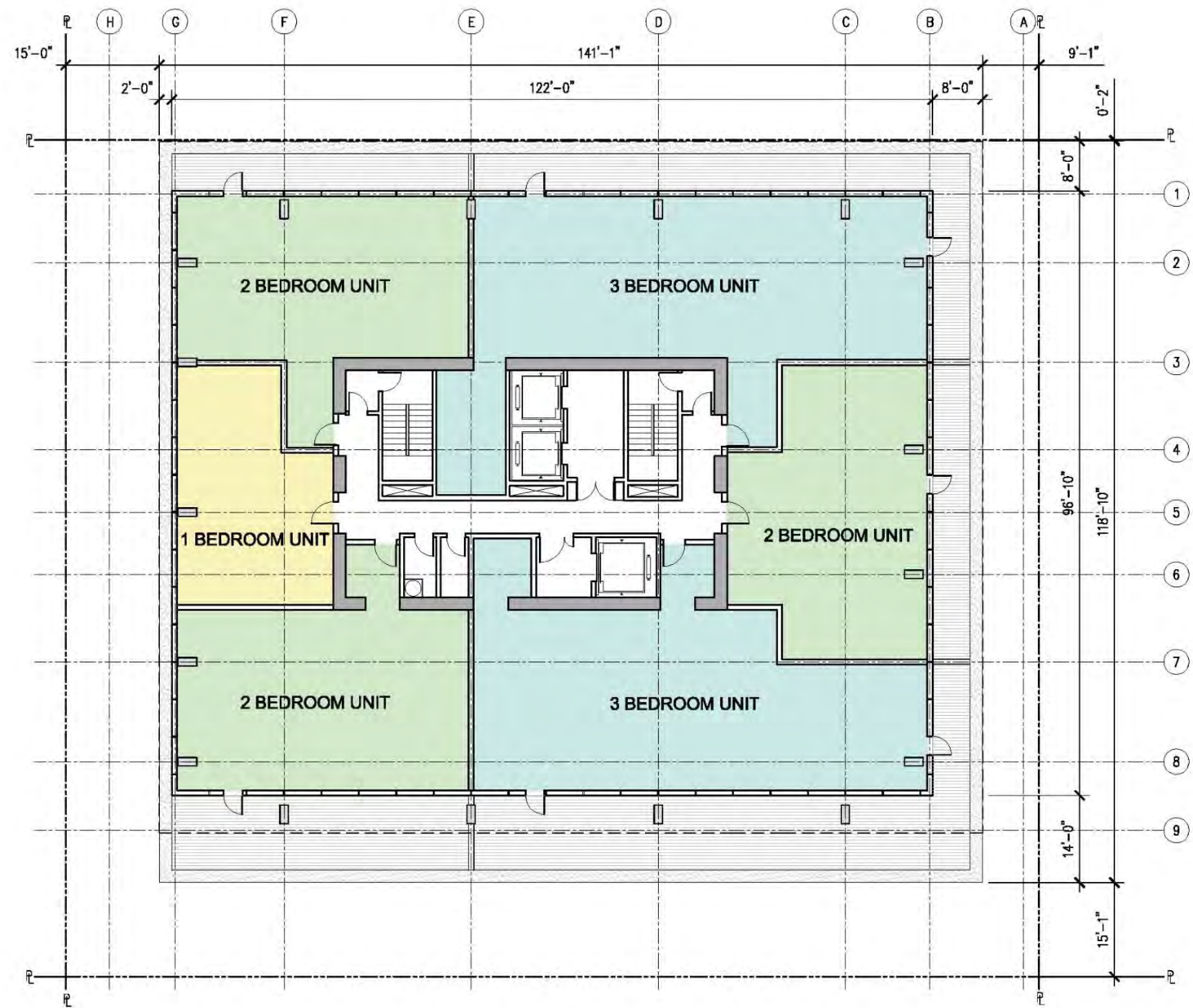
Level 7



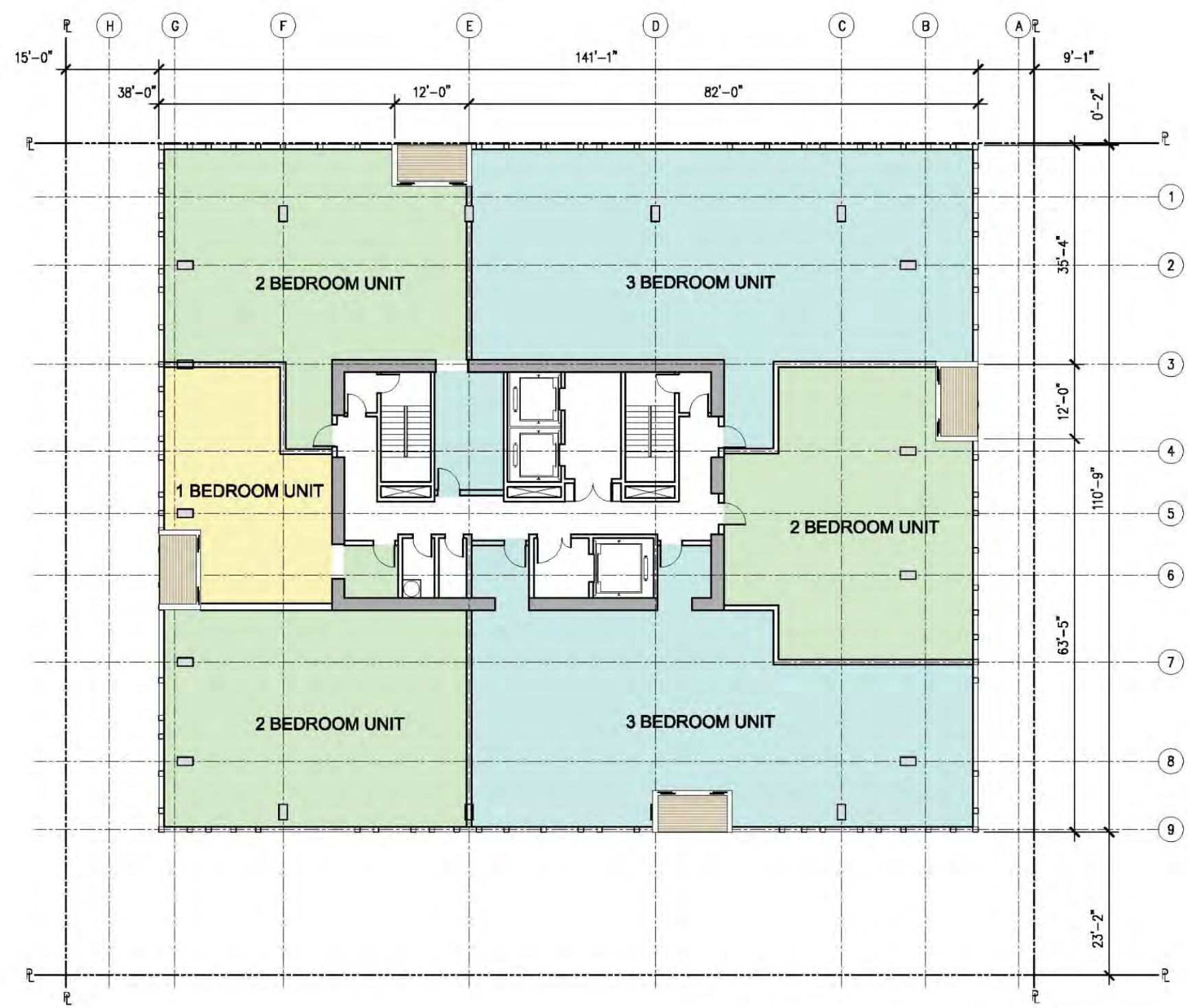
Level 8



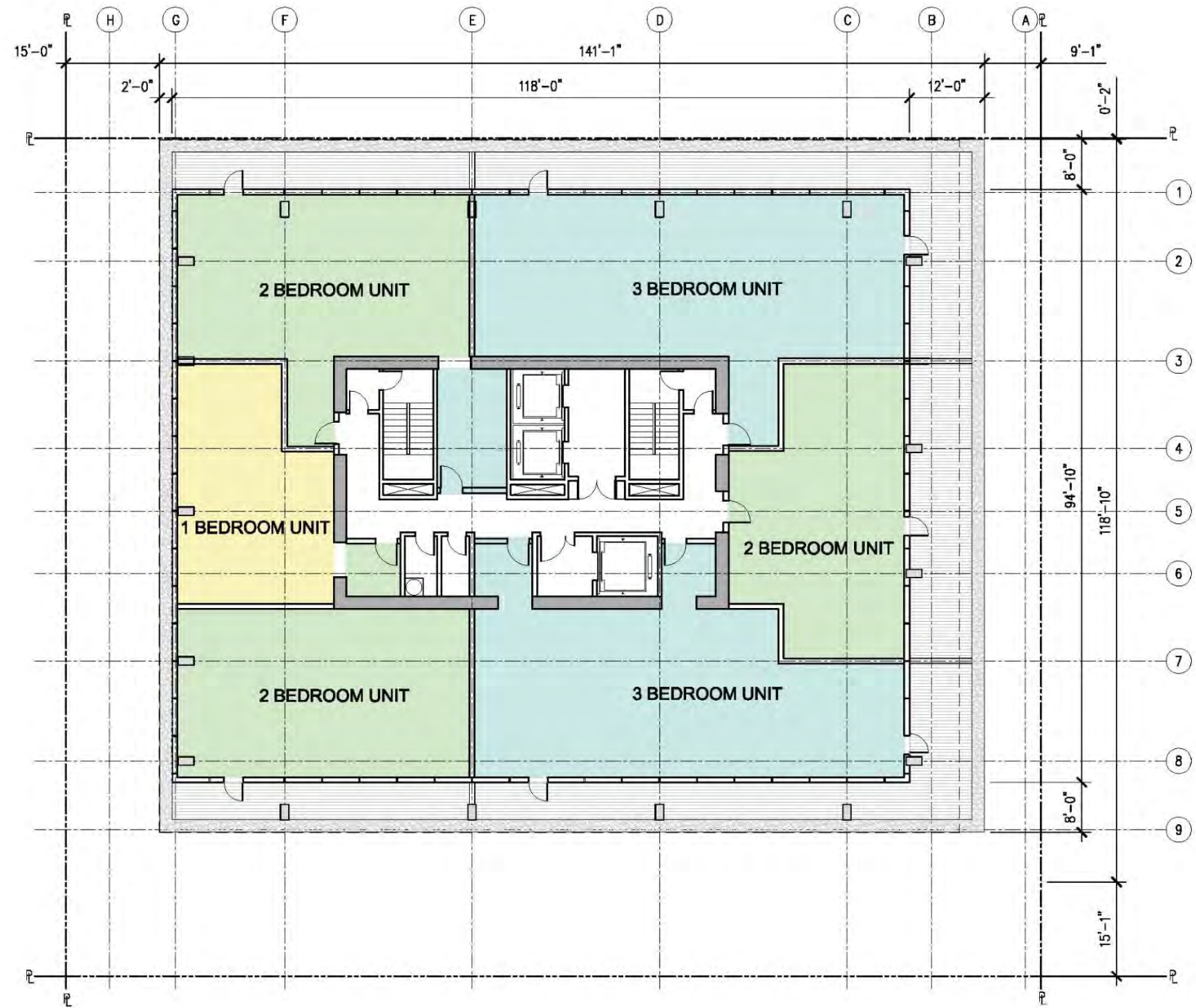
Level 11



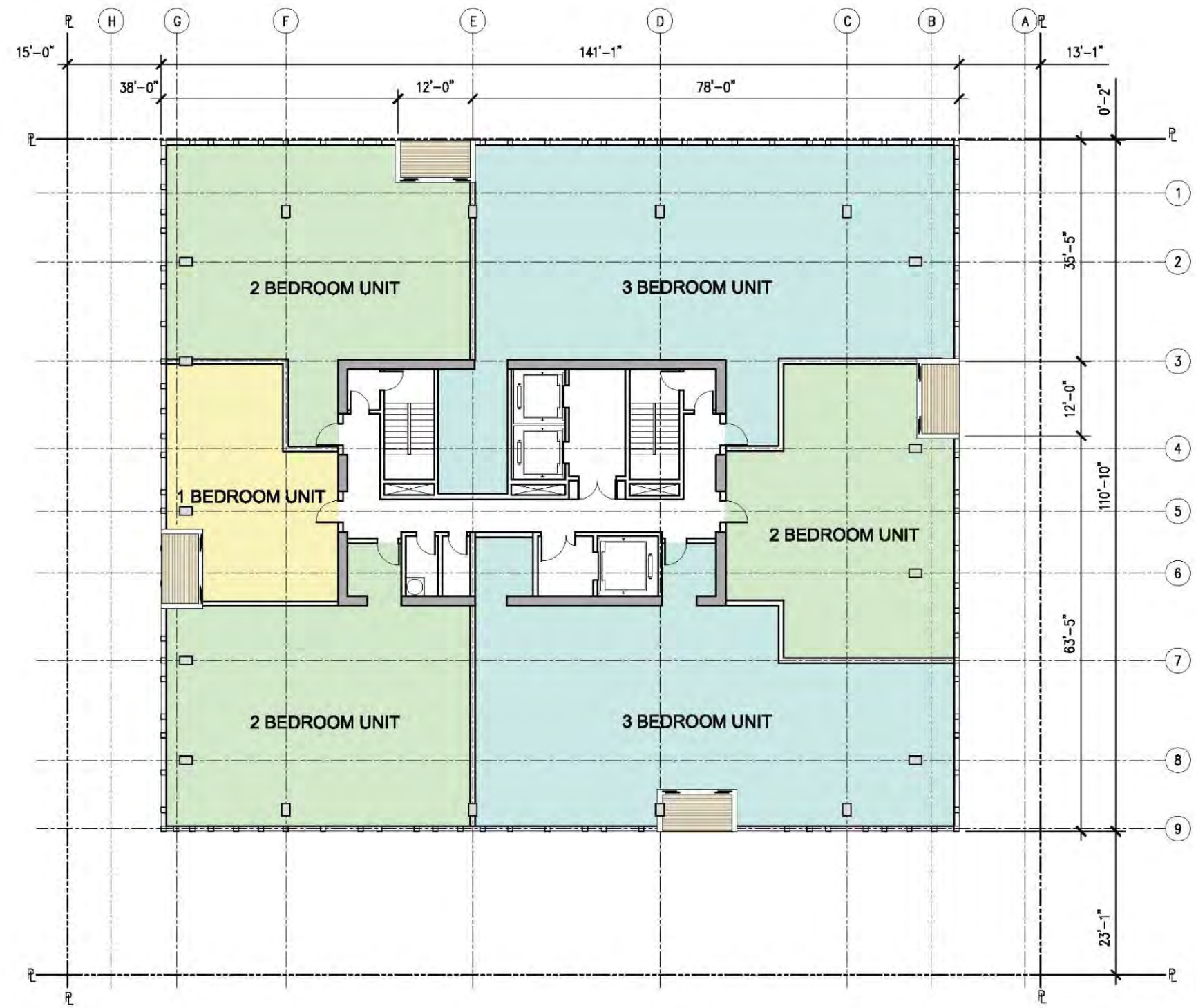
Level 12



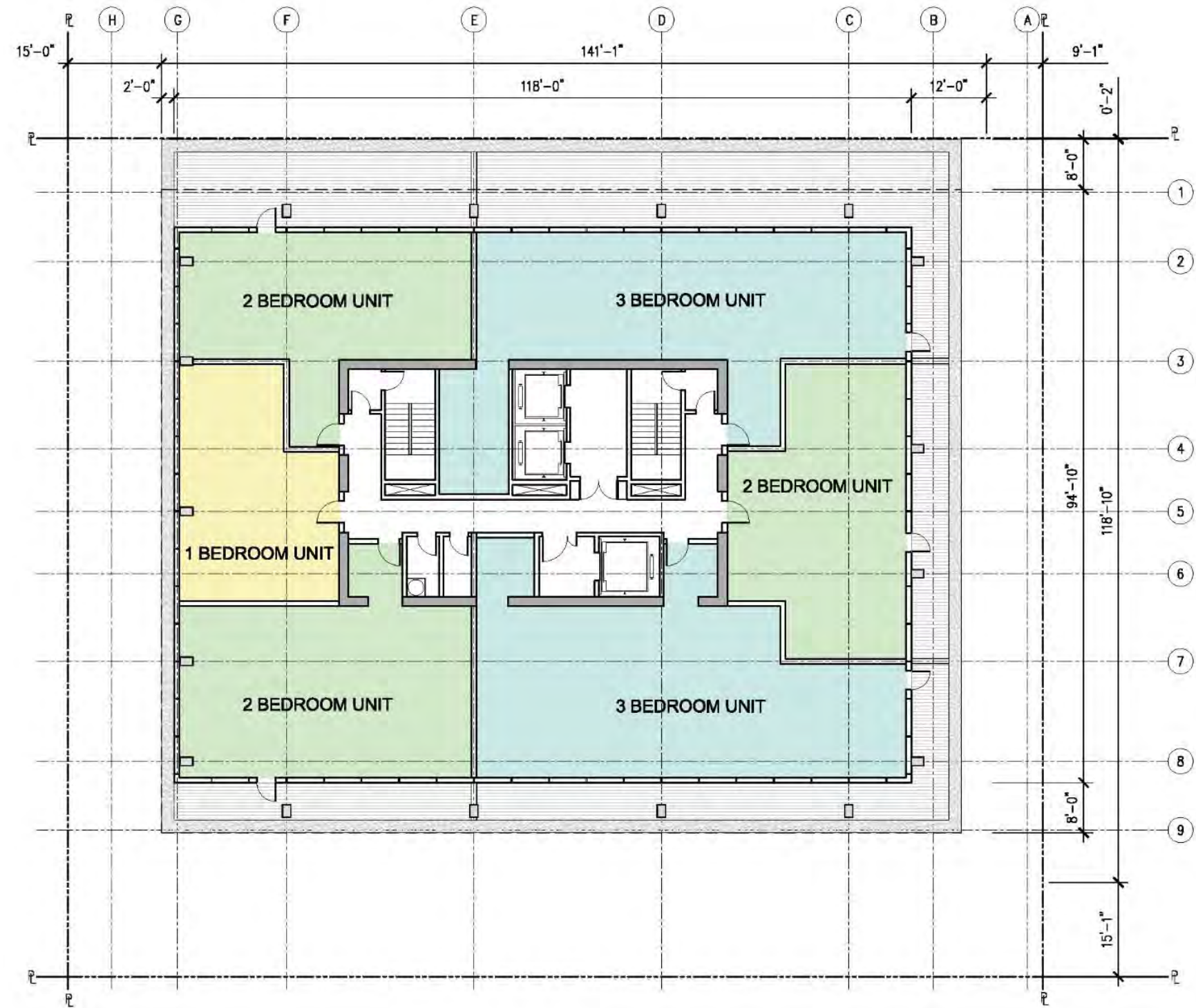
Level 15



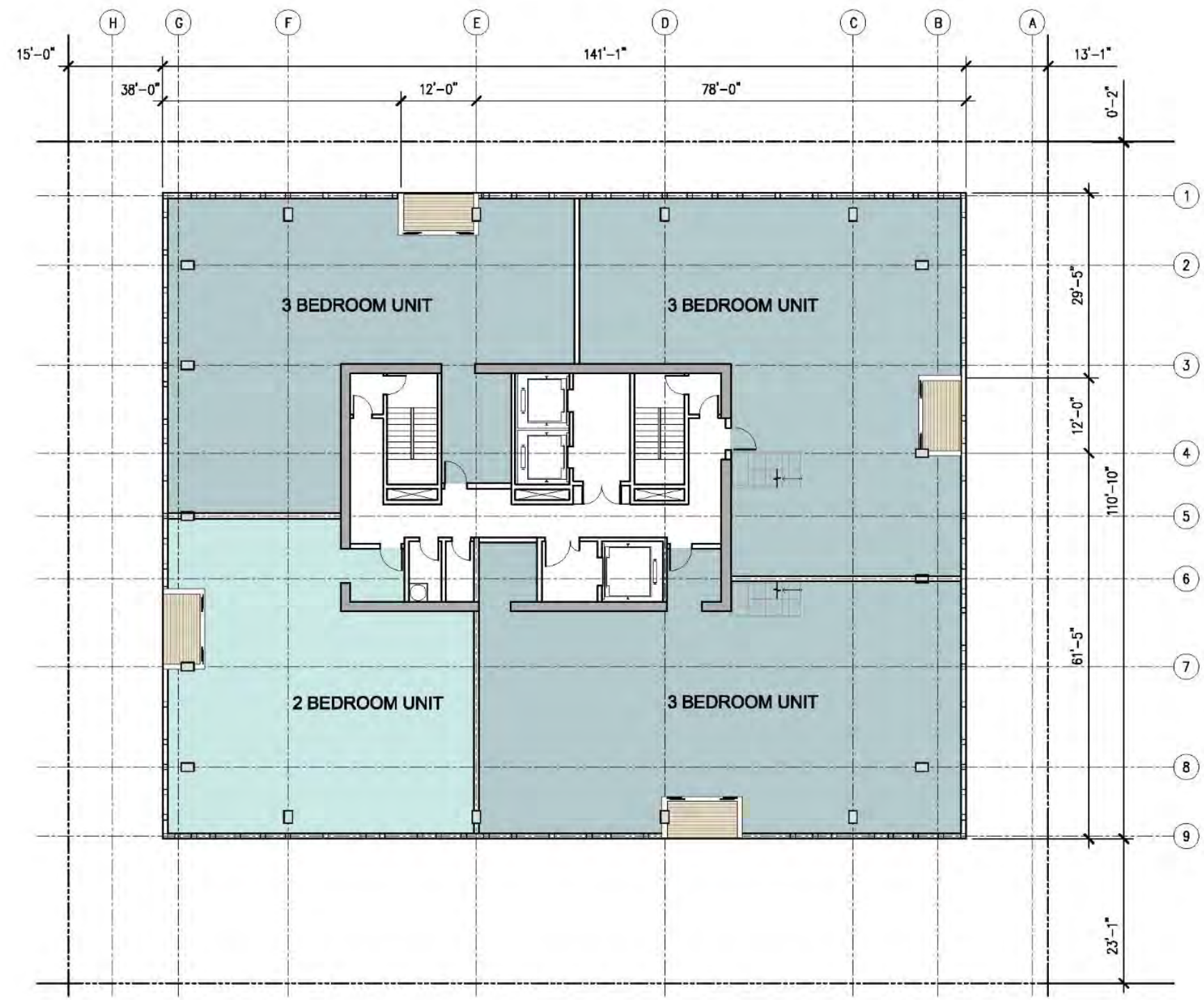
Level 16



Level 19



Level 20





sustainability targets

Energy consumption will target a 40% reduction from code

Heat Recovery: Waste energy from exhaust air is used to pre-condition incoming ventilation air

Solar Thermal: Roof mounted solar thermal collectors capture energy and provide heating water to residences and supplemental heating during winter

Demand Controlled Garage Ventilation: fan energy is reduced by monitoring carbon monoxide levels and providing ventilation only as needed.

Natural Ventilation: Operable vents in the façade will harness temperate bay air to provide natural conditioning of spaces without the need for mechanical cooling

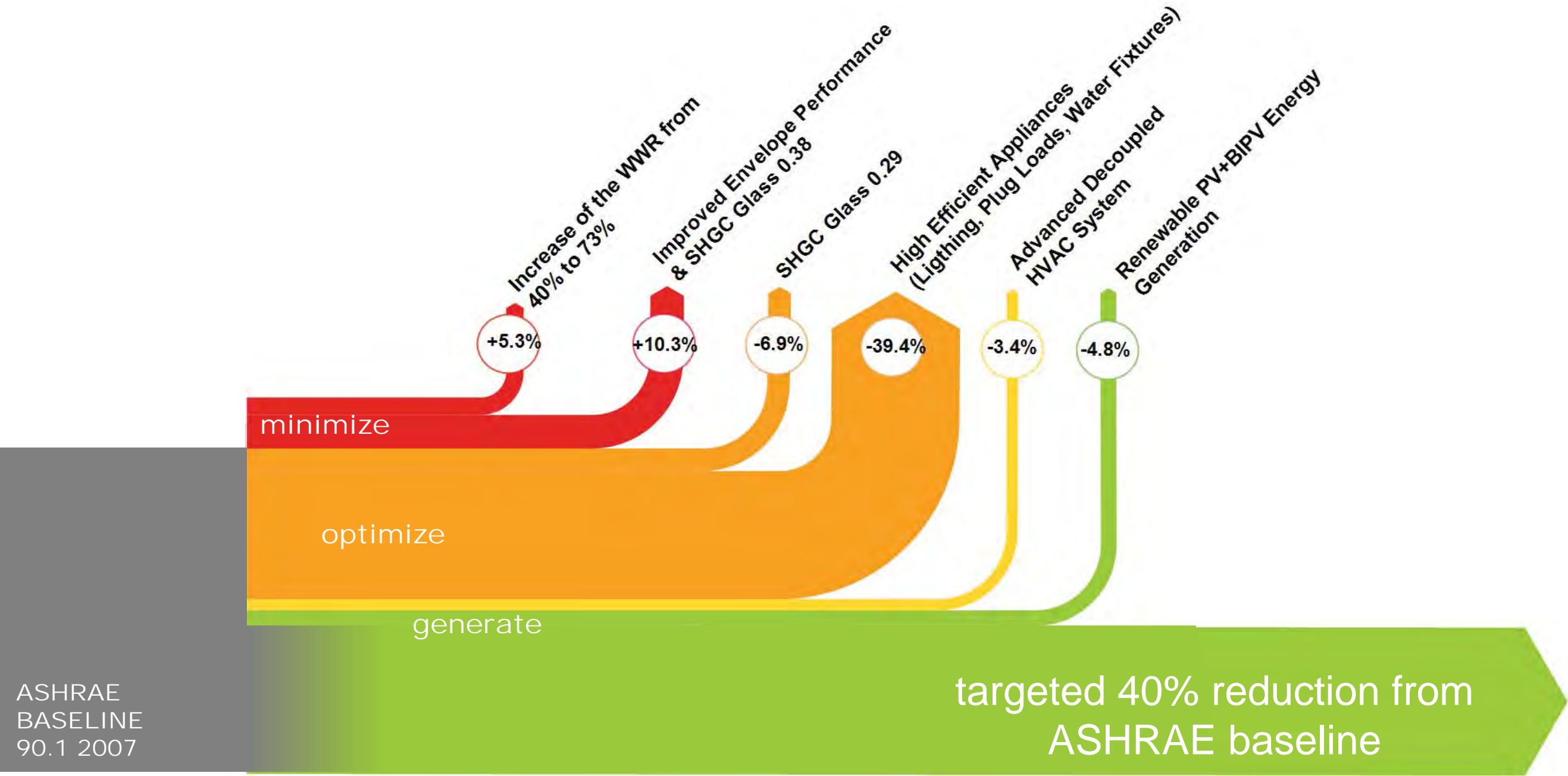
Displacement Ventilation with Free Cooling: Increased air temperature supply provides increased free cooling hours of operation to take advantage of mild climate conditions

Radiant Heating and Cooling in common areas

Learning thermostats, smart power distribution, smart plugs, and high efficiency VFD motors reduce electrical consumption

High Efficiency LED and CFL light sources combine with extensive daylighting, web controlled lighting and shading controls to minimize lighting energy use

Energy: Minimize, Optimize, Generate



Water consumption will target a 50% reduction from code

Plumbing: High efficiency low flow plumbing fixtures

Irrigation: High efficiency drip irrigation for landscaping areas

Gray Water Treatment: Gray water from showers, sinks and laundry is collected, treated and reused for toilet flushing cooling tower make-up and irrigation

Storm water Treatment: Storm water is collected, treated and reused for cooling tower make-up, irrigation and garage wash-down

Blackwater Treatment: Waste water sources from residences are collected, treated and reused for toilet flushing cooling tower make-up and irrigation

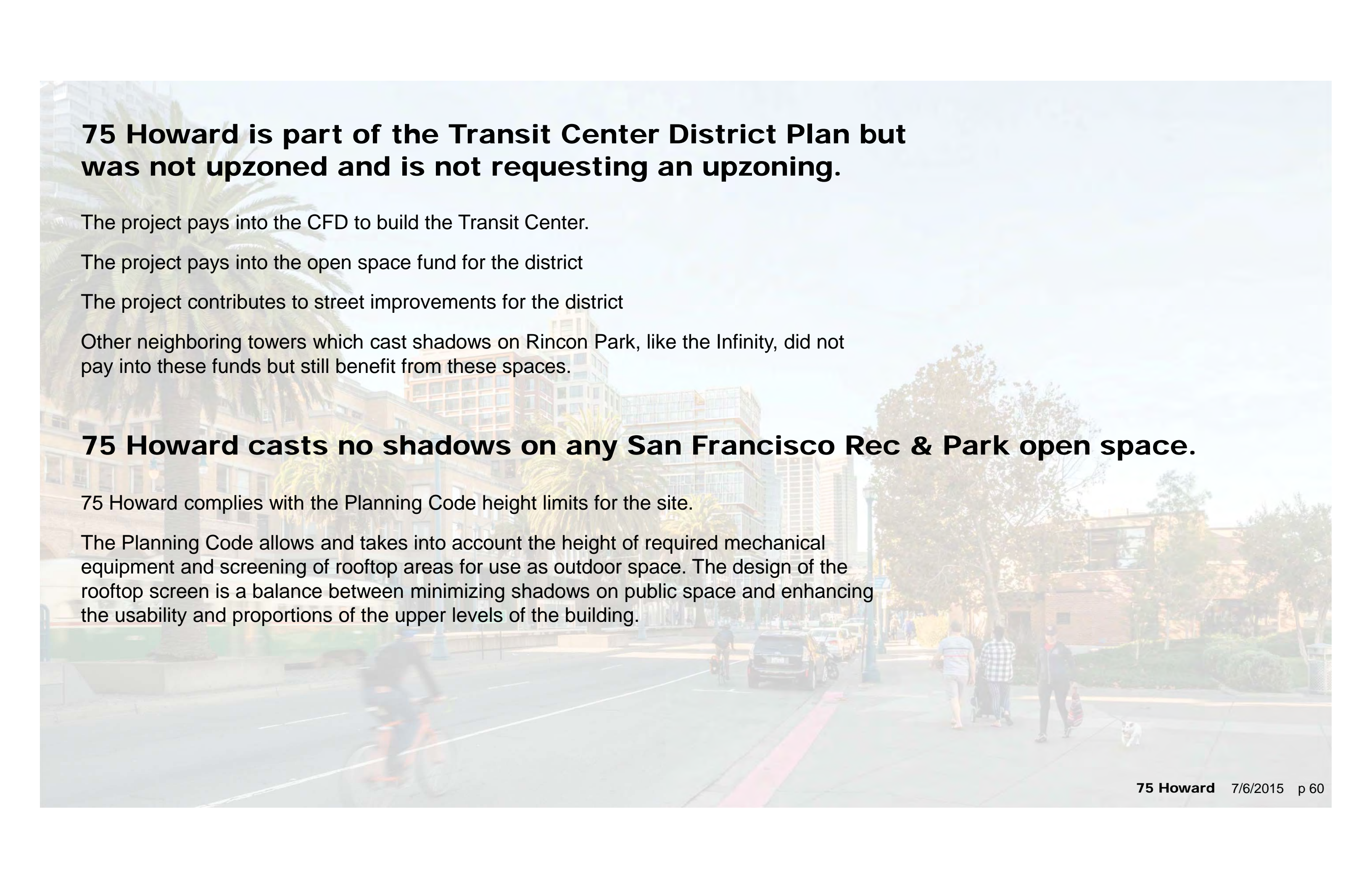
Fog Harvesting Irrigation: Integrated fog harvesters in planting areas provide irrigation water for landscaping

Water: Capture, Reuse, Reduce





shadow impacts



75 Howard is part of the Transit Center District Plan but was not upzoned and is not requesting an upzoning.

The project pays into the CFD to build the Transit Center.

The project pays into the open space fund for the district

The project contributes to street improvements for the district

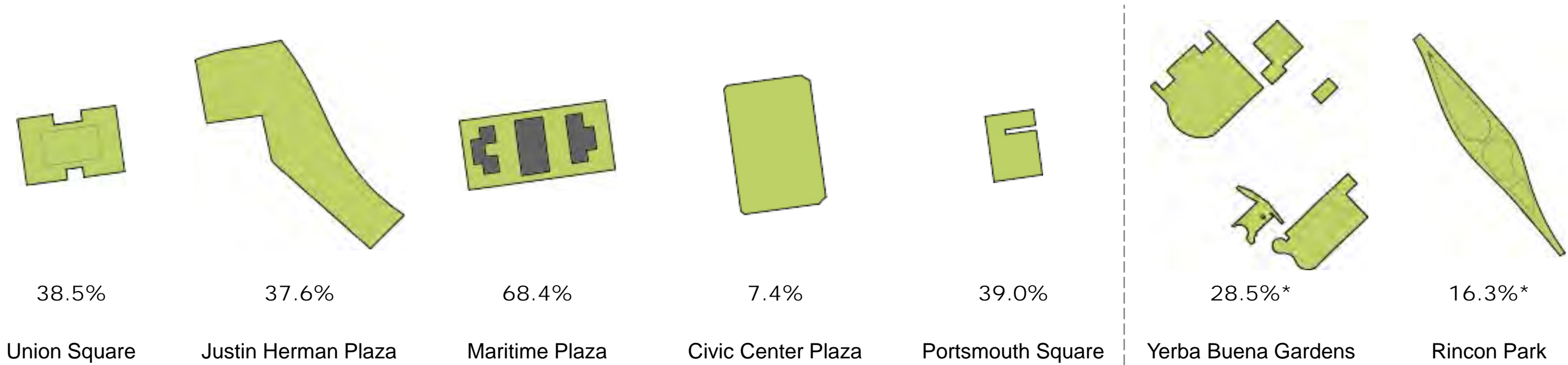
Other neighboring towers which cast shadows on Rincon Park, like the Infinity, did not pay into these funds but still benefit from these spaces.

75 Howard casts no shadows on any San Francisco Rec & Park open space.

75 Howard complies with the Planning Code height limits for the site.

The Planning Code allows and takes into account the height of required mechanical equipment and screening of rooftop areas for use as outdoor space. The design of the rooftop screen is a balance between minimizing shadows on public space and enhancing the usability and proportions of the upper levels of the building.

Rincon Park is among the sunniest parks in the city, with about 16% shadow annually.



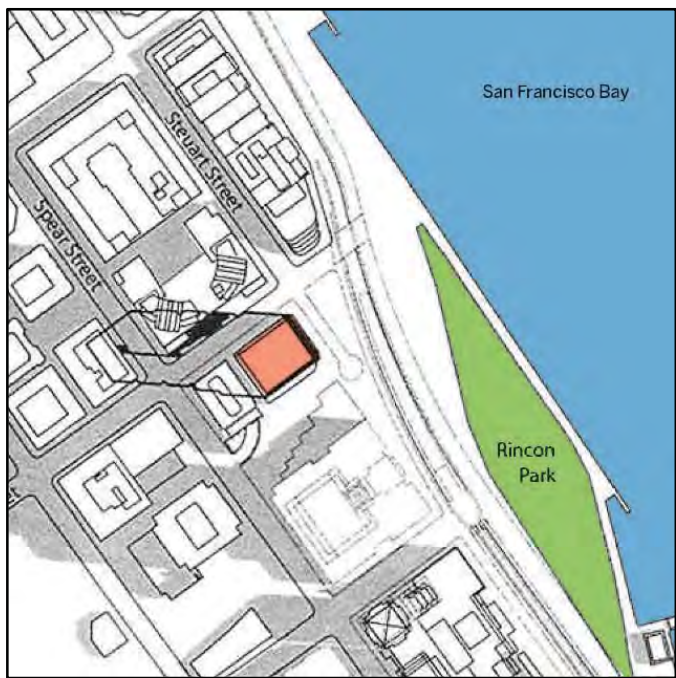
Sources: Transit Center District Plan EIR, CADP, 2011.09.08, "Proposition K, The Sunlight Ordinance," 1987.10.22

*Estimated; not Rec & Park spaces
75 Howard 7/6/2015 p 61

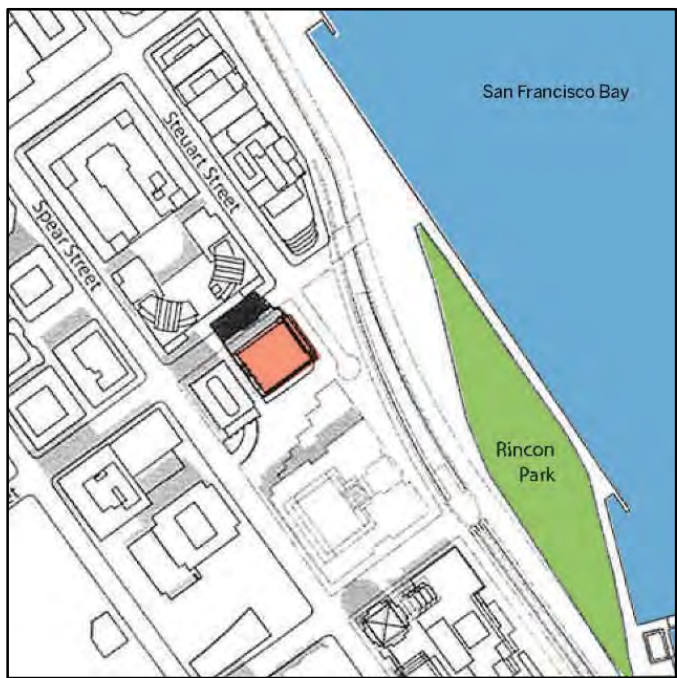
Summer

During a typical summer day, Rincon Park is shaded about 6% of the time.

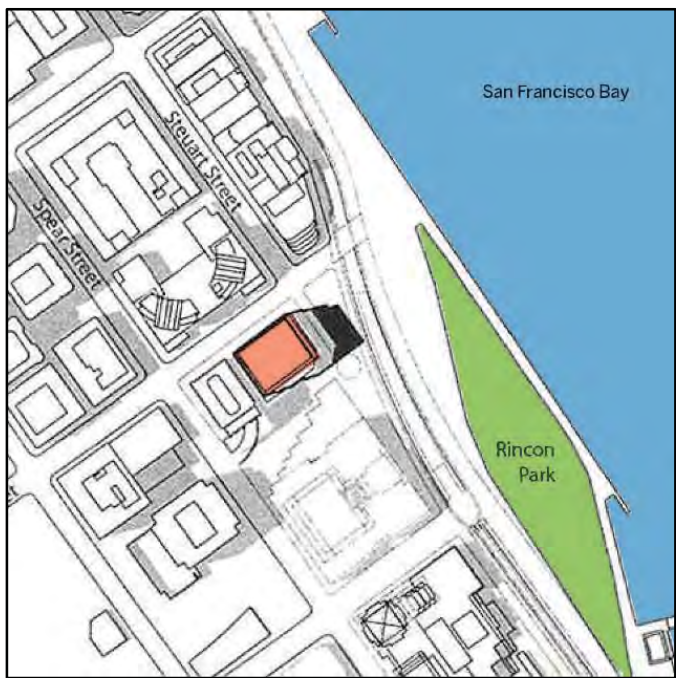
With 75 Howard, it will be shaded about 7.5% of the time.



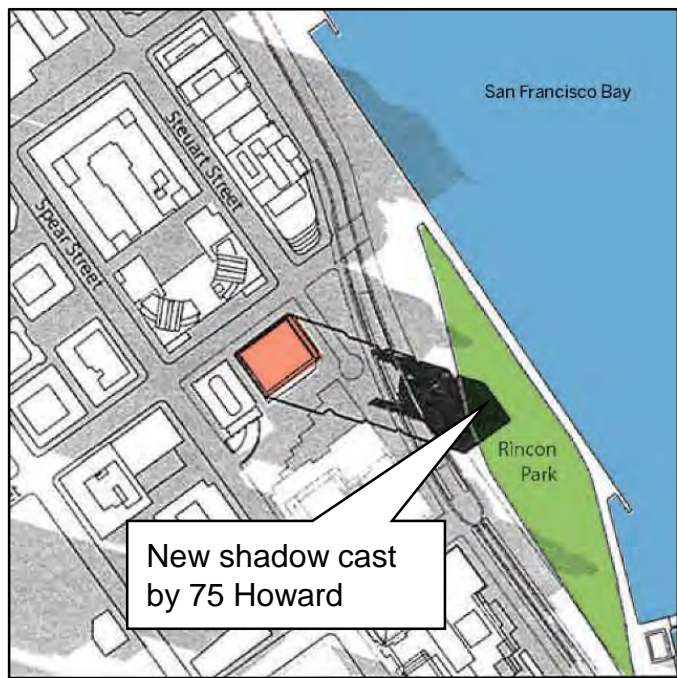
9am
no shadow now, and
none with 75 Howard



Noon
no shadow now, and
none with 75 Howard



3pm
no shadow now, and
none with 75 Howard



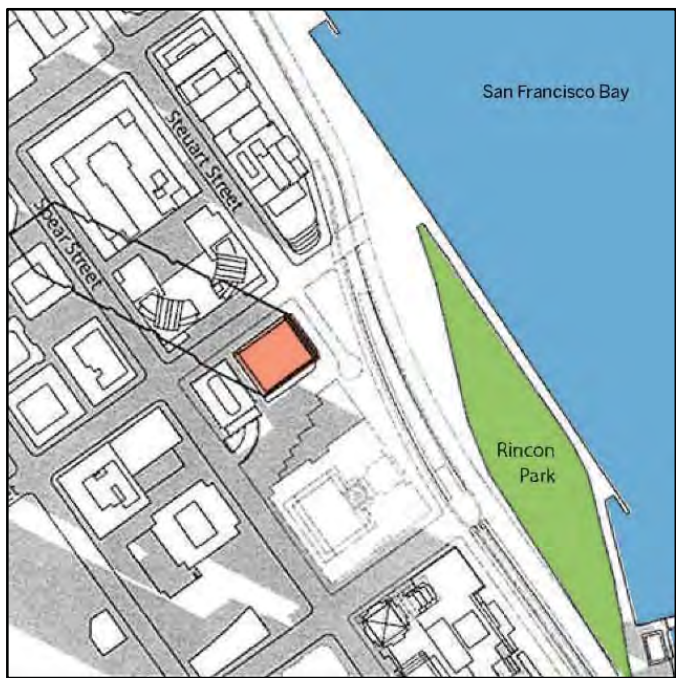
6pm
about 6% shaded now, and
about 13% with 75 Howard

Source: CADP and Turnstone Consulting, May 2015

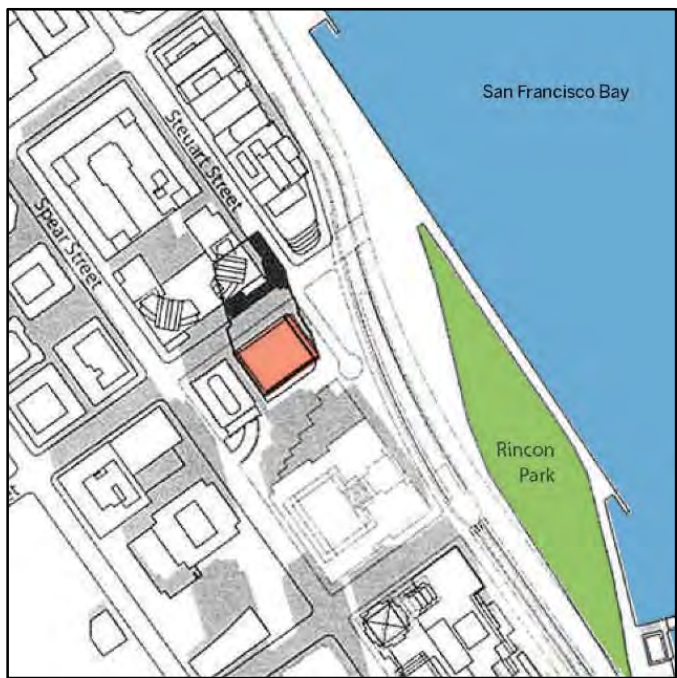
Spring and Fall

During a typical spring or fall day, Rincon Park is shaded about 12% of the time.

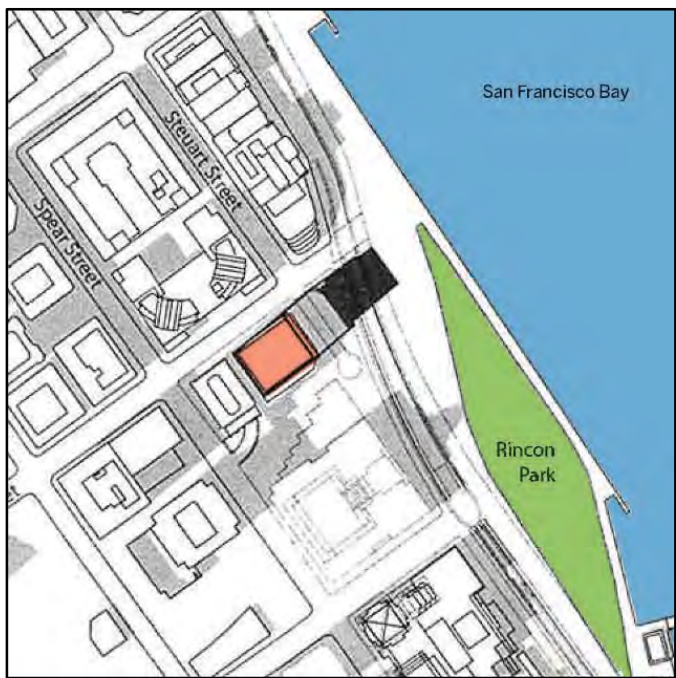
With 75 Howard, it will be shaded about 13.5% of the time.



9am
no shadow now, and
none with 75 Howard



Noon
no shadow now, and
none with 75 Howard



3pm
no shadow now, and
none with 75 Howard



6pm
completely shaded now,
no more from 75 howard

Winter

During a typical winter day, Rincon Park is shaded about 25% of the time.

With 75 Howard, it will still be shaded about 25% of the time.



9am
no shadow now, and
none with 75 Howard



Noon
no shadow now, and
none with 75 Howard



3pm
mostly shaded now,
no more from 75 howard



One hour before sunset
completely shaded now,
no more from 75 howard

Tower Crown Design

The building mechanical screening has been designed to reduce shadows on Rincon Park.



June 6pm

Rooftop Design as analyzed in EIR



June 6pm

Refined Rooftop Design

Future Projects

75 Howard's shadow will often be within the shadow cast by the 1070-foot-tall Salesforce Tower, which is currently under construction.



Sept 5pm

Shadows as analyzed without Salesforce tower



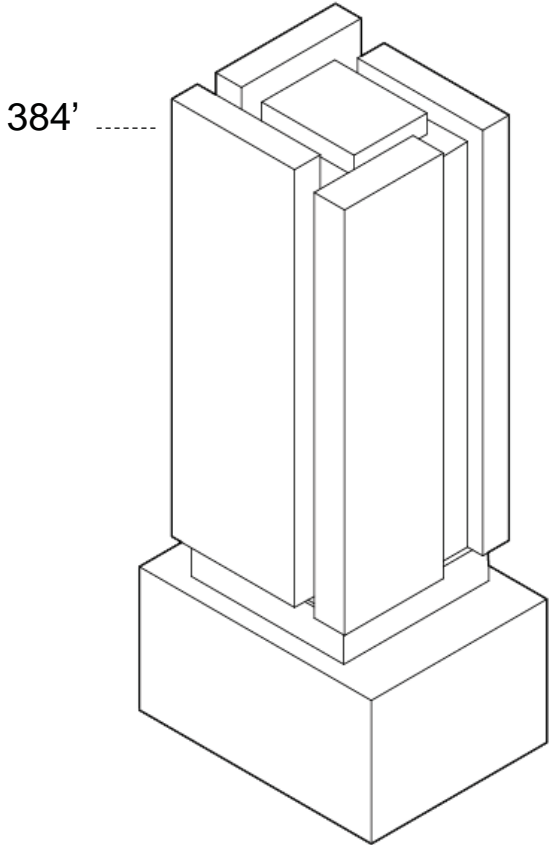
Sept 5pm

With Salesforce tower

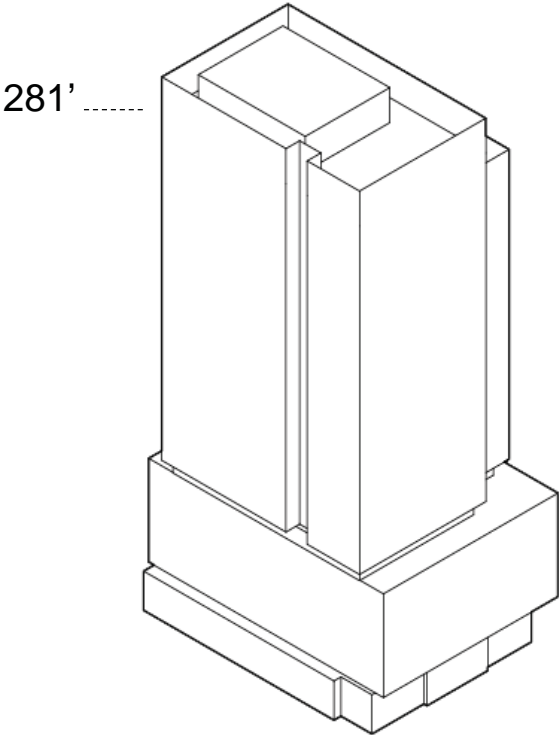
Total Shadow

Previous proposals analyzed for the site created significantly more shadow on Rincon Park.

The current proposal has been reduced in height from 348 feet to 220 feet, in compliance with the height limit.

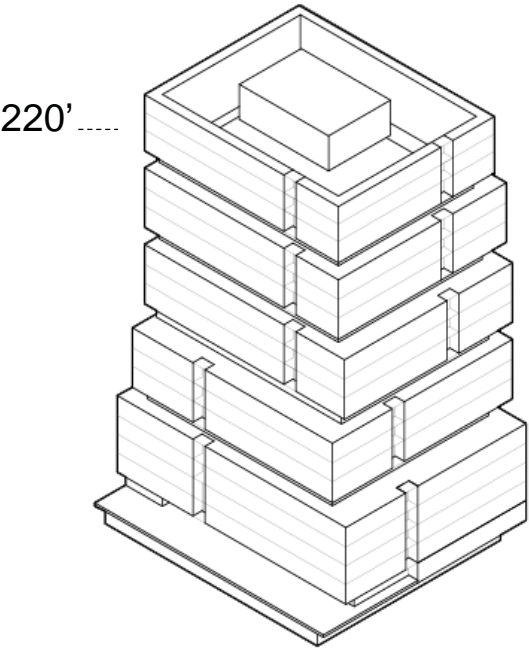


2.2%



2.1%

Proposed Project



0.76%



75 Howard





