



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JULY 16, 2015

Date: July 1, 2015
Case No.: **2013.0180CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Tuija Catalano
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **No action necessary – informational item**

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SUMMARY

The Project involves a previously approved project for the construction of an 11-story hotel with approximately 156 tourist hotel rooms on a site that is currently developed as a surface parking lot. The Project was approved by Planning Commission under Case No. 2000.0383CX with the approval of a conditional use authorization (Motion No. 16283) and Downtown 309 Determination (Motion No. 16284) on November 15, 2001, and has been extended multiple times thereafter on December 9, 2004, March 25, 2010 and August 15, 2013. The Project Sponsor, Highgate Hotels ("Highgate"), recently purchased the site with the intent of building the approved Project with few minor revisions, including refinements to the project design. The primary revision to the Project program includes ground and second floor retail uses in lieu of the originally anticipated ground and basement level restaurant uses, without any impact to the approved tourist hotel room count or to the approved building envelope. The hotel rooms on floors 3 through 11 are provided with a smaller entry on the ground level with an actual lobby on the second level in order to maximize active uses on the ground level consistent with the surrounding Union Square neighborhood.

ORIGINAL APPROVAL

On November 15, 2001, the Planning Commission approved a project (Case No. 2000.383CX) to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309,

including a height exception in the 80-130-F Height and Bulk District, a bulk exception, and a height extension for a vertical extension.

EXTENSIONS

- On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.
- On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.
- On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for two years (Motions 18954 and 18955), subject to the conditions of the original approval of the Project. This extension is set to expire on August 15, 2015.

CURRENT PROPOSAL

In May of 2015, Highgate purchased the Property with the intent of building the approved project pursuant to refined plans as soon as possible. In the short amount of time since Highgate's purchase of the property, several important steps have already occurred in preparation for the construction of the project. Highgate engaged Handel Architects to prepare updated project plans, including the necessary plans for the submittal of the site permit application. The Highgate team has met with Planning Department Staff several times in order to obtain feedback on the refinement of the previously-approved project design, and in order to proceed with the informational hearings before the Historic Preservation Commission's (HPC) Architectural Review Committee (ARC) on July 15, 2015, and the Planning Commission on July 16, 2015.

The updated project remains an 11-story building with 156 tourist guest rooms. The project would concentrate commercial retail use on the bottom two stories of the building, with a hotel entrance located in the far right bay of the façade. The hotel is planned with a lobby and fitness area on the second floor. Floors 3–11 would contain hotel rooms with a rooftop viewing terrace above. The below-grade basement space is dedicated to mechanical and other service space to support the building's primary hotel use. The project does not include off-street parking.

With a total gross floor area of 75,810 sf, approximately 66,227 sf are dedicated to the hotel use, while approximately 9,583 sf are dedicated to the ground and second floor retail uses.

Since the August 15, 2013 Planning Commission Hearing, the Project Sponsor has made the following modifications to the proposed project:

- Increased the overall building height from 125 feet to 130 feet;
- Replaced the previously anticipated basement and ground floor restaurant uses with ground and second floor retail uses;
- Relocated the hotel lobby from the ground floor to the second floor;
- Reconfigured the building's rooftop where the Privately Owned Public Open Space is located;
- Added bicycle parking in the following amounts: 8 Class I and 10 Class II bicycle parking spaces;
- Eliminated the projecting cornice between the 7th and 8th floors, which had aligned with the adjacent buildings' rooflines;
- Increased the amount of active ground floor commercial use from one story to two stories, with added, large-scale glazing on the second floor as a unifying element;
- Reorganized the overall composition of the façade into three distinct bays using continuous vertical piers and a hierarchy of forms ;
- Altered the fenestration, using a regular pattern of vertical mullions as a secondary means of emphasizing the building's verticality;
- Minimized the height ratio of the contemporary cornice element, where the rooftop viewing terrace is located; and
- Redesigned the storefront system to include an upper transom division and an 18" lower bulkhead.

STAFF RECOMMENDATION

The final design of the updated project is appropriate for and consistent with the purposes of Article 11, including the criteria of Appendix E of Article 11, and Section 1113 of the Planning Code.

The Department seeks comments from both the Historic Preservation Commission's (HPC) Architectural Review Committee (ARC) (see attached memo) and the Planning Commission regarding the final design proposal, as outlined in the revised architectural drawings. The updated project is being presented as informational items at the HPC ARC on July 15, 2015, and the Planning Commission on July 16, 2015.

The Department is requesting both the HPC ARC and the Planning Commission consider the following information in its review of the Project Sponsor's preferred design, labeled as "Version 2":

- Massing, composition & scale;
- Roofline;
- Ground Floor; and
- Materials.

REQUIRED COMMISSION ACTION

This item is being presented by the Project Sponsor for informational purposes only, to fulfill the conditions of approval (design—compliance at plan stage) for Case No. 2013.0180C (Motion 18954). No formal action by the planning commission is required.

| | |
|------------------------|---------------------------|
| RECOMMENDATION: | Informational Only |
|------------------------|---------------------------|

Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photo

Planning Department Memo to the HPC ARC (dated July 8, 2015)

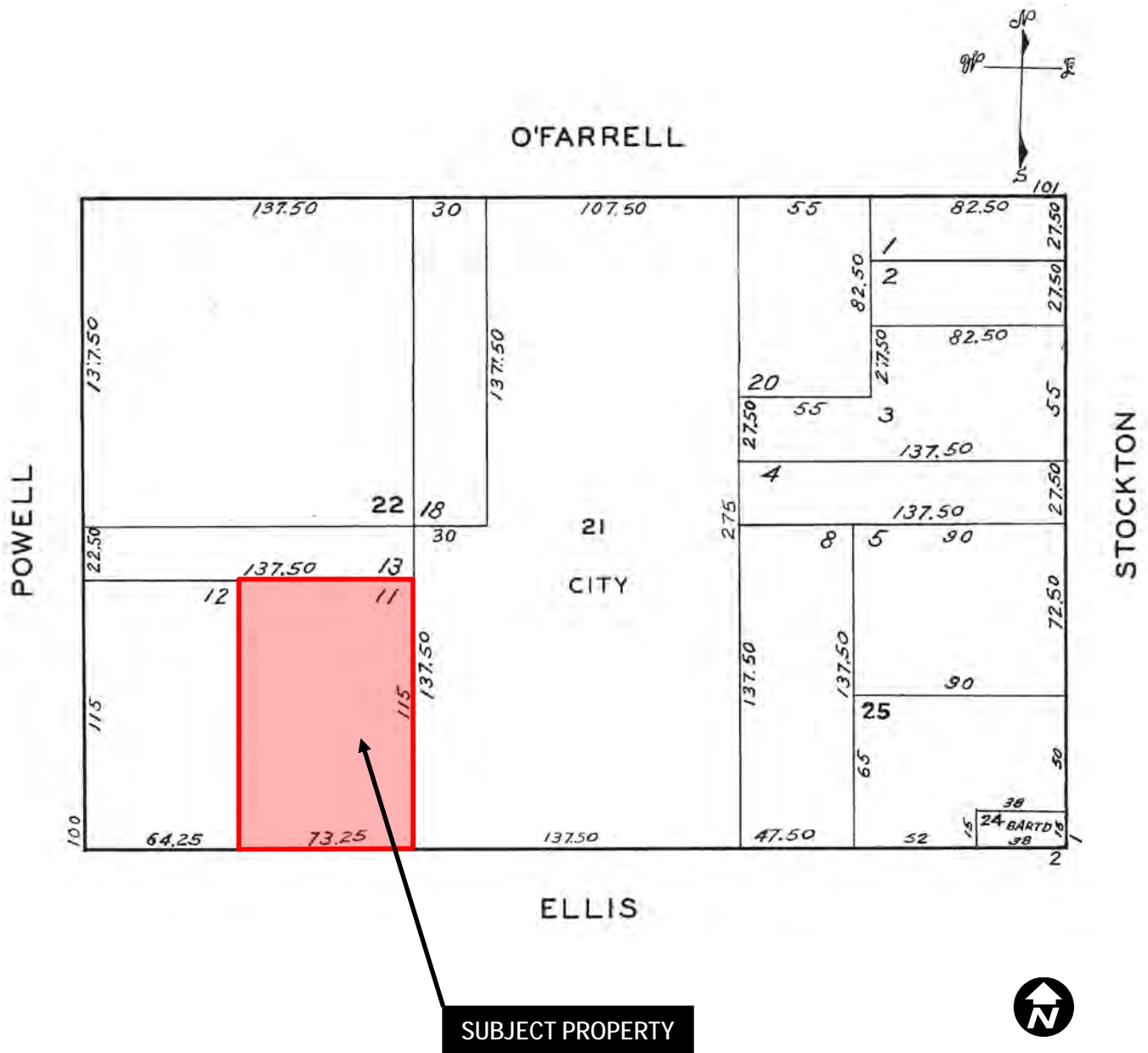
Project Sponsor's Letter to the Planning Commission (dated June 26, 2015)

Project Sponsor's Compatibility Analysis with the Conservation District

Original Motions of Approval (18954, 18955, 16283, and 16284)

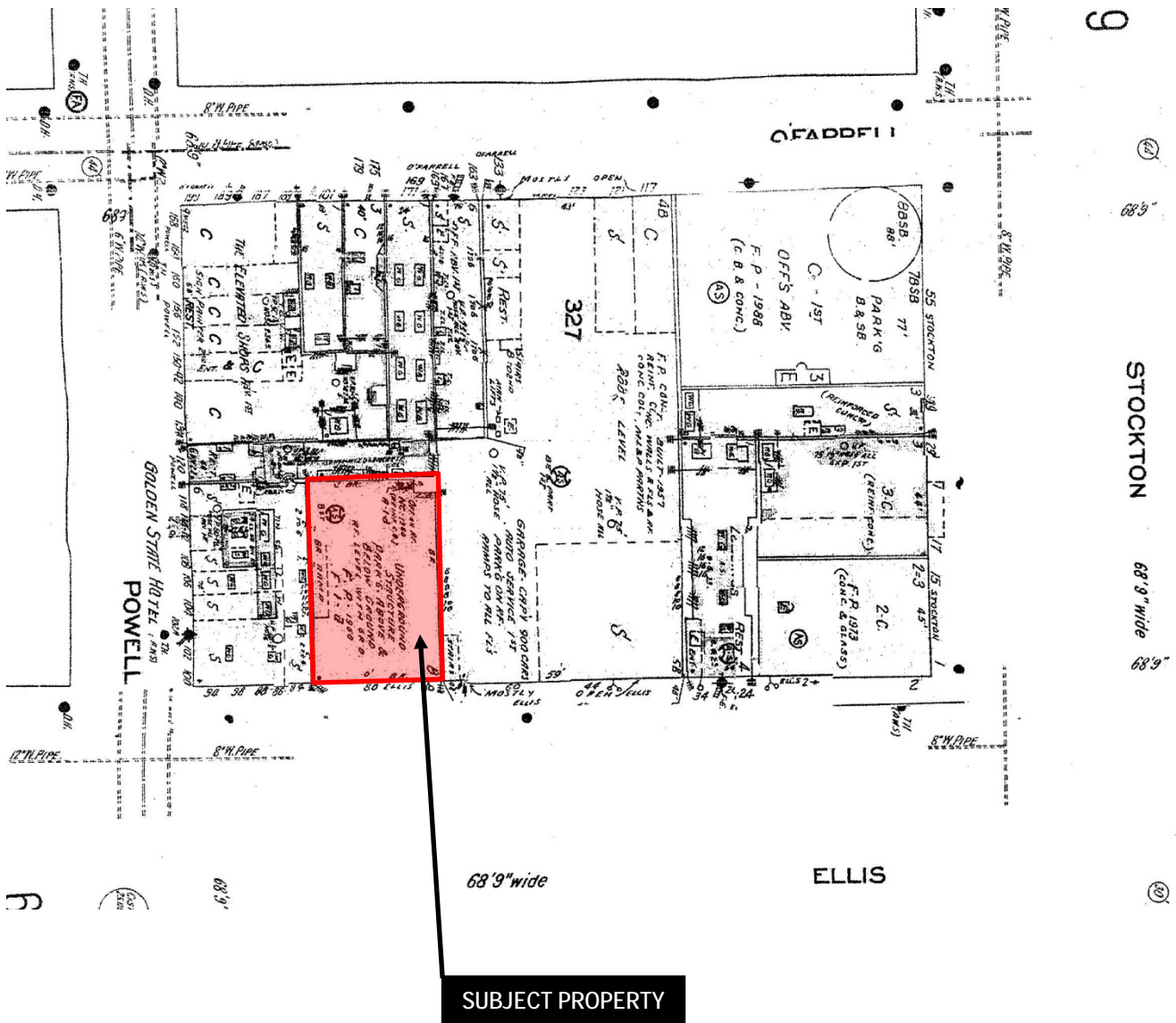
Project Sponsor Submittal Package (11"x17" plans; updated architectural drawings by Handel Architects)

Parcel Map



Informational Item
Case Number 2013.0180CX
72 Ellis Street

Sanborn Map*

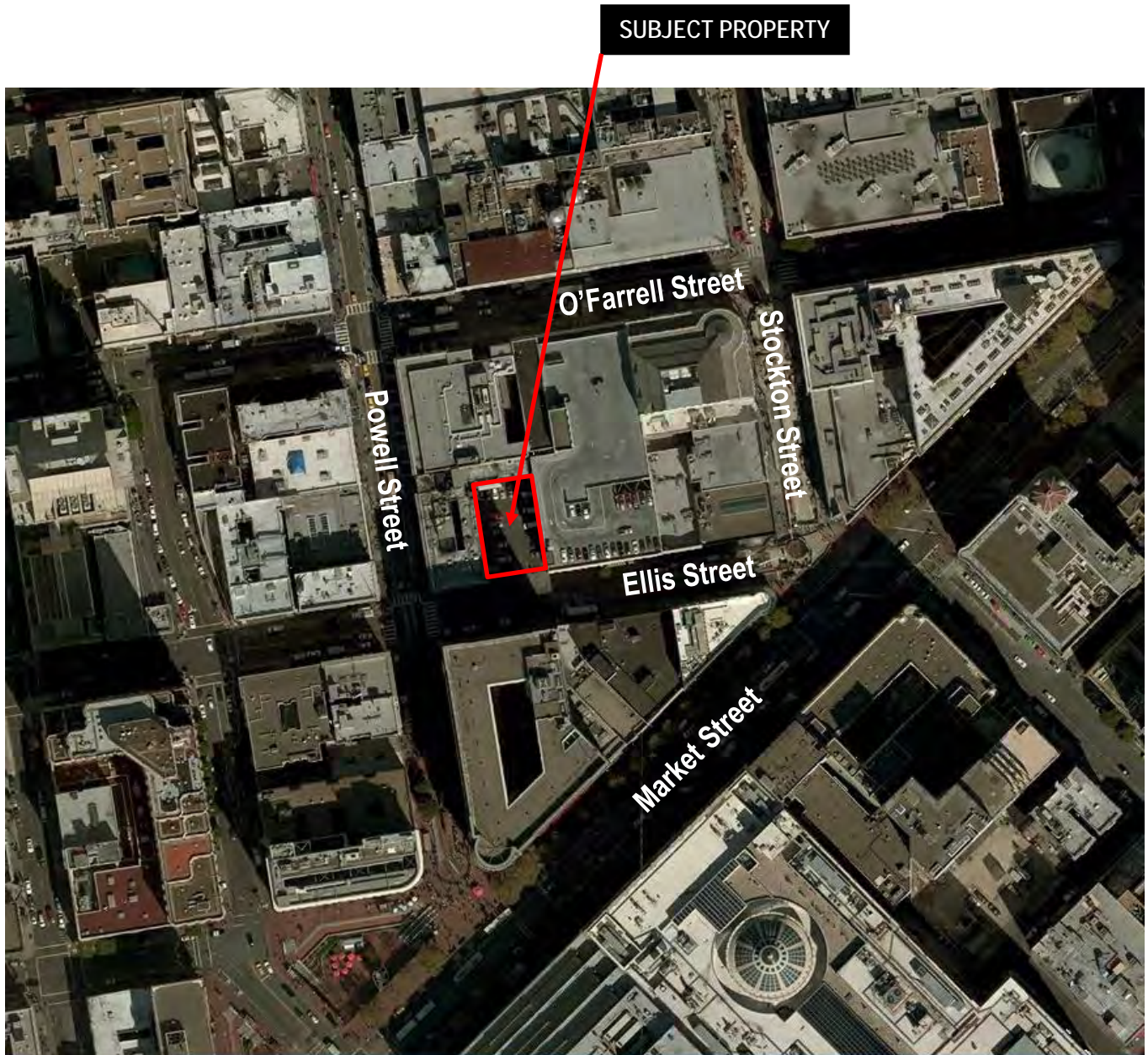


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Informational Item
Case Number 2013.0180CX
72 Ellis Street

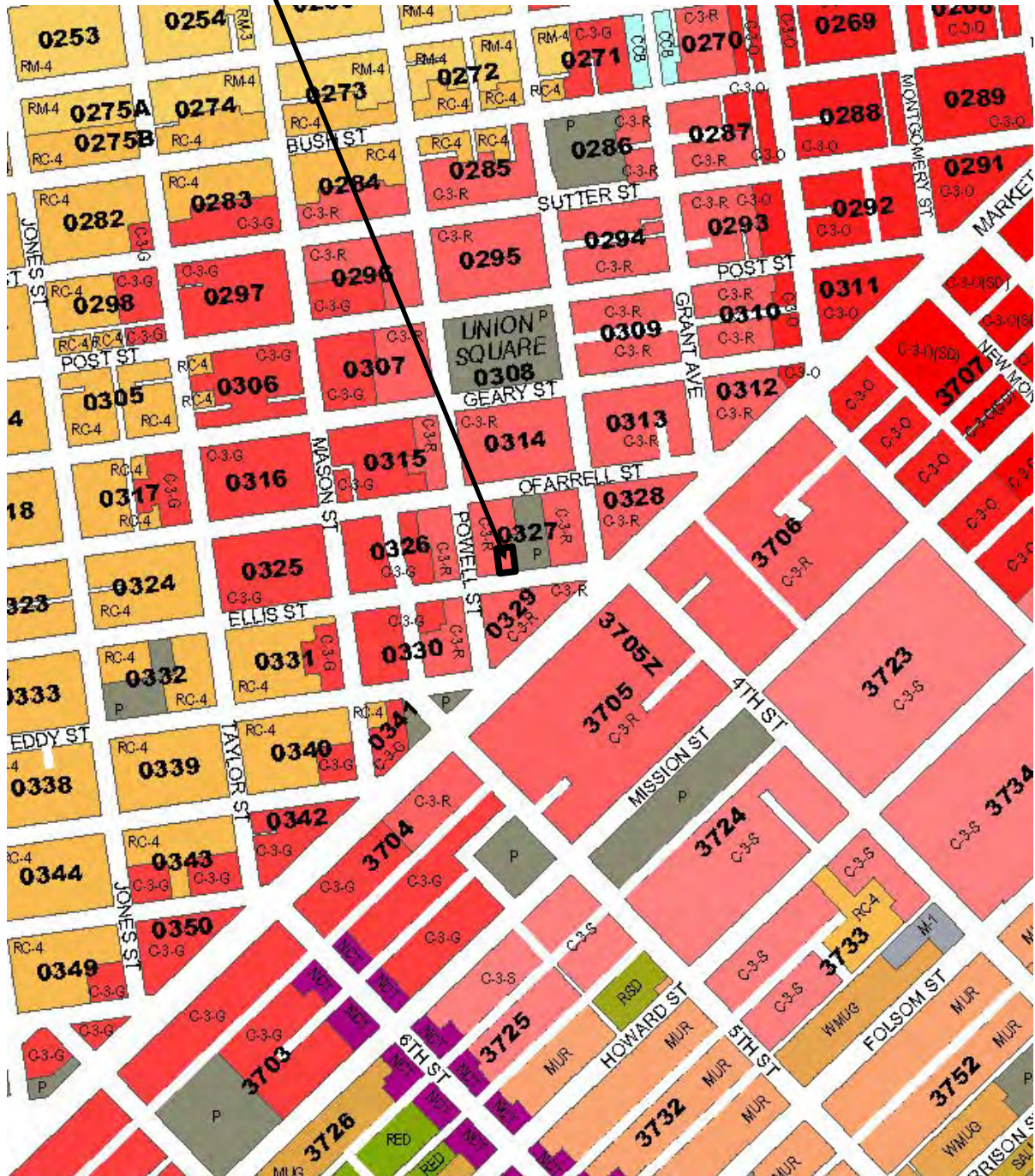
Aerial Photo



Informational Item
Case Number 2013.0180CX
72 Ellis Street

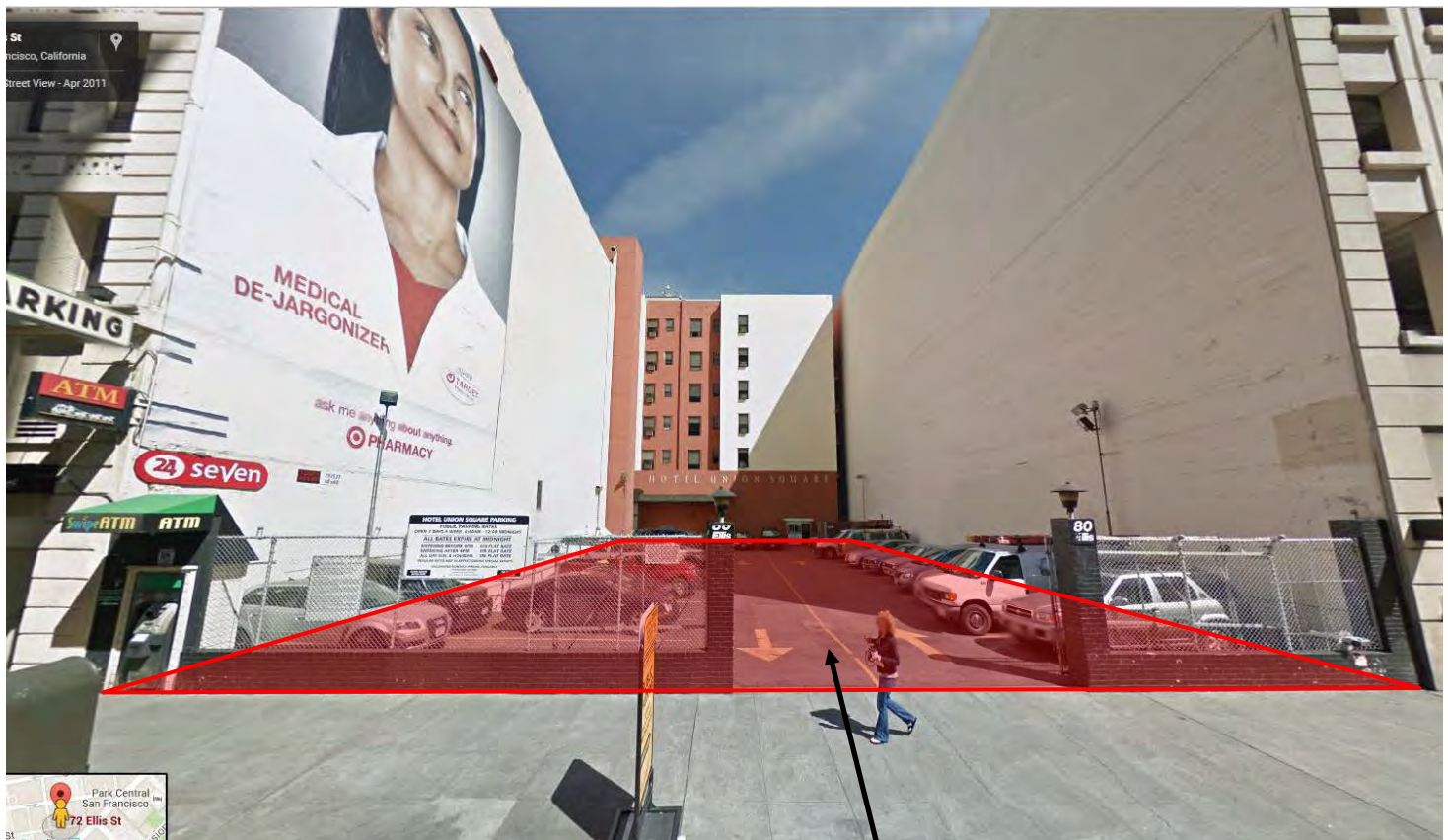
Zoning Map

SUBJECT PROPERTY



Informational Item
Case Number 2013.0180CX
72 Ellis Street

Site Photo



SUBJECT PROPERTY

Street View of 72 Ellis Street (view from Ellis Street)

Informational Item
Case Number 2013.0180CX
72 Ellis Street



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: July 8, 2015

TO: Architectural Review Committee of the
Historic Preservation Commission

FROM: Eiliesh Tuffy, Historic Preservation Technical Specialist
(415) 575-9191

REVIEWED BY: Tim Frye, Preservation Coordinator
(415) 575- 6822

RE: **Review and Comment: 72 Ellis Street**
Case No. 2000.0383CX

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BACKGROUND

On November 15, 2001, the Planning Commission approved a project (Case No. 2000.383CX) to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk District, a bulk exception, and a height extension for a vertical extension.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for two years (Motions 18954 and 18955), subject to the conditions of the original approval of the Project. This extension is set to expire on August 15, 2015.

One of the conditions of approval required final design review by the Architectural Review Committee (ARC) as part of the Planning Department's review of the project.

PROPERTY DESCRIPTION

72 ELLIS STREET is a vacant lot within the C-3-R (Downtown – Retail) zoning and 80-130-F Height and Bulk districts. The subject property (measuring approximately 74'W x 115'D) is located on the north side of Ellis Street, between Powell and Stockton streets. The lot falls within the boundaries of the Kearny-Market-Mason-Sutter Conservation District. It is currently used as a parking lot.

PROJECT DESCRIPTION

The proposed project is for the construction of a new 11-story building over a single basement level, with the following uses and details:

- *Basement support spaces:* The project would not include parking on the lot. The basement space is dedicated to mechanicals and other service space to support the building's hotel use. There is no parking proposed on this lot
- *Active ground floor uses:* The project would concentrate commercial retail use on the bottom two stories of the building, with a hotel entrance located in the far right bay of the façade. The hotel is planned with a raised lobby and fitness area on the second floor.
- *Hotel with Roof Terrace:* Floors 3—11 would contain hotel rooms with a rooftop viewing terrace above.

The proposed building would amount to approximately 76,000 square feet. Of that amount, 25,000 square feet are being acquired through a Transfer of Development Rights.

The proposed project appears to meet the requirements of the Planning Code for the C-3-R zoning district, pending the submittal of a site permit for verification.

ENVIRONMENTAL REVIEW

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was

prepared and published for public review. On November 15, 2001, the Planning Commission ("Commission") reviewed and considered the Final Mitigated Negative Declaration ("FMND") and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which was made available to the public and the Commission for the Commission's review, consideration, and action.

Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

STAFF ANALYSIS & RECOMMENDATIONS

At the Planning Commission's request, and in accordance with the Conditions of Approval for the project, the Department seeks comment from the ARC regarding the final design proposal, as outlined in the revised architectural drawings dated July 15, 2015.

Since the August 13, 2015 Planning Commission Hearing, the Project Sponsor has made the following modifications to the proposed project:

- Eliminated the projecting cornice between the 7th and 8th floors, which had aligned with the adjacent buildings' rooflines;
- Increased the amount of active ground floor commercial use from one story to two stories, with added, large-scale glazing on the second floor as a unifying element;
- Reorganized the overall composition of the façade into three distinct bays using continuous vertical piers and a hierarchy of forms ;
- Altered the fenestration, using a regular pattern of vertical mullions as a secondary means of emphasizing the building's verticality;
- Minimized the height ratio of the contemporary cornice element, where the rooftop viewing terrace is located;

- Redesigned the storefront system to include an upper transom division and an 18" lower bulkhead;

The Department would like the ARC to consider the following information in its review of the Project Sponsor's preferred design, labeled as "Version 2":

Massing, Composition & Scale

While the overall scale and massing of the building remains unchanged, the Project Sponsor has altered the composition of the façade from the original entitlement design.

Recommendation

Department staff determined the proposed massing and composition of the project is compatible with the character of the district. The delineation of the interior building function is expressed through the treatment of the façade. The use of a distinct base, tower and contemporary cornice element are in keeping with three-part vertical compositions found throughout the district. Likewise, the building's fenestration at the upper floors both draws upon the vertically oriented massing identified as an important characteristic of the district and provides a uniform treatment of the upper stories. With the exception of the recessed hotel entrance and associated loading zone, the building is designed to extend out to the front property line to meet the prevailing block face and in compatibility with other commercial storefronts in the district. Located directly across from the 11-story Flood Building, the scale relates to the higher density department store and hotel buildings in the district, and is in keeping with the 1:2 width-to-height massing ratio in the district. The Department seeks the input of the ARC on the massing, composition and scale of the revised design proposal.

Roofline

The Project Sponsor has altered the proportions of the contemporary, open cornice element in the revised façade design.

Recommendation

Department staff determined the proposed contemporary, open cornice element in its current proportion, which is lower in overall height than in the original entitlement design, is compatible with the features of the district. The shorter proportion at the top floor, particularly in the overall context of the tripartite façade is more in keeping with the proportion of historic roofline cornices found throughout the district. The open-frame structure, which incorporates a band of negative space at the top of each vertical bay, is a design approach that references historic cornices in the district while maintaining transparency at the rooftop viewing terrace. No revisions recommended.

Ground Floor

The Project Sponsor has altered the base of the building to visually unify the lower two floors planned for commercial use and to incorporate characteristics found within the district.

Recommendation

Department staff determined that a unified design for the two-story building base and a historic storefront composition at the ground floor level are compatible with the character defining features of the district. The larger glazing at the base is indicative of commercial storefronts in the historic retail sector. The entrances for the two separate building uses are pulled to the outer bays and feature recesses, in keeping with the placement of ground floor entrances throughout the district. Dimensions for the lower storefront bulkhead have been proposed at 18" in height, but a larger bulkhead might be suitable for the size of the overall storefronts.

Materials

The Project Sponsor has submitted preliminary materials for consideration and is proposing a textured porcelain tile rain screen in a light buff color as the primary exterior cladding. Similar tiles, of variegated gray tones are proposed for the hotel entrance surround. Glass spandrel panels are proposed between floors. Metal architectural details are proposed to define the three vertical structural bays, the vertical mullions, and for the ground floor canopy. The bays and canopy are proposed to be painted blue/black and the vertical mullions painted a champagne/gold color, both with a metallic finish to the paint. The storefronts are proposed to be finished in the blue/black paint selection.

Recommendation

Department staff recommends high-quality, durable materials for the building's exterior cladding. A non-reflective, matte paint finish should be specified for the metal materials on the building, which is more in keeping with metal building components in the district. Materials, as they will appear on the larger expanses of the east and west elevations should also be considered. Final material boards, which relate to the district's characteristic masonry materials and color palette, should be reviewed and approved by Preservation staff.

REQUESTED ACTION

The Department seeks comments on the proposed project's conformity with the *Secretary of the Interior's Standards for Rehabilitation* in relation to the character of the Kearny-Market-Mason-Sutter Conservation District and its compatibility with Appendix E to Article 11 of the Planning Code. Specifically, comment is requested on the following final design elements:

- Overall Massing, Composition and Scale of the revised design, "Version 2"
- Preferred ground floor bulkhead treatment
- Preliminary materials palette

ATTACHMENTS

- Project Sponsor Cover Letter;
- Project Sponsor's Compatibility Analysis with the Conservation District; and,
- Architectural Drawings by Handel Architects (July 15, 2015)

REUBEN, JUNIUS & ROSE, LLP

June 26, 2015

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 72 Ellis Street
Planning Department Case no. 2000.0383CX
Informational Hearing Date: July 16, 2015
Our File No.: 8802.01

Dear President Fong and Commissioners:

Our office represents Highgate Hotels (“**Highgate**”), the new owner of 72 Ellis Street, Assessor’s Block 0327, Lot 011 (“**Property**”). The Property is an 8,420-sf lot approx. one block from Union Square that is currently improved with, and operated as, a surface parking lot. Highgate recently purchased the Property with the intent of building the previously approved project consisting of new construction of an 11-story, approx. 76,600-sf building with 156 hotel rooms, lobby, small accessory meeting rooms and ground floor restaurant space (“**Project**”).

Informational presentation: The Project is being presented to the Planning Commission as an informational item in order to show the updated and refined design prior to the Planning Department staff approval of the Project’s site permit application.

Original approvals: The Project was approved by the Planning Commission on November 15, 2001 with the approval of a conditional use authorization (motion no. 16283) and Section 309 authorization (motion no. 16284) (“**Original Approvals**”). The prior Property owner/Project sponsor did not move forward with the construction of the Project, and thus the Original Approvals have been extended by the Planning Commission several times (in December 2004, March 2010 and August 2013).

Highgate purchase: Highgate purchased the Property in May 2015 with the intent of building the approved Project pursuant to the attached, refined plans. Highgate has over 25 years of experience in the hotel industry and currently has 80 properties with approx. 29,000 hotel rooms under its management, including several in San Francisco. Highgate has a large network of industry partnerships and extensive experience operating both branded and independent hotels. Highgate is also experienced in the development of hotels, from new construction to renovation projects, including several currently pending or recently completed hotels in New York.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny | David Silverman
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Highgate's progress towards construction of the Project: Highgate purchased the Property with the intent of building the approved Project pursuant to the attached, refined plans as soon as possible. In the short amount of time since Highgate's purchase of the Property, several important steps have already occurred in preparation for the construction of the Project. Highgate engaged Handel Architects to prepare updated Project plans, including the necessary plans for the submittal of the site permit application. Highgate team has met with Planning Department staff several times in order to obtain feedback on the refinement of the previously approved Project design, and in order to proceed with the informational hearings before the ARC and the Planning Commission (with the former occurring on July 15, 2015, the day before the Planning Commission hearing).

The Project requires Transferable Development Rights ("**TDR**"), and Highgate has not only located and negotiated the purchase of the necessary TDR, but it is already in the process of executing the purchase and sale agreements for the TDR within the next week or so.

Construction of the Project and shortage of tourist hotel rooms: The Project provides many benefits to the City, including the elimination of an underutilized, surface parking lot, and the construction of a much needed large tourist hotel with the addition of 156 rooms to the City's hotel supply. Approx. seven (7) years ago, the Board of Supervisors adopted Tourist Hotel Conversion Ordinance (Ord. 41-08) due to a concern about the potential loss of existing tourist hotel rooms. On March 1, 2009, the Planning Commission adopted a baseline inventory of all of the large tourist hotels (consisting of those with more than 100 rooms), which was subject to annual inventories thereafter. The baseline inventory provided for 27,926 tourist hotel rooms in 92 hotels. There have yet to be any changes to the number of hotel rooms listed in the baseline inventory, since no new large hotels have opened since the 2009 baseline.

Concurrently, the annual tourist hotel occupancy rates have steadily increased so that when the Original Approvals for the Project were granted in 2001, the annual occupancy rate for the year was 61.5%, followed thereafter by a steady incline to approx. 75% by mid-2000's, and exceeding 80% for the last year years, with the 2014 occupancy rate at 84.1%¹.

With Highgate's hotel expertise, resources and the objective of constructing and opening the hotel as soon as possible, the Project will be built and the benefits associated with the Project will be realized. Highgate welcomes any feedback the Commissioners might have and is looking forward to constructing the previously approved Project with the refined design that is presented in your packets.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Tuija I. Catalano

¹ Source for San Francisco annual historical market occupancy rates: PKF Consulting USA

cc: Vice President Cindy Wu
Commissioner Michael Antonini
Commissioner Rich Hillis
Commissioner Christine Johnson
Commissioner Kathrin Moore
Commissioner Dennis Richards
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Jonas Ionin – Commission Secretary
Nicholas Foster – Project Planner
Paul McElroy – Highgate
Glenn Rescalvo – Handel Architects
Carey Chu – Handel Architects

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Project description:

The project involves a previously approved project for the construction of an 11-story hotel with approx. 156 tourist hotel rooms on a site that is currently used as a surface parking lot. The project was approved by San Francisco Planning Commission under Planning Department case no. 2000.0383CX with the approval of a conditional use authorization (Motion no. 16283) and Downtown 309 determination (Motion no. 16284) on November 15, 2001, and has been extended multiple times thereafter on December 9, 2004, March 25, 2010 and August 15, 2013. The project sponsor, Highgate Hotels, recently purchased the site with the intent of building the approved project with few minor revisions, including refinements to the project design presented in the ARC packages. The primary revision to the project program includes ground and second floor retail uses in lieu of the originally anticipated ground and basement level restaurant uses, without any impact to the approved tourist hotel room count or to the approved building envelope. The hotel rooms on levels 3-11 are provided with a smaller entry on the ground level with an actual lobby on the second level in order to maximize active uses on the ground level consistent with the surrounding Union Square neighborhood.

Kearny-Market-Mason-Sutter Conservation District compatibility analysis:

The proposed new building at 72 Ellis Street is an approved, but yet to be constructed, building and thus the overall design for the proposed building that is included in the ARC packets consists of a refinement of the previously approved project/design and not a new proposal. Selected plans and elevations for the previously approved and entitled design have been included in the ARC packets. The design for the proposed 72 Ellis building is compatible with the character of the Kearny-Market-Mason-Sutter Conservation District as described in Appendix E of Article 11 of the Planning Code as follows:

General:

- The proposal respects the character-defining features within Kearny-Market-Mason-Sutter Conservation District by relating to the prevailing height, mass, proportions, rhythm and composition found within the District;
- The project involves a new building to be constructed on an existing surface parking lot, and thus has no direct impact on, and does not remove or otherwise irreversibly alter, any existing historic buildings or distinctive materials that characterize the Kearny-Market-Mason-Sutter Conservation District;
- The proposed design will use modern materials and will be recognized as a physical record of its own time, place and use, as differential from, yet compatible with, the character of the surrounding Conservation District;

Scale and massing:

- The scale and massing of the proposed façade is consistent with the Kearny-Market-Mason-Sutter Conservation District and the subject block. The façade will be built-out up to the front property line, which matches with the prevailing street wall along Ellis Street, is consistent with vast majority of buildings in the Conservation District and eliminates the current gap along Ellis Street frontage due to the site's present use as a surface parking lot;

- Building façades in the District are often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the façade with bay widths typically ranging from 20-30 feet. The façade for 72 Ellis has been broken-up into three bays with a width of 23 feet each, consistent with the typical bay widths and overall pattern found on buildings in the surrounding area;
- The District features also include façades that are two- or three-part vertical compositions consisting of either a base and a shaft, or a base, a shaft and a capital. The proposed façade includes a base element that corresponds with the retail and pedestrian environment with an appropriate ground-floor height that relates well to the surrounding ground-floor levels. Above the base, the shaft element is capped by an architectural semi-enclosed trellis element surrounding the rooftop terrace and providing partial spatial containment thereto;
- The overall building height is consistent with the height designation for the property and the actual conditions existing within the subject block, which includes a variety of building heights, including a 12-story retail/office building immediately across the street from the property at 30-80 Powell Street;
- The project's scale is broken down to smaller parts by detailing and fenestration that relates to human scale. The design relates to the adjacent 6-story buildings (i.e. the hotel building at 120 Powell Street and the parking garage at 121-133 O'Farrell) with the use of appropriate vertical cornice line matching with the roof lines for the adjacent buildings;

Materials and Color:

- The project uses materials that relate to the surrounding buildings, including tile, metal and glass. The ground floor will feature primarily glass material with some metal edging/base for the retail frontage and with stone tile for the hotel entry portion. Overall, the colors are traditional light, including some grey, colors in order to blend with the character of the District; and

Detailing and Ornamentation:

- The project relates to the surrounding area by picking up elements and developing them. The cornice lines provide for simple, slightly projecting features in the modern vernacular instead of more ornate traditional styles.

For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 11, including the criteria of Appendix E of Article 11, and Section 1113 of the Planning Code.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion 18954

HEARING DATE: AUGUST 15, 2013

Date: August 1, 2013
Case No.: **2013.0180CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: James A. Reuben
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy– (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY-APPROVED CONDITIONAL USE AUTHORIZATION TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. ("Project Sponsor") submitted a request with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting

rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved (collectively, "Project", Case No. 2013.0180CX).

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("Commission") reviewed and considered the Final Mitigated Negative Declaration ("FMND") and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105C, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180C. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period pursuant to Application No. 2013.0180C, modifying the previous Conditional Use authorization approved by Motion No. 16283, subject to conditions contained in EXHIBIT A, attached hereto and incorporated by reference, 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 is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Proposed Project.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to August 15, 2016). The project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
5. **Public Comment.** The Planning Department has received several communications in support of extending the performance period for the Project.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 16283, as though fully set forth herein.
7. 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.

8. The Commission finds that, given the weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16283 to extend the performance period of the Project to August 15, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to the performance period of the Project in this case 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 Application No. 2013.0180C**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 16283, as amended by this approval to extend the performance period of the project to August 15, 2015, which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2013.0180C.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

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 shall be the date of this Motion if not appealed 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.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis, Moore, Sugaya, Wu

NOES:

ABSENT:

ADOPTED: August 15, 2013

Exhibit A

Conditions of Approval

This authorization is modify the previous approval granted by Motion No. 16283 to extend the performance period of the project to August 15, 2015, for a project located at 72 Ellis Street, Lot 011 in Assessor's Block 0327, within the C-3-R District, the 80-130F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District, to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, subject to conditions of approval reviewed and approved by the Commission on November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No 18954. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. The Project shall be completed in general conformity with the plans dated labeled "Exhibit B" on file in Case Docket 2013.0180C, except as modified herein.

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 November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No. 18954.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18954 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 and Expiration.** The authorization and right vested by virtue of this action is valid for two years from the effective date of the Motion (until August 15, 2015). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within two (2) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than two (2) years has passed since the Motion was approved.

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

DESIGN – COMPLIANCE AT PLAN STAGE

2. **Final Design.** The Project Sponsor shall continue to work with Planning Department on the building design. The plans submitted for site permit shall be reviewed and approval by Department staff, including Preservation staff. The plans shall be presented at informational hearings before the Planning Commission and the Architectural Review Committee of the Historic Preservation Commission prior to approval by Department staff.

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

1650 Mission St.
Suite 400
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CA 94103-2479

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415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18955

HEARING DATE: AUGUST 15, 2013

Date: August 1, 2013
Case No.: **2013.0180CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: James A. Reuben
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy– (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY-APPROVED DOWNTOWN PROJECT AUTHORIZATION AND REQUESTS FOR EXCEPTIONS UNDER PLANNING CODE SECTION 309 TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. ("Project Sponsor") submitted a request with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and

construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved (collectively, "Project", Case No. 2013.0180CX).

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("Commission") reviewed and considered the Final Mitigated Negative Declaration ("FMND") and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180X. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period pursuant to Application No. 2013.0180X, modifying the previous Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, as approved by Motion No. 16284, subject to conditions contained in EXHIBIT A, attached hereto and incorporated by reference, 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 is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Proposed Project.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to August 15, 2016). The project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
5. **Public Comment.** The Planning Department has received several communications in support of extending the performance period for the Project.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 16284, as though fully set forth herein.

7. 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.
8. The Commission finds that, given the weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16284 to extend the performance period of the Project to August 15, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to the performance period of the Project in this case 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 Application No. 2013.0180X**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 16284, as amended by this approval to extend the performance period of the project to August 15, 2015, which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2013.0180X.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Downtown Project Authorization 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 or call (415) 575-6880.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis, Moore, Sugaya, Wu

NOES:

ABSENT:

ADOPTED: August 15, 2013

Exhibit A

Conditions of Approval

This authorization is modify the previous approval granted by Motion No. 16284 to extend the performance period of the project to August 15, 2015, for a project located at 72 Ellis Street, Lot 011 in Assessor's Block 0327, within the C-3-R District, the 80-130F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District, to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, subject to conditions of approval reviewed and approved by the Commission on November 15, 2001 under Motion No. 16284, as amended by the Planning Commission on August 15, 2013 under Motion No 18955. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. The Project shall be completed in general conformity with the plans dated labeled "Exhibit B" on file in Case Docket 2013.0180X, except as modified herein.

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 November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No. 18955.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18955 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 and Expiration.** The authorization and right vested by virtue of this action is valid for two years from the effective date of the Motion (until August 15, 2015). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within two (2) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than two (2) years has passed since the Motion was approved.

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

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16283

**ADOPTING FINDINGS RELATING TO THE AUTHORIZATION OF A CONDITIONAL
USE FOR A HOTEL WITH FEWER THAN 200 ROOMS PURSUANT TO SECTION 303
IN A C-3-R (DOWNTOWN RETAIL) DISTRICT AND A 80-130-F HEIGHT AND BULK
DISTRICT, ASSESSOR'S BLOCK 0327, LOT 011.**

RECITALS

1. On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. ("Project Sponsor"), filed with the City and County of San Francisco Planning Department ("Department"), an Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
2. On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Project Sponsor, filed with the Department an amendment to the Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was released in October 13, 2001. No appeal was filed and a final Negative Declaration was approved on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. On October 25, 2001, notice of the hearing on the Application was posted.
5. On November 15, 2001, the Commission conducted a duly noticed public hearing on the Application.
6. The Department and the Commission have reviewed and considered the information contained in the Final Negative Declaration in accordance with the requirements of CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
7. The Commission has also had available to it for its review and consideration the Case Report, studies, letters, plans and other materials pertaining to the Project in the Department's case files, has reviewed and heard testimony and has received materials from interested parties during the public hearings on the Project.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site/Present Use**

The project site is two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, just east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 sq. ft.

The existing use of the project site is an attendant-operated surface parking lot with one level of underground parking, with an overall capacity of 75 spaces. About 22 spaces are currently allocated for overnight use by the Hotel Union Square. About 13 spaces are used for hotel guest parking during the daytime, and the remaining 62 spaces are open to public use during the day. The parking lot would be demolished to accommodate the proposed hotel.

3. **Nature of Project**

The proposed project would consist of the demolition of the existing parking lot with basement and the construction of a hotel, which will be called the M31 Hotel. The façade of the M31 comprises a base of light-colored stone topped by a series of glass and masonry window divisions, each two stories in height. Its architects, designer Michael Gabellini in association with local architect Piero Patri, have designed a forward-looking, completely modern structure that consciously and effectively responds to the design guidelines of the Kearny-Market-Mason-Sutter Conservation District by combining classic architectural elements with a new modern design. The project will enhance the overall streetscape while making a refined and distinguished architectural statement. Dramatic lighting will illuminate the interior and exterior of the hotel, highlighting the restaurant, lobby, lounge areas, the rooftop view terrace, and the guest rooms themselves. The M31 Hotel will utilize natural elements such as water, landscaping, wood, and stone on the interior of the building in areas that will be visible from the exterior, adding warmth and interest to the streetscape.

The proposed 11-story, 125-ft.-tall structure would have 156 rooms, and a semi-enclosed trellis structure on the roof would rise to 146 feet. A basement level, of approximately 5,730 sq. ft., would contain service and mechanical rooms, storage areas, and a restaurant kitchen. The ground floor (first floor) would contain about 2,400 sq. ft. of restaurant space and a lobby/salon area of approximately 1,940 sq. ft. The main lobby would be double height. The ground floor would also include a meeting room/lounge of approximately 600 sq. ft. and a reception area/office space of approximately 380 sq. ft. A business center of

about 400 sq. ft would be on the second floor. Both the conference room and the business center would be for guest use. Floors 2 through 11 would contain 156 hotel rooms; 131 standard rooms ranging from 280 to 310 sq. ft.; 21 executive rooms ranging from 340 to 370 sq. ft.; and four business suites of approximately 450 sq. ft. Executive rooms would be similar to standard hotel rooms, but slightly larger with additional desk space. Business suites would be larger still, with separate sitting and bedroom areas.

The roof would contain a publicly accessible view terrace of approximately 2,780 sq. ft. near the south-facing facade. A semi-enclosed trellis structure would surround the rooftop terrace. In conformance with the General Plan guidelines for publicly accessible rooftop view terrace open spaces, the proposed terrace would also include some form of food service to enliven the space. The rooftop would also contain mechanical equipment screened from view.

The building would be built out to the sidewalk to match the prevailing street wall along Ellis Street (see Figure 5, Front Elevation, and Figure 6, East Elevation). The front elevation would have two-story masonry (most likely Indiana or French limestone) and glass wall divisions above the ground floor. Windows would be recessed 1'-0" to 3'-0" behind the masonry frame. A masonry cornice would project approximately three feet from the facade at the 83-foot elevation level, continuing the cornice line of the adjacent buildings. To further accentuate the cornice line, windows above the 83-ft. elevation (8th to 11th floors) would be recessed further behind the structural frame than those windows below. The ground floor facade walls would be clad in a light-colored stone or similar material, possibly with a granite base. Window and doorway glazing along the length of the building at ground level would be nearly continuous. A canopy would extend over the sidewalk at the hotel entrance.

A 70.5-ft.-long loading zone on the 73-ft.-wide Ellis Street frontage is proposed to provide for passenger and freight loading. With approval from the Department of Parking and Traffic (DPT), most of the existing red zone along the site frontage would be redesignated a white zone to accommodate passenger and freight loading. Approximately 2.5 ft of the curb at the eastern edge of the site frontage would remain red to facilitate vehicles exiting from the Ellis/O'Farrell garage. In addition, pavement markers, such as reflective "dots," would be placed between the garage and the proposed loading zone to discourage drivers leaving the garage from entering the loading area.

An existing sidewalk elevator on Ellis Street within the Hotel Union Square frontage, just west of the project site frontage, is proposed by the project sponsor to be relocated approximately eight feet to the east to provide direct service access to the M-31 Hotel basement. The Hotel Union Square is also owned and operated by the M-31 Hotel Project Sponsor. The sidewalk elevator would be linked within the basement of the M-31 Hotel. After relocation, the elevator opening in front of the Hotel Union Square would be sealed with concrete to match the surrounding sidewalk. In the event that the relocated sidewalk elevator is not permitted by the Department of Parking and Traffic, the Department of Public Works, or the Planning Department, the existing sidewalk

elevator would be reused, with a basement level connection to the M-31 Hotel. This option is complicated by the fact that it would require a grade change at the basement level due to the location of an existing underground sewer line which runs perpendicular to the front property line between the M-31 Hotel site and the Hotel Union Square, and thus may be cost-prohibitive. As a final option, the Project Sponsor is investigating the feasibility of the hotel being serviced through an entrance on the ground floor on the west side of the building frontage. An internal lift would access the hotel basement in this location. However, this last option is not optimal for the aesthetic or functional considerations of the ground floor street frontage, as it would detract from the clean and consistent composition of masonry and glass material, and could cause conflicts between pedestrians entering the restaurant, as well as delivery activities which would then have to cross the main path of pedestrian travel along the sidewalk. The street elevator as it is currently positioned at the curbside minimizes pedestrian conflict by not forcing deliveries to cross the entire width of the public sidewalk.

The total floor area of the project would be 76,600 sq. ft. and the FAR would be 9.0 to 1. Achieving this 9.0 FAR would require the use of approximately 25,000 square feet of transfer of development rights. Construction of the project is anticipated to begin in Spring 2002. The construction period, including demolition, would take approximately 15 months.

The Project Sponsor, Personality Hotels, Inc., has agreed to implement the following measures as part of the project: (1) hire a full-time staff person (valet) to manage the curbside passenger and freight loading activities (seven days a week from 7:00 AM to 11:00 PM), such that no vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities, and (2) during project construction, limit construction truck traffic between 9:00 AM and 3:00 PM to minimize disruption of the general traffic flow on adjacent streets during peak hours.

A Shadow Analysis under Planning Code Section 295 (Proposition K) has found that no new shadows would be cast on any property under the jurisdiction of the Recreation and Parks Commission.

With respect to hazardous materials, as referred in the Preliminary Negative Declaration, a Phase I Environmental Site Assessment of the property concluded that there were no conditions existing on the site which could be considered hazardous.

The Landmarks Preservation Advisory Board ("Landmarks Board") has reviewed the Project on an informational basis and is in support of the proposed Project.

San Francisco Heritage reviewed the Project on September 4, 2001, and supported the design as presented to them at that time.

A Preliminary Negative Declaration was released on October 13, 2001. No appeal was filed, and a final Negative Declaration was approved on November 2, 2001.

4. **Conditional Use Standards**

The Project requires Conditional Use Authorization for a hotel in a C-3-R district.

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission must find that the facts presented are such to establish the findings stated below.

- (A) That 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:

The neighborhood and community for the proposed project is the hotel, retail and convention area of San Francisco, including Union Square, Yerba Buena Gardens, and the Moscone Convention Center. The convention facilities have represented a major investment for San Francisco, and have served to increase the number of visitors to the City. By providing hotel rooms for visitors to the area and to San Francisco, the proposed project is desirable for, and compatible with, the neighborhood and the community. In addition, the hotel will generate funds for the City in the form of the Transient Occupancy Tax. Hotel guests will also support downtown retail establishments in the Union Square area.

- (B) That such 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:

- (1) The nature of the proposed site including its size and shape, and the proposed size, shape and arrangement of structures;

The existing site is a parking lot in a built-up area. The proposed project will provide a lively street presence by its ground level pedestrian interaction, including a restaurant and the hotel entrance. The building's proposed size and shape is consistent with the general area and will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

- (2) 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;

The site is well served by a broad range of public transportation services, being within several blocks of BART, Muni Metro, Muni, and the Powell cable car line.

The location will discourage the use of the private automobile by employees and visitors to the site. Guest parking for those visitors arriving by automobile would be provided by valet services that would use available parking spaces at the Hotel Metropolis parking lot at 25 Mason Street, which is also owned by the project sponsor.

The Project is not required to provide any off-street parking or off-street loading. A 73-foot wide loading zone in front of the proposed hotel would provide for passenger and freight loading. The Transportation Study and Negative Declaration establish that this loading area will be sufficient for these purposes. An existing or relocated sidewalk service elevator on Ellis Street would provide freight service for the proposed project. Use of this sidewalk elevator will generally occur in morning hours, when pedestrian traffic is light.

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

The structure will be occupied by hotel and restaurant uses, which by their nature do not create unusual noise, glare, dust or odor. In any event, the Project will comply with all regulations regarding noise, glare, dust and odor. The structure will utilize non-reflective glass. Additionally, regarding noise and dust during construction, any required environmental mitigation measures during construction will be carefully followed.

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

The site currently includes neither landscaping nor street trees. The proposed project will be increasing the amount of on-site landscaping. This will be provided by including greenery on the open space on the roof, and at the street level. Signs will be appropriately designed, and in conformance with the Sign Ordinance. New sidewalk improvements will include a minimum of four street trees and new black micro-fleck sidewalk paving.

- (C) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The property is located in a C-3-R Zoning District. Hotels are permitted as a conditional use. The proposed project will comply with the applicable provisions of the Planning Code and is consistent with relevant objectives of the General Plan, including, among others, the objectives and policies discussed below in Section IV.

5. **Required Conditional Use Finding Pursuant to Section 303(g):**

Pursuant to Section 303(g)(1), with respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) (discussed above), the following:

- (A) The impact of the employees of the hotel or motel on the demand in the city for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of the employment in the hotel or motel.

The number of hotel employees will be approximately 45, thus increasing the availability of jobs for the City's unskilled, semi-skilled and skilled workers. It would be the intent of the Project Sponsor that most of these employees will be local residents and will come to the site either on foot or on local public transit during hours that will not coincide with regular peak hour traffic, thereby helping to fill the public transit system during its usual off hours. The Project Sponsor will contribute to the funding of childcare programs of the City. The Project Sponsor will also contribute to affordable housing pursuant to the Jobs Housing Linkage Program, and a portion of the Transient Occupancy Tax is also allocated to housing needs.

- (B) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation.

The project sponsor intends to attract as many of its employees as possible from the immediate neighborhood. The project sponsor will participate in local training programs for San Francisco residents.

- (C) The market demand for a hotel or motel of the type proposed.

The project sponsors contracted with RSBA & Associates to evaluate the viability of a proposed hotel at this location. Based on the current and forecasted future strength of the San Francisco market and specifically the Union Square and Moscone Center areas, the report indicated that the potential for the hotel was positive, because of unsatisfied demand and convenient location.

In the last few years, professional evaluations of the San Francisco hotel market have considered it to be sound in view of the strong room rates and the high occupancy levels. There has been a growing demand for smaller "boutique" style hotels nearby, including the hotels owned by the project sponsor. Even with slowing of the Internet economy, San Francisco is limited in the amount of space available for any new hotel construction, which makes new projects and conversion opportunities within San Francisco for hotels viable.

There has been a dramatic increase in hotel vacancies since September 11, 2001. However, the Project Sponsor believes that growth in hotel visits will return to previous trends, especially given the Moscone Center expansion now under construction.

6. **Section 101.1 Priority Policy Findings**

Section 101.1 requires the Project to be consistent with the eight priority policies listed below. The Commission finds that the Project is consistent with these findings as stated below:

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

- The project does not displace any existing retail use. The proposed project will provide a ground floor restaurant, and will hire local residents to the extent possible, thereby enhancing opportunities for resident employment.

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

- The proposed hotel project will include a restaurant, and will not reduce existing housing; indeed, it will provide a restaurant that will create an active street frontage along the block face, replacing an unattractive surface parking. The proposed hotel restaurant use is completely consistent with the neighborhood character, which consists primarily of a mix of retail and hotel uses.
- The building's design would help maintain elements of the existing character of the area, such as a consistent street wall, as well as hotel and restaurant uses common to the neighborhood. The Project is designed to add economic diversity to the area by providing a smaller, yet modern, state-of-the-art hotel facility that still fits in with the scale and architectural character of the neighborhood, thereby broadening the range of choices of accommodations for visitors to the city.

(3) That the City's supply of affordable housing be preserved and enhanced.

- The Project would not diminish the City's supply of affordable housing. There is no affordable or other housing on the site.
- The proposed project will participate in the City's Jobs-Housing Linkage Program. This would mean that for hotel, the amount would be \$8.50 per square foot, or \$650,709 (76,600 X \$8.50). The project sponsor may also provide the actual housing units at the rate of .000110 times the gross square footage, or 8 units of housing. The project sponsor is investigating these options, but is likely to opt for paying the in lieu fee.

(4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

- The proposed project is well served by public transit, and includes the type of uses that would be less dependent on the private automobile. As a result, the project will not adversely impact Muni transit or overburden local streets or neighborhood parking. In addition, there is off-site valet parking nearby. The loading zone proposed at the curbside in front of the proposed hotel will be operated and restricted so as to not interfere with Muni Bus service.

(5) 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.

- A private surface parking lot will be displaced. The proposed mixed-use project will provide significant new jobs for the local residential neighborhood.

(6) That the City achieve the greatest possible preparedness against injury and loss of life in an earthquake.

- The proposed project will fully comply with the seismic standards in the Building Code.

(7) That landmarks and historic buildings be preserved.

- There are no landmarks or historic buildings on the site. The Project will be consistent with the policies for new construction in the Kearny-Market-Mason-Sutter Conservation District. While a clearly modern and cutting-edge design, the proposed building respects the design guidelines established for the conservation district. This is accomplished by using rich materials common to the district such as granite and limestone, recessing windows, and

using a classical symmetrical fenestration pattern that reflects the basic patterns and scale of the district. Furthermore, a clearly delineated a base, shaft and top within the façade design relates the building design to other taller buildings in the district.

(8) That our parks and open space and their access to sunlight and vistas be protected from development.

- A Shadow Study has been conducted as part of the program planning process for this proposed project. It indicated that there is no net new shadow on any property under the jurisdiction of the Recreation and Park Department. The proposed project is an infill project that will not significantly affect any scenic vistas.

7. **Consistency with the General Plan**

The project will not adversely affect the General Plan, and will specifically advance the following objectives of the Commerce and Industry Element, the Downtown Area Plan, and the Urban Design Plan, as discussed throughout this report:

COMMERCE AND INDUSTRY ELEMENT

Visitor Trade

OBJECTIVE 8: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Comment: The proposed hotel will fit a niche currently unmet in Downtown San Francisco, in that it is a smaller intimate hotel, but yet it is a cutting edge, ultra modern facility providing state-of-the-art accommodations usually only found in the larger modern hotels, which themselves do not often provide such facilities with the high style and attention to detailing proposed to be provided in this facility.

DOWNTOWN AREA PLAN

Space for Commerce

OBJECTIVE 4: ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.

Policy 1: Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

Comment: The proposed hotel project is located in the primary location for hotels and retail/restaurant uses in the Union Square area. The hotel is designed to be compatible with the scale of the immediate neighborhood.

Urban Form

Height and Bulk

OBJECTIVE 13: CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

Policy 1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 3: Create visually interesting terminations to building towers.

Comment: The hotel is designed to relate appropriately to the height of neighboring buildings through the use of cornice lines and window insets. The top of the building is designed to create visual interest through materials and lighting.

Building Appearance

OBJECTIVE 15: TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.

Policy 1: Ensure that new facades relate harmoniously with nearby façade patterns.

Policy 2: Assure that new buildings contribute to the visual unity of the city.

Policy 3: Encourage more variation in building facades and greater harmony with older buildings through use of architectural embellishments and bay or recessed windows.

Comment: The proposed building façade is designed to relate to the bay size of historic buildings throughout the district. The fenestration is deep set to reflect the depth, texture and character of the district. The façade is also embellished with simple, clean detailing to give the building

a very rich and textured feel characteristic of the district, while not imitating past ornate styles.

Streetscape

OBJECTIVE 16: CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 2: Provide setbacks above a building base to maintain the continuity of the predominant street walls along the street.

Policy 3: Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

Policy 4: Use designs and materials that include activities at the ground floor to create pedestrian interest.

Policy 5: Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

Comment: The proposed building will be built to the street frontage in the downtown San Francisco tradition. The building, which is taller than its neighbors, is articulated with a projecting belt cornice at the prevailing street wall height of the block face, and window bays above this height are more deeply recessed. The ground floor façade is clad in rich materials including granite, limestone, glass, and stainless steel; contains a restaurant and public lobby; and is articulated with large windows that reveal the activity within the building to passers-by on the street. The project will include public art visible from a public space as required by the Planning Code.

9. The Commission finds that granting Conditional Use Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department, the recommendation of the Landmarks Preservation Advisory Board, the

support of San Francisco Architectural Heritage and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2000.383C subject to the conditions attached hereto as EXHIBIT A, which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 15, 2001.

Linda D. Avery
Planning Commission Secretary

AYES: Baltimore, Chinchilla, Fay, Lim, Salinas, Theoharis

NOES: None

ABSENT: Joe

ADOPTED: November 15, 2001

EXHIBIT A

CONDITIONS OF APPROVAL

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is for the construction of an approximately 76,600 square-foot, 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The project as described above is to be in general conformance with the plans dated November 15, 2001 and stamped Exhibit B.

1. COMPLIANCE WITH OTHER REQUIREMENTS

The conditions set forth below are conditions required in connection with the Project. The project is also subject to any conditions imposed by the companion Determination of Compliance Motion No.16284. 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.

2. GENERAL CONDITIONS.

A. Mitigation Measures

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.383E, which was adopted and issued on November 2, 2001, and is incorporated herein by this reference.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

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Prior to the issuance of any new or amended building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Performance

This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). Construction of the project shall commence within three (3) years of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the proposed development.

F. Advertising

No general advertising sign shall be permitted at any time, anywhere on the Project site or on any structure on the Project site.

G. First Source Hiring Program

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

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3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT.

A. Design

- (1) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. In no case shall visible daylight transmittance be less than 75 percent. Only clear glass shall be used at pedestrian levels.
- (2) The Project Sponsor and the Project architect shall continue to work on design development with the Planning Department staff to develop further and to refine the design of the proposed project in terms of materials and detailing.
- (3) The Project Sponsor shall develop a signage and storefront program for the ground floor retail uses and submit it for staff approval before submitting any building permits for construction of the Project. All subsequent sign or storefront permits shall conform to the approved signage program.
- (4) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.
- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with the plans identified as Exhibit B and submitted to the Commission on November 15, 2001.

B. Pedestrian Streetscape Improvements

- (1) The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Section 138.1.
- (2) A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works.

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C. Open Space

- (1) The Project shall include the open space described generally in this Motion.
- (2) The final open space design, including materials and their treatment, furniture, and planting plan including species shall be submitted for review by, and shall be satisfactory to the Director of the Department. The open space design shall be consistent with the provisions in the open space design guidelines for rooftop view terraces found in the Downtown Element of the General Plan.
- (3) Pursuant to Section 138(h) of the Code, plaques which bear the Downtown Open Space logo which identify the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public, and the name address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on Ellis Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

D. Artwork

- (1) The Project Sponsor and the Project Artist shall consult with the Department during design development. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the 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 no later than 6 months after the date of this approval.
- (2) The proposed artwork shall meet the requirements of Section 149 of the Code and the *Fine Art Guidelines*, and shall be appropriately lit.

E. Jobs Housing Linkage Program

In compliance with Section 313 of the Planning Code, the Project Sponsor shall either construct or cause to be constructed the required number of housing units per Section 313.5, OR pay an in-lieu housing fee per Section 313.6, either option being commensurate with the square footage of gross floor area of the proposed hotel development as submitted for the Project site permit.

F. Other Fees

The Project Sponsor shall pay all fees required by other City agencies or departments, such as, but not limited to, school fees.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Open Space

- (1) The Project Sponsor shall complete the required roof top view terrace public open space.
- (2) The Project Sponsor shall install in the Project open space and shall thereafter maintain a map or diagram that shows the connection between the space and the downtown pedestrian network in the general vicinity of the Project. The materials, content and location of the map or diagram shall be submitted to the Director for approval prior to installation.
- (3) Pursuant to Section 138(h) of the Code, plaques identifying the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public and the name and address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on O'Farrell Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

B. Pedestrian Streetscape Improvements

- (1) The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

C. Childcare Requirement

The Project Sponsor shall pay an in-lieu fee per gross square foot of new office space as required pursuant to Planning Code Section 314.

D. On-Street Loading Zone Along the North Side of Ellis Street

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- (1) The Project Sponsor must, in coordination with the Department of Parking and Traffic (DPT), Muni, and Planning Department staff, seek to establish a loading zone and along the Ellis Street frontage that provides unloading space for hotel guests and access to the existing adjacent in-sidewalk elevator doors. The Project Sponsor shall comply with requirements from DPT and Muni in any effort to establish the proposed loading zone in order to insure that any such loading zone does not result in serious Muni or traffic conflicts. This includes appropriate hours of operation and limitation of operation of the loading zone when such zone space is needed for Muni Bus queuing needed from time to time to replace cable car service. The Project Sponsor shall notify Planning staff of the regulations required by DPT and Muni for this specific loading zone when they are established and the loading zone is approved. Such limitations shall apply as a Condition of Approval of this motion as though fully set forth herein.
- (2) The project sponsor shall provide an employee in the main lobby of the hotel as an attendant to monitor use of the Ellis Street curb-side loading area to ensure that no vehicles making deliveries or otherwise associated with the building and/or its operations utilize the loading area in a manner inconsistent with regulations established by DPT and Muni. The attendant shall also ensure that the street elevator is not in operation during normal times of heavy pedestrian activity. The attendant shall inform all operators of vehicles making deliveries, or involved in other activities associated with the operation or use of the building, of the loading regulations, and direct them to leave the loading area if they are in violation of any of these regulations. Such an attendant shall be on duty at all hours that are necessary to ensure proper operation of this curbside loading area. Should trucks or other vehicles that are not in any way associated with deliveries or activities specifically involving the Project site utilize the loading area, the attendant shall report any violations of the regulations of the loading area immediately to DPT. As to be determined by the Zoning Administrator in consultation with DPT, failure on the part of the project sponsor or any subsequent owner or manager of the Project site to ensure proper operation of the curb side loading area along O'Farrell Street will result in enforcement actions and may result in the removal of the curb side loading area and/or the sidewalk loading elevator.

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
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Exhibit A
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SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16284

ADOPTING FINDINGS RELATING TO THE APPROVAL BY THE PLANNING COMMISSION OF CITY PLANNING CODE SECTION 309 DETERMINATIONS OF COMPLIANCE AND EXCEPTIONS FROM HEIGHT AND BULK LIMITS, AND COMPLIANCE WITH SECTION 7 OF APPENDIX E TO ARTICLE 11, FOR PROPERTY IN A C-3-R (DOWNTOWN, RETAIL) DISTRICT AND A 80-130-F HEIGHT AND BULK DISTRICT, ASSESSOR'S BLOCK 0327, LOT 011.

RECITALS

1. On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. ("Project Sponsor"), filed with the City and County of San Francisco Planning Department ("Department"), an Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
2. On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Project Sponsor, filed with the Department an amendment to the Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was released in October 13, 2001. No appeal was filed and a final Negative Declaration was adopted and issued on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. On October 25, 2001, notice of the hearing on the Application was posted.
5. On November 15, 2001, the Commission conducted a duly noticed public hearing on the Application.
6. The Department and the Commission have reviewed and considered the information contained in the Final Negative Declaration in accordance with the requirements of CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
7. The Commission has also had available to it for its review and consideration the Case Report, studies, letters, plans and other materials pertaining to the Project in the Department's case files, has reviewed and heard testimony and has received materials from interested parties during the public hearings on the Project.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site/Present Use**

The project site is two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, just east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 sq. ft.

The existing use of the project site is an attendant-operated surface parking lot with one level of underground parking, with an overall capacity of 75 spaces. About 22 spaces are currently allocated for overnight use by the Hotel Union Square. About 13 spaces are used for hotel guest parking during the daytime, and the remaining 62 spaces are open to public use during the day. The parking lot would be demolished to accommodate the proposed hotel.

3. **Nature of Project**

The proposed project would consist of the demolition of the existing parking lot with basement and the construction of a hotel, which will be called the M31 Hotel. The façade of the M31 comprises a base of light-colored stone topped by a series of glass and masonry window divisions, each two stories in height. Its architects, designer Michael Gabellini in association with local architect Piero Patri, have designed a forward-looking, completely modern structure that consciously and effectively responds to the design guidelines of the Kearny-Market-Mason-Sutter Conservation District by combining classic architectural elements with a new modern design. The project will enhance the overall streetscape while making a refined and distinguished architectural statement. Dramatic lighting will illuminate the interior and exterior of the hotel, highlighting the restaurant, lobby, lounge areas, the rooftop view terrace, and the guest rooms themselves. The M31 Hotel will utilize natural elements such as water, landscaping, wood, and stone on the interior of the building in areas that will be visible from the exterior, adding warmth and interest to the streetscape.

The proposed 11-story, 125-ft.-tall structure would have 156 rooms, and a semi-enclosed trellis structure on the roof would rise to 146 feet. A basement level, of approximately 5,730 sq. ft., would contain service and mechanical rooms, storage areas, and a restaurant kitchen. The ground floor (first floor) would contain about 2,400 sq. ft. of restaurant space and a lobby/salon area of approximately 1,940 sq. ft. The main lobby would be double height. The ground floor would also include a meeting room/lounge of approximately 600 sq. ft. and a reception area/office space of approximately 380 sq. ft. A business center of

about 400 sq. ft would be on the second floor. Both the conference room and the business center would be for guest use. Floors 2 through 11 would contain 156 hotel rooms; 131 standard rooms ranging from 280 to 310 sq. ft.; 21 executive rooms ranging from 340 to 370 sq. ft.; and four business suites of approximately 450 sq. ft. Executive rooms would be similar to standard hotel rooms, but slightly larger with additional desk space. Business suites would be larger still, with separate sitting and bedroom areas.

The roof would contain a publicly accessible view terrace of approximately 2,780 sq. ft. near the south-facing facade. A semi-enclosed trellis structure would surround the rooftop terrace. In conformance with the General Plan guidelines for publicly accessible rooftop view terrace open spaces, the proposed terrace would also include some form of food service to enliven the space. The rooftop would also contain mechanical equipment screened from view.

The building would be built out to the sidewalk to match the prevailing street wall along Ellis Street (see Figure 5, Front Elevation, and Figure 6, East Elevation). The front elevation would have two-story masonry (most likely Indiana or French limestone) and glass wall divisions above the ground floor. Windows would be recessed 1'-0" to 3'-0" behind the masonry frame. A masonry cornice would project approximately three feet from the façade at the 83-foot elevation level, continuing the cornice line of the adjacent buildings. To further accentuate the cornice line, windows above the 83-ft. elevation (8th to 11th floors) would be recessed further behind the structural frame than those windows below. The ground floor façade walls would be clad in a light-colored stone or similar material, possibly with a granite base. Window and doorway glazing along the length of the building at ground level would be nearly continuous. A canopy would extend over the sidewalk at the hotel entrance.

A 70.5-ft.-long loading zone on the 73-ft.-wide Ellis Street frontage is proposed to provide for passenger and freight loading. With approval from the Department of Parking and Traffic (DPT), most of the existing red zone along the site frontage would be redesignated a white zone to accommodate passenger and freight loading. Approximately 2.5 ft of the curb at the eastern edge of the site frontage would remain red to facilitate vehicles exiting from the Ellis/O'Farrell garage. In addition, pavement markers, such as reflective "dots," would be placed between the garage and the proposed loading zone to discourage drivers leaving the garage from entering the loading area.

An existing sidewalk elevator on Ellis Street within the Hotel Union Square frontage, just west of the project site frontage, is proposed by the project sponsor to be relocated approximately eight feet to the east to provide direct service access to the M-31 Hotel basement. The Hotel Union Square is also owned and operated by the M-31 Hotel Project Sponsor. The sidewalk elevator would be linked within the basement of the M-31 Hotel. After relocation, the elevator opening in front of the Hotel Union Square would be sealed with concrete to match the surrounding sidewalk. In the event that the relocated sidewalk elevator is not permitted by the Department of Parking and Traffic, the Department of Public Works, or the Planning Department, the existing sidewalk

elevator would be reused, with a basement level connection to the M-31 Hotel. This option is complicated by the fact that it would require a grade change at the basement level due to the location of an existing underground sewer line which runs perpendicular to the front property line between the M-31 Hotel site and the Hotel Union Square, and thus may be cost-prohibitive. As a final option, the Project Sponsor is investigating the feasibility of the hotel being serviced through an entrance on the ground floor on the west side of the building frontage. An internal lift would access the hotel basement in this location. However, this last option is not optimal for the aesthetic or functional considerations of the ground floor street frontage, as it would detract from the clean and consistent composition of masonry and glass material, and could cause conflicts between pedestrians entering the restaurant, as well as delivery activities which would then have to cross the main path of pedestrian travel along the sidewalk. The street elevator as it is currently positioned at the curbside minimizes pedestrian conflict by not forcing deliveries to cross the entire width of the public sidewalk.

The total floor area of the project would be 76,554 sq. ft. and the FAR would be 9.0 to 1. Achieving this 9.0 FAR would require the use of approximately 25,000 square feet of transferrable development rights. Construction of the project is anticipated to begin in Spring 2002. The construction period, including demolition, would take approximately 15 months.

The Project Sponsor, Personality Hotels, Inc., has agreed to implement the following measures as part of the project: (1) hire a full-time staff person (valet) to manage the curbside passenger and freight loading activities (seven days a week from 7:00 AM to 11:00 PM), such that no vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities, and (2) during project construction, limit construction truck traffic between 9:00 AM and 3:00 PM to minimize disruption of the general traffic flow on adjacent streets during peak hours.

A Shadow Analysis under Planning Code Section 295 (Proposition K) has found that no new shadows would be cast on any property under the jurisdiction of the Recreation and Parks Commission.

With respect to hazardous materials, as referred in the Preliminary Negative Declaration, a Phase I Environmental Site Assessment of the property concluded that there were no conditions existing on the site which could be considered hazardous.

The Landmarks Preservation Advisory Board ("Landmarks Board") has reviewed the Project on an informational basis and is in support of the proposed Project.

San Francisco Heritage reviewed the Project on September 4, 2001, and supported the design as presented to them at that time.

A Preliminary Negative Declaration was released on October 13, 2001. No appeal was filed, and a final Negative Declaration was adopted and issued on November 5, 2001.

4. **Section 309 –Permit Review in C-3 Districts**

Because of its location in a C-3 district, the Project is subject to the requirements of Section 309, which requires determination of compliance and allows for exceptions to the City Planning Code.

Compliance

(a) **Section 138 – Open Space**

Code Section 138 requires that, in the C-3-R District, when a project results in the construction of a new building, the project shall provide one square foot of open space for every 100 gross square feet of space. The open space must consist of usable public space open and accessible to the public during daylight hours. Section 138 provides a number of examples of the types of improvements that will satisfy this requirement, including view and sun terraces.

- The Project proposes approximately 76,554 gross square feet of total construction. Therefore, the Project must provide approximately 766 square feet of open space at the required 1:100 ratio for the C-3-R District.
- The Project Sponsor proposes to provide approximately 2,782 square feet of open space on a rooftop view terrace. The minimum space requirement for a view terrace according to the San Francisco Master Plan is 800 square feet. The sun terrace therefore meets the open space requirement and the criteria applicable to a sun terrace.
- The sun terrace will be accessed from the building elevator lobby. The hours during which the sun terrace will be accessible to the public will be concurrent with the hours of the normal operation of the public meeting spaces of the hotel, but at least from 10am to 5pm, Monday through Friday, as required by the San Francisco Master Plan.

*Based on the proposed plans submitted by the project sponsor for the rooftop view terrace, the Commission finds that the Project complies with the requirements of **Section 138**.*

(b) **Section 138.1 - Pedestrian Streetscape Improvements**

Section 138.1(b) requires that when an addition of floor area equal to 20 percent or more of an existing 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 will satisfy the requirements of **Section 138.1** by providing one or more of the following types of streetscape improvements: paving treatments, trees and plantings depending on site constraints and potential impediments to pedestrian movement.

Draft Motion 2000.986X includes a Condition of Approval which provides that, prior to issuance of the final addendum to the site permit, "[a] final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works."

*As so conditioned, the Commission finds that the Project complies with the requirements of **Section 138.1**.*

(c) Section 139 – Downtown Park Fund

New downtown office developments are required to pay a \$2.00 per square foot fee for the net addition of office space to mitigate the increased demand on existing public parks in the Downtown Area.

- The Project Sponsor is not proposing an office development project and therefore this requirement does not apply.

(d) Section 146 – Shadows on Streets

Section 146 provides that in order to maintain direct sunlight on public sidewalks in C-3 Districts, new structures must be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, so as to reduce substantial shadow impacts on public sidewalks in those areas.

- Although Ellis Street is listed on Table 146, between Cyril Magnin and Stockton Streets, and Cyril Magnin and Grant Streets, the reference is to the south side of the street. The proposed Project is on the north side of Ellis Street. Therefore, this section does not apply.

(e) Section 147 – Shadows on Publicly Accessible Open Spaces

Section 147 sets forth certain requirements and determinations regarding shadows being cast on public or publicly accessible open space. Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

- A shadow study was conducted for the Project. This study indicated that there would be no net new shadow on publicly accessible open space.

*Therefore, the Commission finds that the Project complies with **Section 147**.*

(f) Section 149 – Public Art

In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 149 requires a project to include works of art costing an amount equal to one percent of the cost of construction of the building and requires the Commission to approve the type and location of the art work, but not the artistic merits of the specific art work proposed. The types of permitted artwork include sculptures, bas-reliefs, murals, mosaics, decorative water features, or other work permanently affixed to the building.

- The Project proposes new construction of floor area in excess of 25,000 square feet and therefore is subject to the public artwork requirement. The Project's estimated construction cost is \$10,500,000. The Project will provide artwork in the form of a sculpture and/or painting equal in value to \$105,000. The specific type of art is to be determined. It will be located in the lobby at the ground level, at publicly visible sidewalls, or on the sun terrace.

The Commission finds that the project complies with Section 149 subject to a Condition of Approval requiring the project sponsor to return to the Commission within six (6) months of any approval date of a motion determining compliance under Section 309, to present more developed plans for the proposed public art.

(g) Section 102.9(b)(16) – Replacement of Short Term Parking

Section 102.9(b)(16) provides that "gross floor area" shall not include, in C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building.

- The existing private surface parking lot is not being replaced and therefore this section does not apply.

(h) Section 313 – Jobs Housing Linkage Program

Section 313.3 provides that the housing requirements for hotel development projects applies to "any hotel development project proposing the net addition of 25,000 or more gross square feet of hotel space." The current fee for hotel space is \$8.50 per square foot.

- The Project Sponsor proposes to add approximately 76,554 gross square feet of new hotel space, resulting in an affordable housing in lieu fee of approximately \$650,709. The Project Sponsor may also provide the actual housing units at the rate of 0.000110 time the gross square

footage, or 8 units of housing. The Project Sponsor is investigating these options, but will probably opt for paying the in lieu fee.

(i) Section 314 – Child Care

Section 314.3 provides that the childcare requirement for hotel development projects applies to “office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.”

- The Project involves the net addition of more than 50,000 square feet of hotel use. Hotel projects must provide a child care facility which square footage equal 0.1 times the net addition of square feet of hotel space (which is 766 square feet) or 3,000 square feet, whichever is greater. Therefore, if the Project Sponsor were to comply by providing a childcare facility, it must provide a child care facility of at least 3,000 square feet
- As an alternative, hotel projects may pay an in lieu fee equal to \$1.00 per each additional square foot of hotel space. Therefore, the Project Sponsor may pay a fee equal to \$76,554 in lieu of providing a 3,000 square foot child care facility. The Project Sponsor is opting to pay the in lieu fee.

(j) Section 1113 - New Construction in Conservation District

Section 1113 of the Planning Code requires that, “No person shall construct or cause to be constructed any new or replacement structure or add to any existing structure in a Conservation District unless it is found that such construction is compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District [in this case, Appendix E].”

Section 7(a) of Article E includes Section 6 by reference and requires that new construction be compatible with the District in general with respect to the building’s composition and massing, scale, materials, and colors, and detailing, and ornamentation, including those features described Section 6.

Conformance With Article 11, Appendix E, Section 7

Since the building is located in the Kearny-Market-Mason-Sutter Conservation District, all construction of new buildings shall be compatible with the District in general with respect to the building’s composition and massing, scale, materials and colors, and detailing and ornamentation. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located.

(1) **Composition and Massing**

The Project maintains the District’s essential character by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings. The height and massing of the Project

does not alter the traditional scale of existing buildings, streets and open spaces. The Project includes an appropriate street wall height established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings.

The Project is built to the property line in order to maintain the continuity of building rhythms and the definition of the street.

The standard proportions of the Project are established by the prevailing street wall height and width of lots. The Project's design is geared toward it relating the Project's rhythm with those of historic buildings in the area.

The Project's design repeats the prevailing pattern of two- and three-part vertical compositions. A base element is included to define the pedestrian environment. Above the base is a ten-story shaft element, capped by an architectural roof top element that provides partial spatial containment and weather protection for the publicly accessible view terrace. This top element will be appropriately lighted to emphasize the top element of the building.

(2) Scale

The Project's scale is broken into smaller parts by detailing and fenestration, which relate to human scale. The existing scale of the buildings in the vicinity is maintained through continuance of the existing street wall height and incorporation of a base element to maintain the pedestrian environment. The street frontage of the pedestrian level includes a both a lobby entrance and restaurant with large windows and glass doors to create visual entrance by revealing the activity going on within the building.

The Project repeats existing fenestration rhythms and proportions that have been established in the area with a classical deep-set fenestration pattern, and quality, well-detailed materials.

(3) Materials and Colors

The Project uses like materials, such as granite, limestone and glass, which relate it to surrounding buildings. Traditional light colors are used in order to blend in with the character of the district.

(4) Detailing and Ornamentation

The Project relates to the surrounding area by picking up elements from surrounding buildings and developing them. The Project incorporates prevailing cornice lines through a simple 3'-0" projecting cornice designed in the modern vernacular instead of a more ornate traditional style.

*The Project meets the criteria of Appendix E of Article 11. Therefore, Commission finds that the Project complies with **Section 1113** of the Planning Code.*

5. **Exceptions Requested Pursuant to Section 309**

Height

Section 263.8 – Exceptions to Height Limits in 80-130-F and 80-130-X Height and Bulk Districts

Pursuant to Section 309(a)(8) of the Planning Code, exceptions to the 80-foot height limits in the 80-130-F Height and Bulk District may be granted as permitted in Section 263.8. Section 263.8 provides that in the 80-130-F Height and Bulk District, exceptions to the 80-foot height limit up to 130 feet may be approved in appropriate cases in accordance with the provisions of Section 309. The purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. Such height exceptions may be permitted provided that:

- (1) **The height of the building or structure does not exceed 130 feet.**

The resulting structure, excluding the mechanical penthouse, will have a finished roof height of 125 feet, well within the maximum 130-foot height limit. (The rooftop view terrace and structure as well as the mechanical penthouse are exempted from the height limit under Section 260(b)(1)(B and E).)

- (2) **The additional height will not add significant shadows on public sidewalks or parks.**

A shadow study conducted for the Project found that the resulting structure would add no significant shadows on public sidewalks. The Project's location on the north side of Ellis Street limits the amount of shadow cast on the sidewalk. There are no parks near the Project Site that would be affected by any shadows cast by the Project building.

- (3) **The structure provides an appropriate transition to adjacent higher or lower buildings.**

The windows on the upper levels of the building are inset 3 feet 6 inches from the street wall and a simple 3'-0" projecting cornice is provided, both of which occur at the existing street wall height, thereby emphasizing the prevailing street wall height along the Ellis Street frontage. Therefore, the Project provides an appropriate transition to the adjacent buildings. Although the Project will be somewhat higher than the immediately adjacent buildings (Hotel Union Square, Ellis-O'Farrell Garage), the height differential will not be extreme or unusual given the mix of building heights in the Project block. This proposed increase in height above the prevailing street wall is also a typical historic pattern for hotels within the Kearny-Market-Mason-Sutter Conservation District.

- (4) The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant street wall on the block.

While the proposed hotel building is higher than the neighboring buildings on the block face, it is no taller than the James Flood Building across the street, which forms a substantial portion of the Ellis Street street wall. Furthermore, the variation in height is not out of scale per se, but is typical of block faces throughout the district that maintain their historic scale and character. This being the case, a substantial literal setback is not necessary. However, as stated above in item (3), the windows on the upper levels of the building are inset from the street wall and a simple projecting cornice is provided, both of which occur at the existing street wall height, thereby emphasizing the prevailing street wall height along the Ellis Street frontage.

*The Project meets the provisions of **Section 263.8** for granting exceptions to the Height Limit in an 80-130-F Height and Bulk District. Therefore, the Commission hereby grants the requested exception to the Height Limit requirements for the proposed Project.*

Bulk

Section 272 – Bulk Limits: Special Exceptions in C-3 Districts

Pursuant to Section 309(a)(9) of the Planning Code, exceptions to the bulk requirements may be granted as permitted in Sections 270 and 272. Section 272 of the Code states that exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the five criteria listed in Section 272 is met. The Project meets the following criterion listed in Section 272:

Criterion #3: The added bulk does not significantly affect light and air to adjacent buildings.

The bulk limit, which applies above 80 feet, is 110 feet in length and 140 feet in diagonal. At the 80-foot line, the building length is 110 feet 7 inches, which exceeds the maximum permitted length by 7 inches. The additional bulk resulting from the 7 inches is minor, and therefore will not significantly affect light and air to adjacent buildings. Moreover, it should be noted that the windows above the 83-foot elevation level will be recessed further behind from the structural frame than those windows below, which is only 3 feet over the height at which the bulk limits begin. The bulk decreases at that point and the maximum length dimension is no longer exceeded. Therefore, the maximum length dimension is only exceeded by 7 inches for three vertical feet.

The building diagonal is 127 feet 10 inches, which is within the Code limit.

*Because the project meets at least one criterium under **Section 272**, the Commission hereby grants the requested exception to the Bulk Limits for the proposed Project.*

6. **Section 101.1 Priority Policy Findings**

Section 101.1 requires the Project to be consistent with the eight priority policies listed below. The Commission finds that the Project is consistent with these findings as stated below:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment and ownership of such businesses be enhanced.
 - The project does not displace any existing retail use. The proposed project will provide a ground floor restaurant, and will hire local residents to the extent possible, thereby enhancing opportunities for resident employment.
- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - The proposed hotel project will include a restaurant, and will not reduce existing housing; indeed, it will provide a restaurant that will create an active street frontage along the block face, replacing an unattractive surface parking. The proposed hotel restaurant use is completely consistent with the neighborhood character, which consists primarily of a mix of retail and hotel uses.
 - The building's design would help maintain elements of the existing character of the area, such as a consistent street wall, as well as hotel and restaurant uses common to the neighborhood. The Project is designed to add economic diversity to the area by providing a smaller, yet modern, state-of-the-art hotel facility that still fits in with the scale and architectural character of the neighborhood, thereby broadening the range of choices of accommodations for visitors to the city.
- (3) That the City's supply of affordable housing be preserved and enhanced.
 - The Project would not diminish the City's supply of affordable housing. There is no affordable or other housing on the site.
 - The proposed project will participate in the City's Jobs-Housing Linkage Program. This would mean that for hotel, the amount would be \$8.50 per square foot, or \$650,709 (76,554 X \$8.50). The project sponsor may also provide the actual housing units at the rate of .000110 times the gross square footage, or 8 units of

housing. The project sponsor is investigating these options, but is likely to opt for paying the in lieu fee.

- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
 - The proposed project is well served by public transit, and includes the type of uses that would be less dependent on the private automobile. As a result, the project will not adversely impact Muni transit or overburden local streets or neighborhood parking. In addition, there is off-site valet parking nearby. The loading zone proposed at the curbside in front of the proposed hotel will be operated and restricted so as to not interfere with Muni Bus service.
- (5) 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.
 - A private surface parking lot will be displaced. The proposed mixed-use project will provide significant new jobs for the local residential neighborhood.
- (6) That the City achieve the greatest possible preparedness against injury and loss of life in an earthquake.
 - The proposed project will fully comply with the seismic standards in the Building Code.
- (7) That landmarks and historic buildings be preserved.
 - There are no landmarks or historic buildings on the site. The Project will be consistent with the policies for new construction in the Kearny-Market-Mason-Sutter Conservation District. While a clearly modern and cutting-edge design, the proposed building respects the design guidelines established for the conservation district. This is accomplished by using rich materials common to the district such as granite and limestone, recessing windows, and using a classical symmetrical fenestration pattern that reflects the basic patterns and scale of the district. Furthermore, a clearly delineated a base, shaft and top within the façade design relates the building design to other taller buildings in the district.
- (8) That our parks and open space and their access to sunlight and vistas be protected from development.
 - A Shadow Study has been conducted as part of the program planning process for this proposed project. It indicated that there

is no net new shadow on any property under the jurisdiction of the Recreation and Park Department. The proposed project is an infill project that will not significantly affect any scenic vistas.

7. **Consistency with the General Plan**

The project will not adversely affect the General Plan, and will specifically advance the following objectives of the Commerce and Industry Element, the Downtown Area Plan, and the Urban Design Plan, as discussed throughout this report:

COMMERCE AND INDUSTRY ELEMENT

Visitor Trade

OBJECTIVE 8: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Comment: The proposed hotel will fit a niche currently unmet in Downtown San Francisco, in that it is a smaller intimate hotel, but yet it is a cutting edge, ultra modern facility providing state-of-the-art accommodations usually only found in the larger modern hotels, which themselves do not often provide such facilities with the high style and attention to detailing proposed to be provided in this facility.

DOWNTOWN AREA PLAN

Space for Commerce

OBJECTIVE 4: ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.

Policy 1: Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

Comment: The proposed hotel project is located in the primary location for hotels and retail/restaurant uses in the Union Square area. The hotel is designed to be compatible with the scale of the immediate neighborhood.

Urban Form

Height and Bulk

OBJECTIVE 13: **CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.**

Policy 1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 3: Create visually interesting terminations to building towers.

Comment: The hotel is designed to relate appropriately to the height of neighboring buildings through the use of cornice lines and window insets. The top of the building is designed to create visual interest through materials and lighting.

Building Appearance

OBJECTIVE 15: **TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.**

Policy 1: Ensure that new facades relate harmoniously with nearby façade patterns.

Policy 2: Assure that new buildings contribute to the visual unity of the city.

Policy 3: Encourage more variation in building facades and greater harmony with older buildings through use of architectural embellishments and bay or recessed windows.

Comment: The proposed building façade is designed to relate to the bay size of historic buildings throughout the district. The fenestration is deep set to reflect the depth, texture and character of the district. The façade is also embellished with simple, clean detailing to give the building a very rich and textured feel characteristic of the district, while not imitating past ornate styles.

Streetscape

OBJECTIVE 16: **CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.**

Policy 1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 2: Provide setbacks above a building base to maintain the continuity of the predominant streetwalls along the street.

Policy 3: Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

Policy 4: Use designs and materials that include activities at the ground floor to create pedestrian interest.

Policy 5: Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

Comment: The proposed building will be built to the street frontage in the downtown San Francisco tradition. The building, which is taller than its neighbors, is articulated with a projecting belt cornice at the prevailing street wall height of the block face, and window bays above this height are more deeply recessed. The ground floor façade is clad in rich materials including granite, limestone, glass, and stainless steel; contains a restaurant and public lobby; and is articulated with large windows that reveal the activity within the building to passers-by on the street. The project will include public art visible from a public space as required by the Planning Code.

8. **Modification Required By the Commission:** Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission does not impose any modifications on the project.
9. The Commission finds that granting the Project Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department, the recommendation of the Landmarks Preservation Advisory Board, the support of San Francisco Architectural Heritage and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Application for Review of Compliance and Exceptions Pursuant to Section 309, Application No. 2000.383X, subject to the conditions attached hereto as EXHIBIT A, which is incorporated herein by reference as though fully set forth.

PLANNING COMMISSION
Hearing of November 15, 2001

Case No. 2000.383CX
72 Ellis Street
Motion No. 16284
Page 17

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 15, 2001.

Linda D. Avery
Planning Commission Secretary

AYES: Baltimore, Fay, Lim, Salinas, Theoharis

NOES: Chinchilla

ABSENT: Joe

ADOPTED: November 15, 2001

EXHIBIT A

CONDITIONS OF APPROVAL

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is for the construction of an approximately 76,554 square-foot, 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The project as described above is to be in general conformance with the plans dated November 15, 2001 and stamped Exhibit B.

1. COMPLIANCE WITH OTHER REQUIREMENTS

The conditions set forth below are conditions required in connection with the Project. The project is also subject to any conditions imposed by the companion Conditional Use Approval Motion No. 16283. 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.

2. GENERAL CONDITIONS.

A. Mitigation Measures

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.383E, which was adopted and issued on November 2, 2001, and is incorporated herein by this reference.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

PLANNING COMMISSION

**Case No. 2000.383X
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Block 327, Lot 11
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C. Recordation

Prior to the issuance of any new or amended building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Performance

This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). Construction of the project shall commence within three (3) years of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the proposed development.

F. Advertising

No general advertising sign shall be permitted at any time, anywhere on the Project site or on any structure on the Project site.

G. First Source Hiring Program

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
Motion No. 16284
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Page 3**

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT.

A. Design

- (1) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. In no case shall visible daylight transmittance be less than 75 percent. Only clear glass shall be used at pedestrian levels.
- (2) The Project Sponsor and the Project architect shall continue to work on design development with the Planning Department staff to develop further and to refine the design of the proposed project in terms of materials and detailing.
- (3) The Project Sponsor shall develop a signage program for the project and submit it for staff approval before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program.
- (4) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.
- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with the plans identified as Exhibit B and submitted to the Commission on November 15, 2001.

B. Open Space

- (1) The Project shall include the open space described generally in this Motion.
- (2) The final open space design, including materials and their treatment, furniture, and planting plan including species shall be submitted for review by, and shall be satisfactory to the Director of the Department. The open space design shall be consistent with the provisions in the open space design guidelines for rooftop view terraces found in the Downtown Element of the General Plan.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
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Page 4**

- (3) Pursuant to Section 138(h) of the Code, plaques which bear the Downtown Open Space logo which identify the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public, and the name address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on Ellis Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

C. Pedestrian Streetscape Improvements

- (1) The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Section 138.1.
- (2) A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works.

D. Artwork

- (1) The Project Sponsor and the Project artist shall consult with the Department during design development. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the 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 no later than 6 months after the date of this approval.
- (2) The proposed artwork shall meet the requirements of Section 149 of the Code and the *Fine Art Guidelines*, and shall be appropriately lit.

E. Jobs Housing Linkage Program

In compliance with Section 313 of the Planning Code, the Project Sponsor shall either construct or cause to be constructed the required number of housing units per Section 313.5, OR pay an in-lieu housing fee per Section 313.6, either option being commensurate with the square footage of gross floor area of the proposed hotel development as submitted for the Project site permit.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Open Space

- (1) The Project Sponsor shall complete the required rooftop view terrace public open space.**
- (2) The Project Sponsor shall install in the Project open space and shall thereafter maintain a map or diagram that shows the connection between the space and the downtown pedestrian network in the general vicinity of the Project. The materials, content and location of the map or diagram shall be submitted to the Director for approval prior to installation.**

B. Pedestrian Streetscape Improvements

The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

C. Childcare Requirement

The Project Sponsor shall pay an in-lieu fee per gross square foot of new office space as required pursuant to Planning Code Section 314.

D. On-Street Loading Zone Along the North Side of Ellis Street

- (1) The Project Sponsor must, in coordination with the Department of Parking and Traffic (DPT), Muni, and Planning Department staff, seek to establish a loading zone and along the Ellis Street frontage that provides unloading space for hotel guests and access to the existing adjacent in-sidewalk elevator doors. The Project Sponsor shall comply with requirements from DPT and Muni in any effort to establish the proposed loading zone in order to insure that any such loading zone does not result in serious Muni or traffic conflicts. This includes appropriate hours of operation and limitation of operation of the loading zone when such zone space is needed for Muni Bus queuing needed from time to time to replace cable car service. The Project Sponsor shall notify Planning staff of the regulations required by DPT and Muni for this specific loading zone when they are established and the loading zone is approved. Such limitations shall apply as a Condition of Approval of this motion as though fully set forth herein.**

PLANNING COMMISSION

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72 Ellis Street
Block 327, Lot 11
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Page 6**

- (2) The project sponsor shall provide an employee in the main lobby of the hotel as an attendant to monitor use of the Ellis Street curb-side loading area to ensure that no vehicles making deliveries or otherwise associated with the building and/or its operations utilize the loading area in a manner inconsistent with regulations established by DPT and Muni. The attendant shall also ensure that the street elevator is not in operation during normal times of heavy pedestrian activity. The attendant shall inform all operators of vehicles making deliveries, or involved in other activities associated with the operation or use of the building, of the loading regulations, and direct them to leave the loading area if they are in violation of any of these regulations. Such an attendant shall be on duty at all hours that are necessary to ensure proper operation of this curbside loading area. Should trucks or other vehicles that are not in any way associated with deliveries or activities specifically involving the Project site utilize the loading area, the attendant shall report any violations of the regulations of the loading area immediately to DPT. As to be determined by the Zoning Administrator in consultation with DPT, failure on the part of the project sponsor or any subsequent owner or manager of the Project site to ensure proper operation of the curb side loading area along O'Farrell Street will result in enforcement actions and may result in the removal of the curb side loading area and/or the sidewalk loading elevator.

72 ELLIS STREET

15 JULY 2015

San Francisco, CA

HANDEL ARCHITECTS LLP

PROJECT INFO

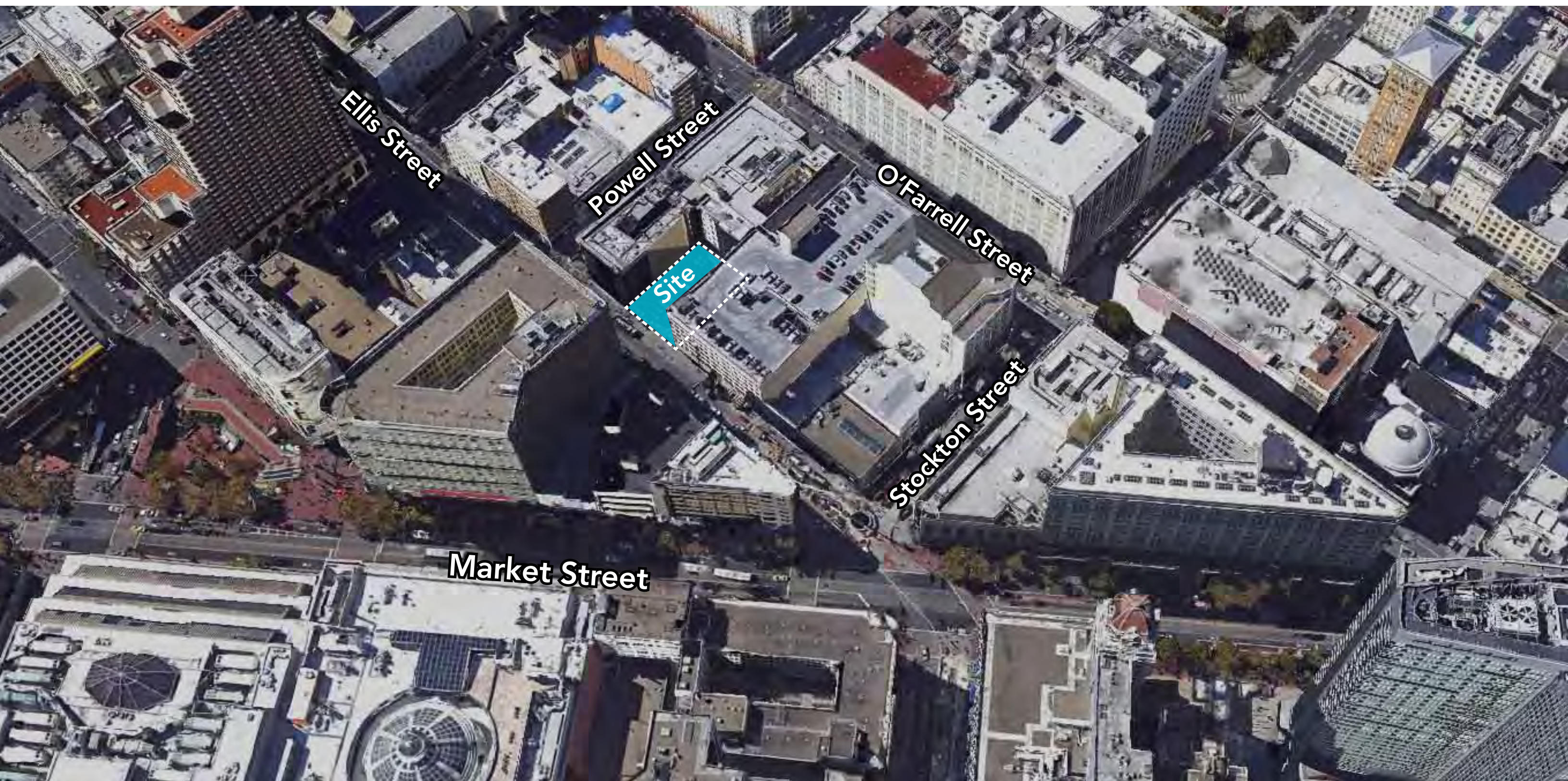
72 Ellis Street

| | |
|----------------------------|---|
| PROPERTY ADDRESS: | 72 Ellis Street |
| PARCEL: | Block: 0327; Lots: 011 |
| LOT AREA: | 8,423.5 Square Feet (SF) |
| ZONING DISTRICT: | C-3-R; Downtown Retail |
| FLOOR AREA RATIO: | 9.0 : 1 (Max GSF = 75,811.5 sf) (25,000 sf from TDR) |
| HEIGHT / BULK REGULATIONS: | 80-130-F |
| CURRENT USE: | Surface & below grade parking |
| PROPOSED USE: | Hotel & Commercial |
| NUMBER OF STORIES: | 11 Stories Above Grade |
| BUILDING HEIGHT: | 130'-0" |
| PROJECT DESCRIPTION: | Ground & 2nd Floor Commercial with 9 Hotel Levels Above |

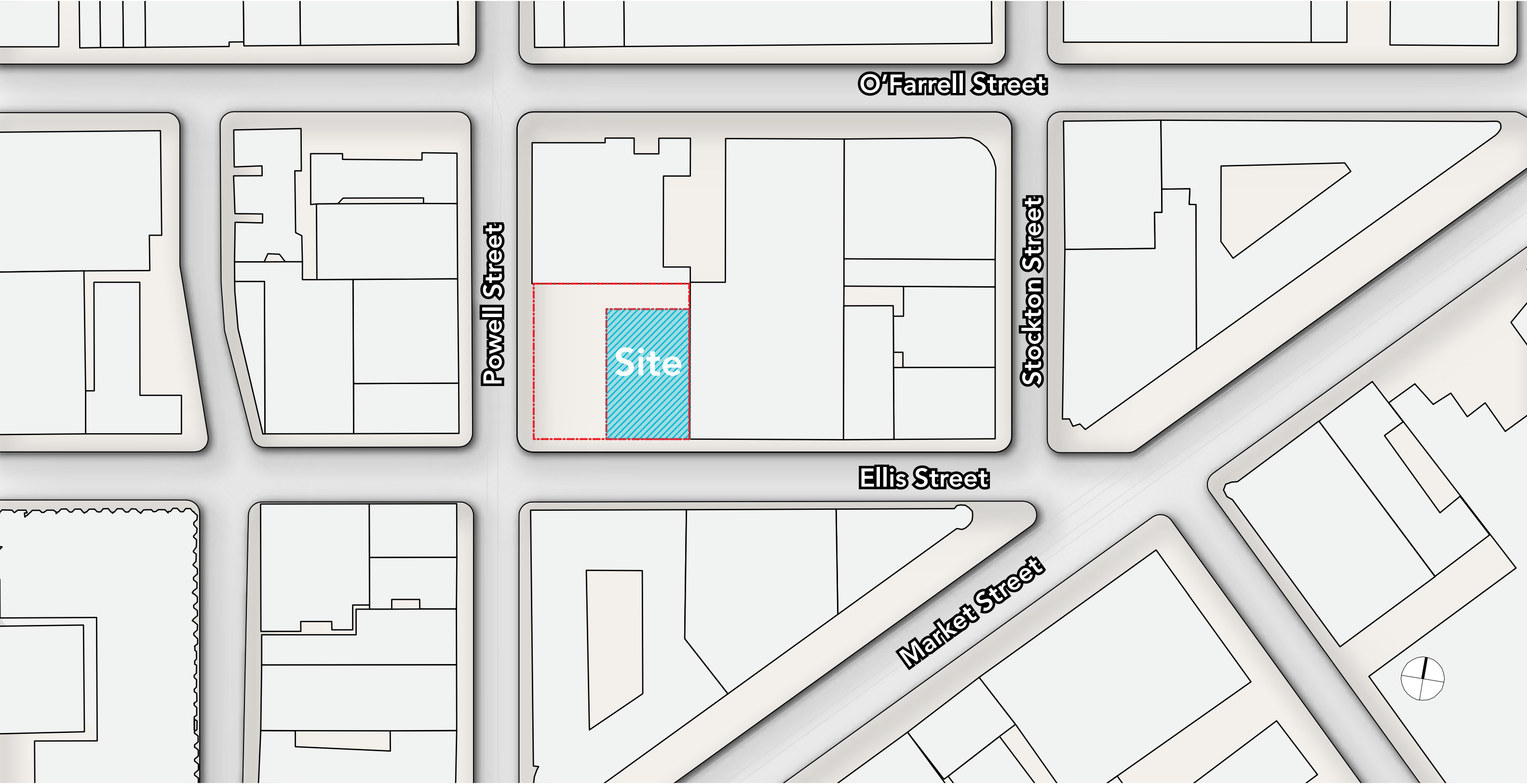
| FLOOR | | GFA (PER SEC 102.9) | | | | | EXEMPTED GSF (PER SEC 102.9) | | | | OVERALL SF | PARKING | | | OPEN SPACE (PER SEC 138) | | AMENITY |
|-------|-------------|---------------------|--------|-------------|--------|--------|------------------------------|-------|----------------|-------|------------|-------------|-------------|---------|--------------------------|---------|----------------|
| | HOTEL | | | | RETAIL | TOTAL | PARKING | BIKES | MECH & UTILITY | TOTAL | TOTAL | CAR PARKING | BIKE SPACES | | COMMON | PRIVATE | NOT OPEN SPACE |
| | HOTEL ROOMS | NET | COMMON | GROSS HOTEL | | | | | | | | | CLASS 1 | CLASS 2 | | | |
| ROOF | | | | 0 | | | | | 1,031 | 1,031 | 1,031 | | | | 2,780 | | |
| 11 | 15 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 10 | 15 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 9 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 8 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 7 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 6 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 5 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 4 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | | | | | |
| 3 | 18 | 6,546 | | 6,546 | | 6,546 | | | 58 | 58 | 6,604 | | 6 | 6 | | | |
| 2 | | | 3,239 | 3,239 | 4,527 | 7,766 | | | 155 | 155 | 7,921 | | | | | | |
| 1 | | | 1,701 | 1,701 | 5,056 | 6,757 | | | 925 | 925 | 7,682 | | 2 | 4 | | | |
| B1 | | | 2,373 | 2,373 | | 2,373 | | | 5,455 | 5,455 | 7,828 | | | | | | |
| Total | 156 | 58,914 | | 66,227 | 9,583 | 75,810 | 0 | | 8,088 | 8,088 | 83,898 | 0 | 8 | 10 | 2,780 | 0 | 0 |

| | |
|-----------------------|--|
| BIKE PARKING ANALYSIS | Total Required Class 1 (Retail) : 1 / 7,500 sf of occupied floor area = 2 Bike Spaces Total Required Class 1 (Hotel) : 1 / 30 hotel rooms = 6 Bike Spaces Total Required Class 2 (Retail) : 1 / 2,500 sf of occupied floor area = 6 Bike Spaces Total Required Class 2 (Hotel) : 1 / 5,000 sf of occupied conference, meeting, or function room = 6 Bike Spaces |
| OPEN SPACE ANALYSIS | Open Space Requirement 1 sf of Open Space / 100 sf of Permitted Use (75,810 / 100 = 759 SF) Total Open Space Provided = 2,780 sf (per entitlement) |

SITE



SITE PLAN



EXISTING CONDITIONS

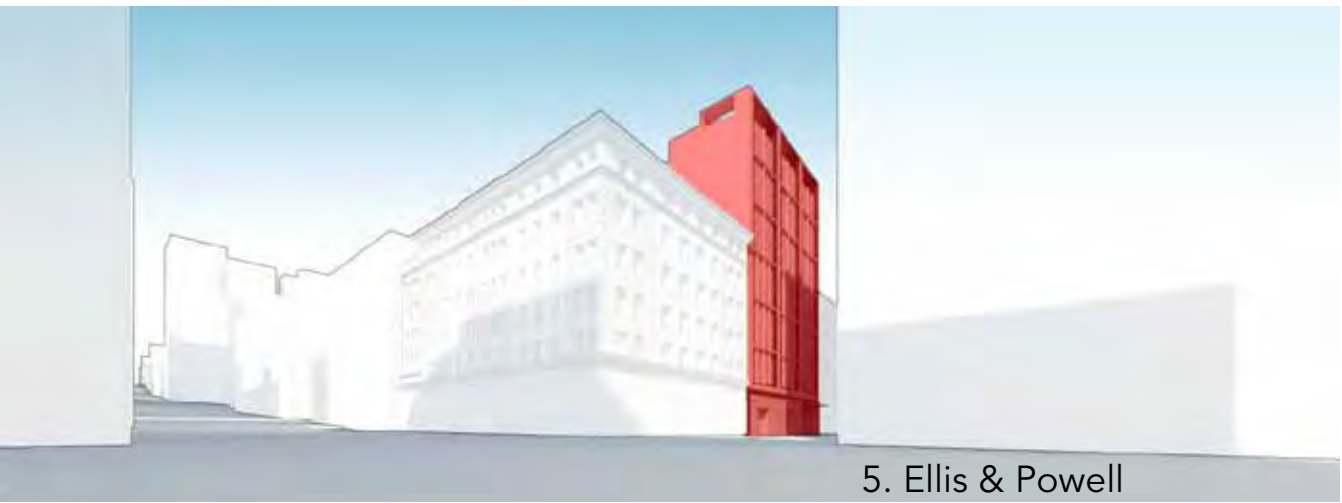
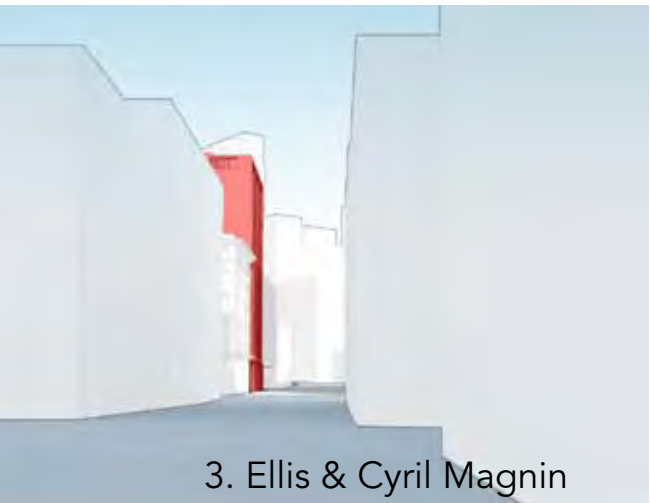
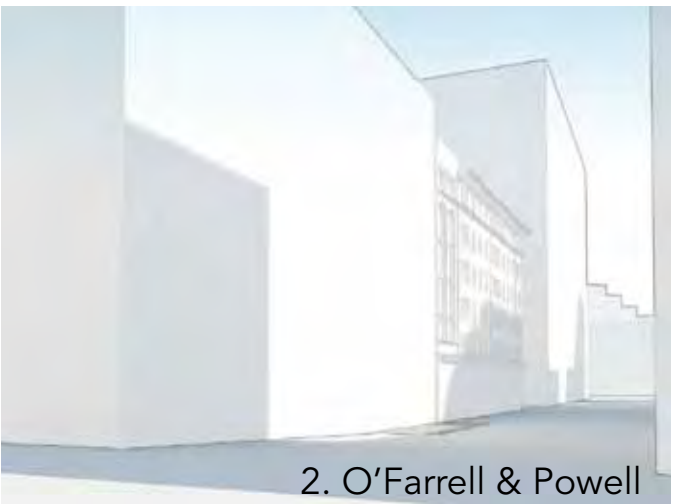
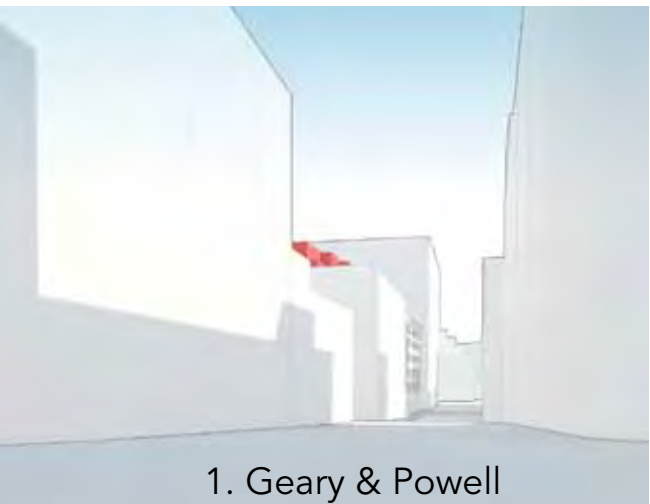
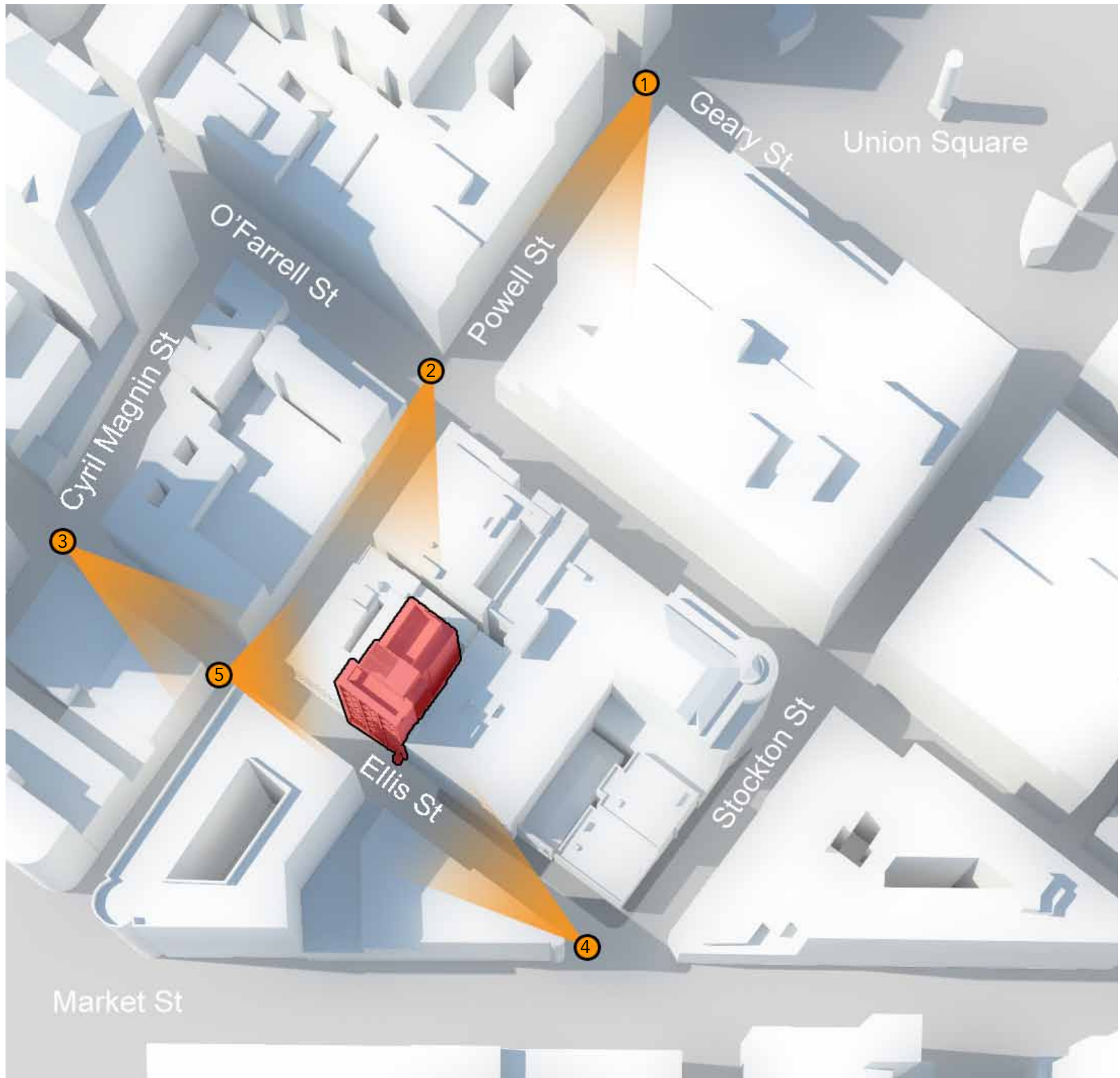


Ellis North Elevation



Ellis South Elevation

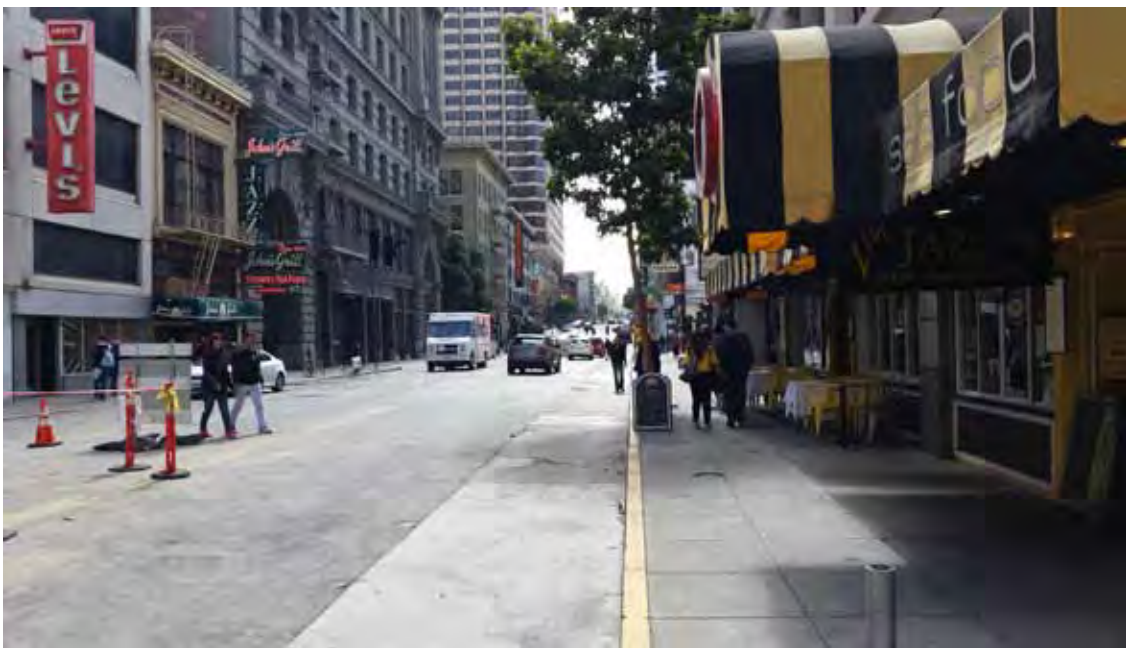
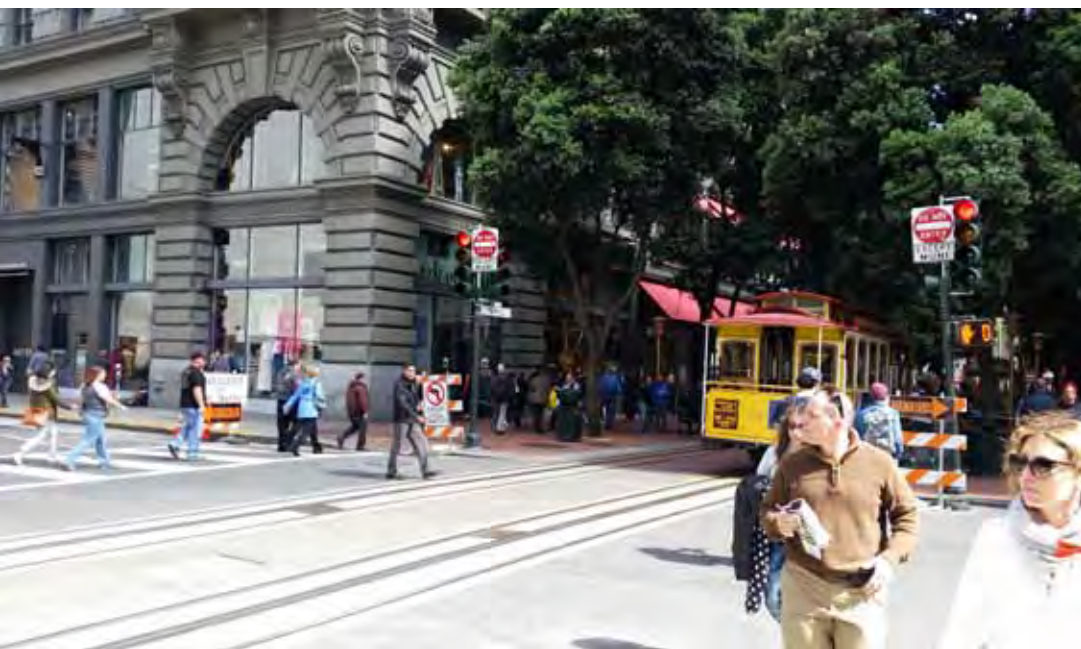
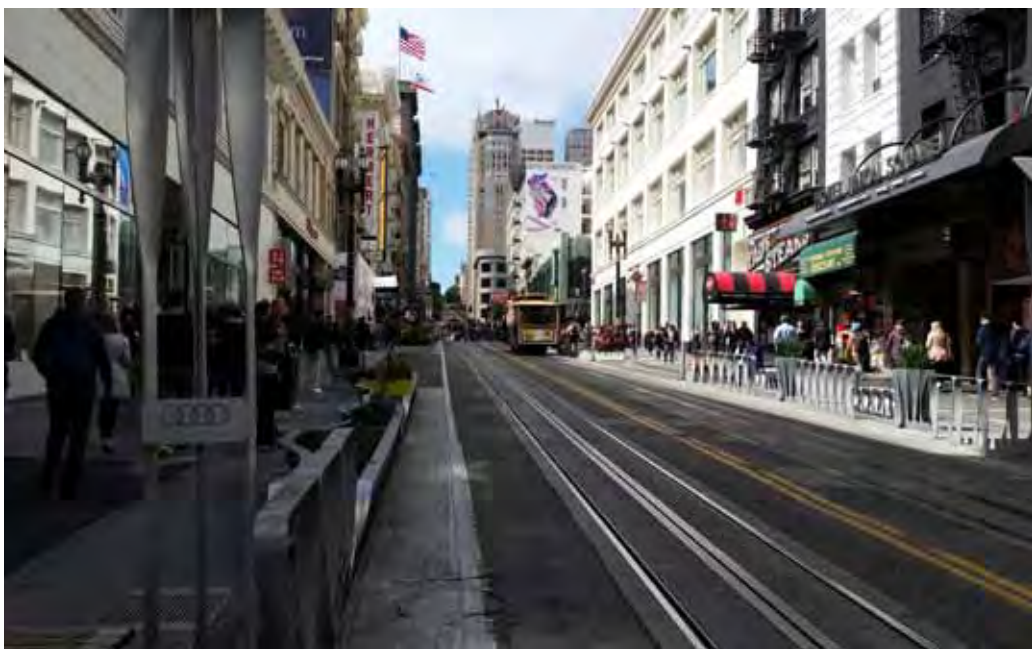
CONTEXT - Views



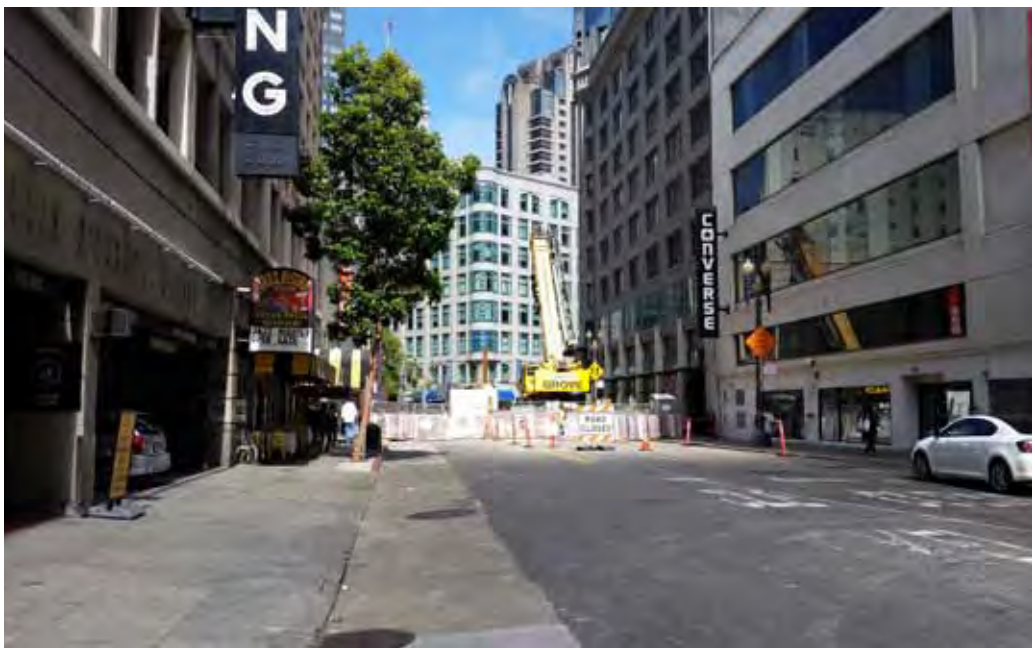
EXISTING CONTEXT



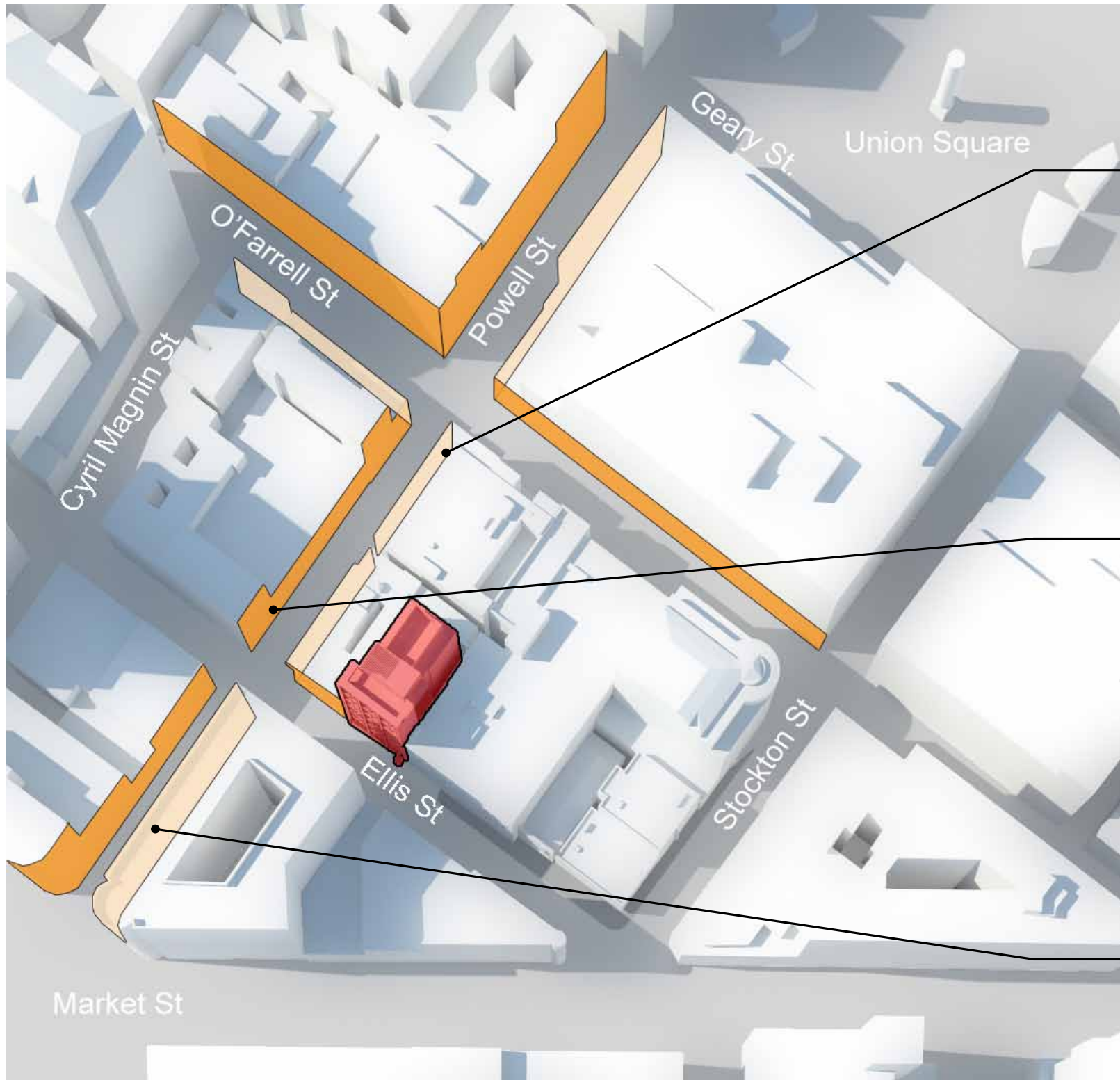
Corner of Powell St & Ellis St



Ellis St



CONTEXT - Retail

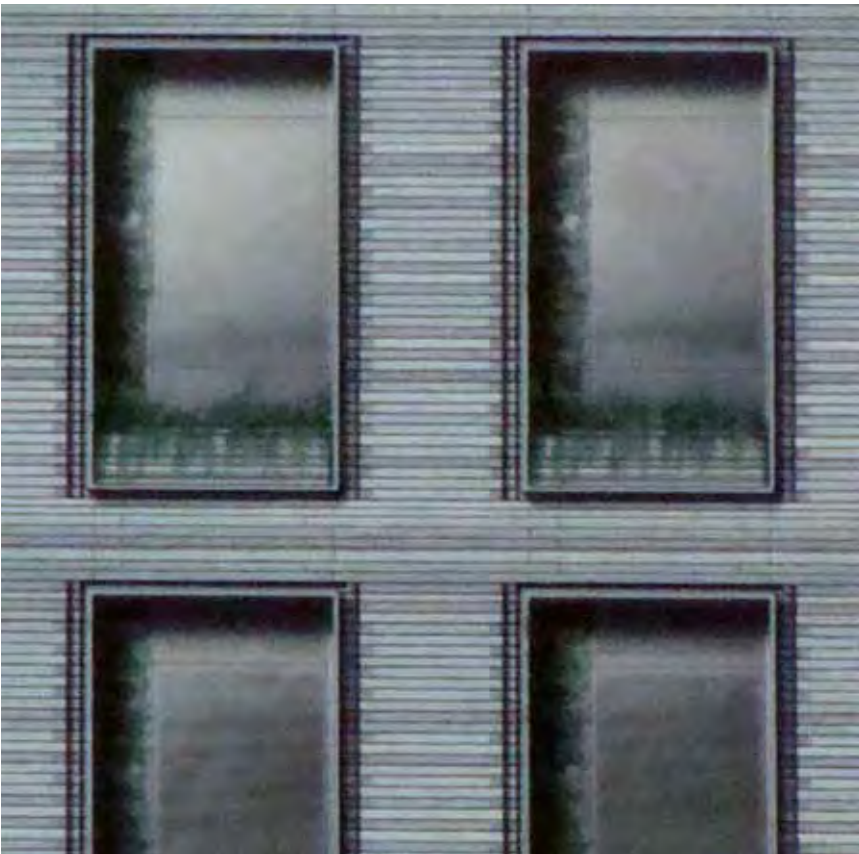


CONTEXT - Building Texture of Union Square



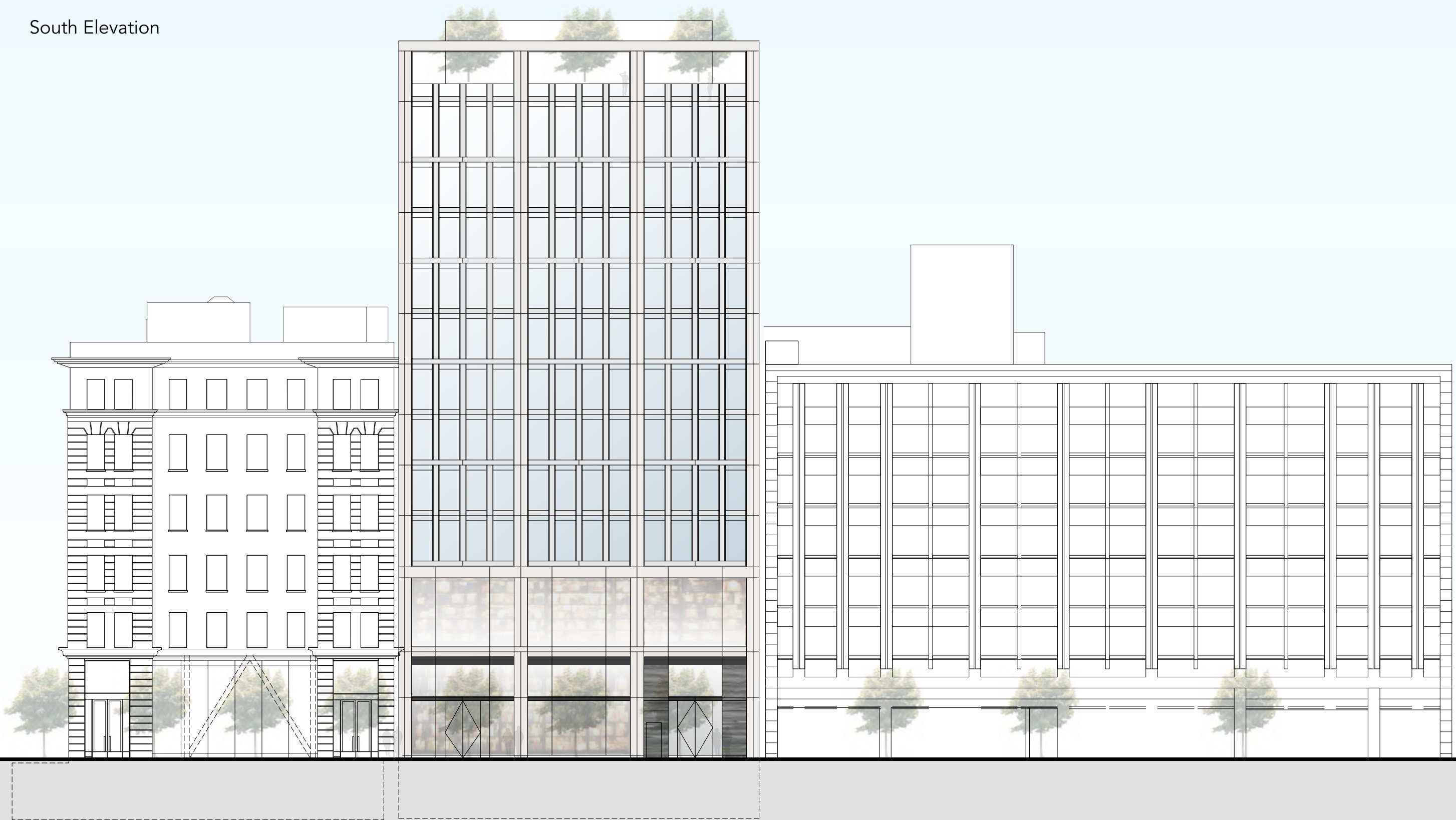
REVISED DESIGN-preferred

REVISED DESIGN - Facade Precedents

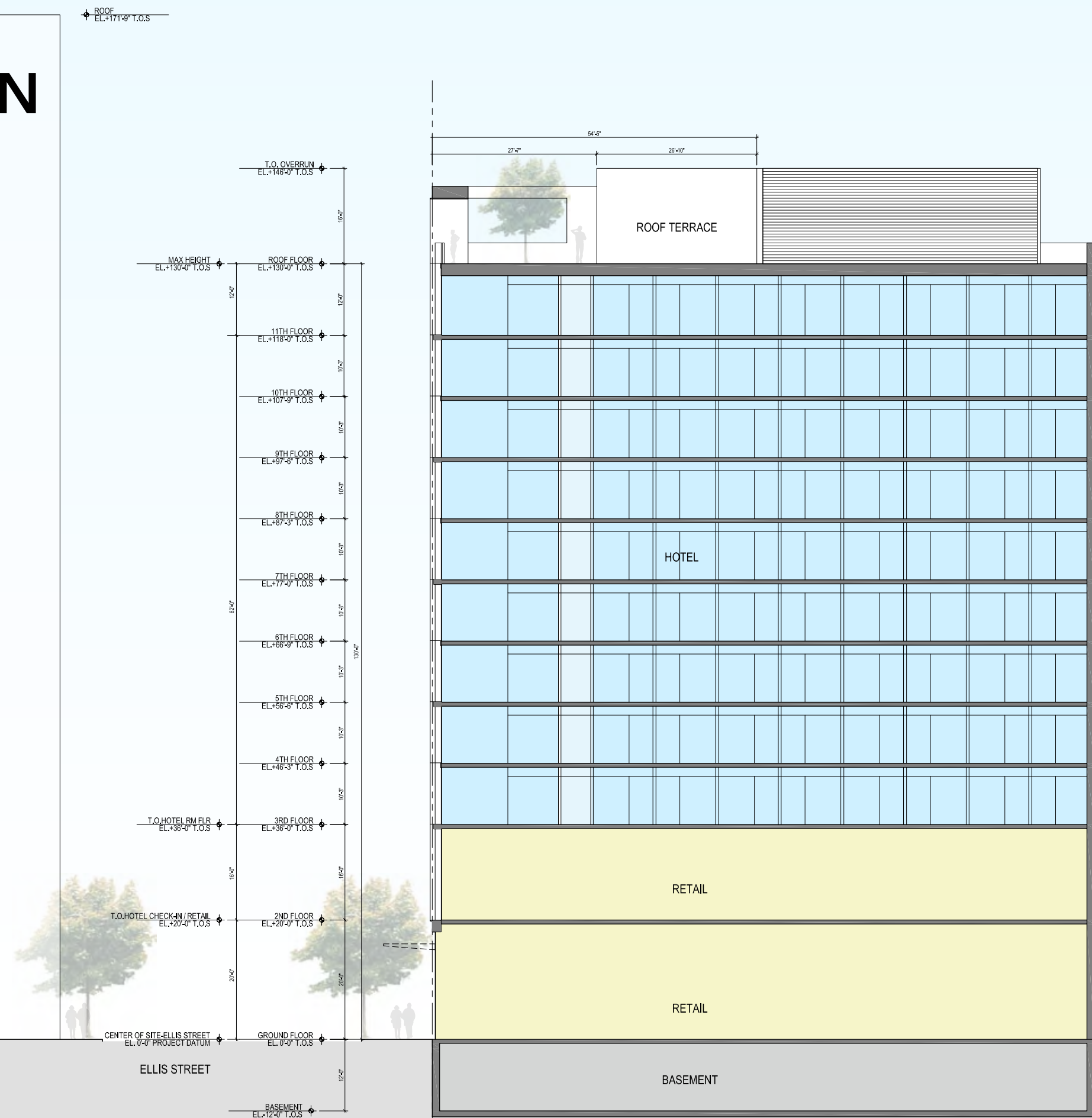


REVISED DESIGN - Version 2

South Elevation

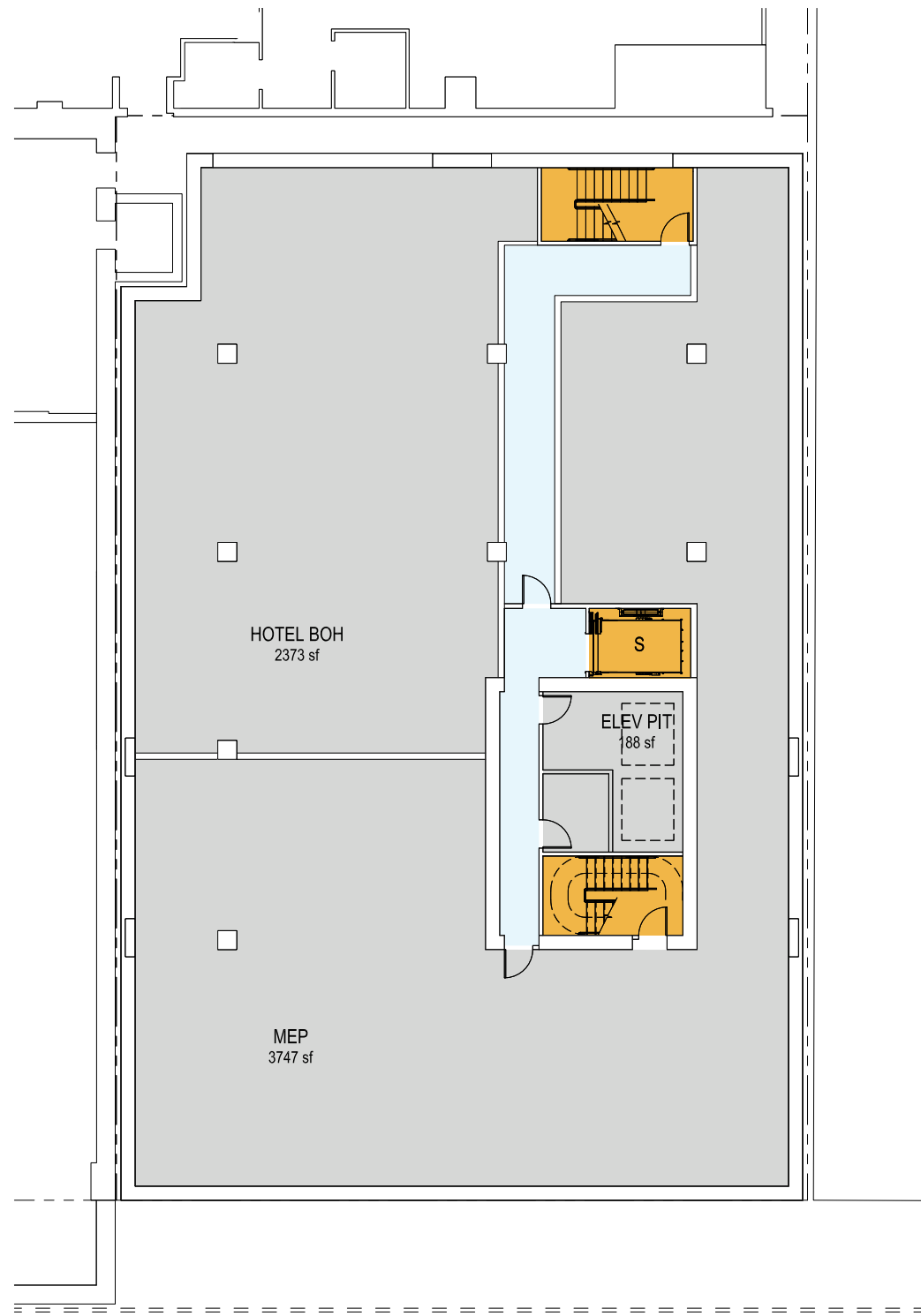


North-South Section

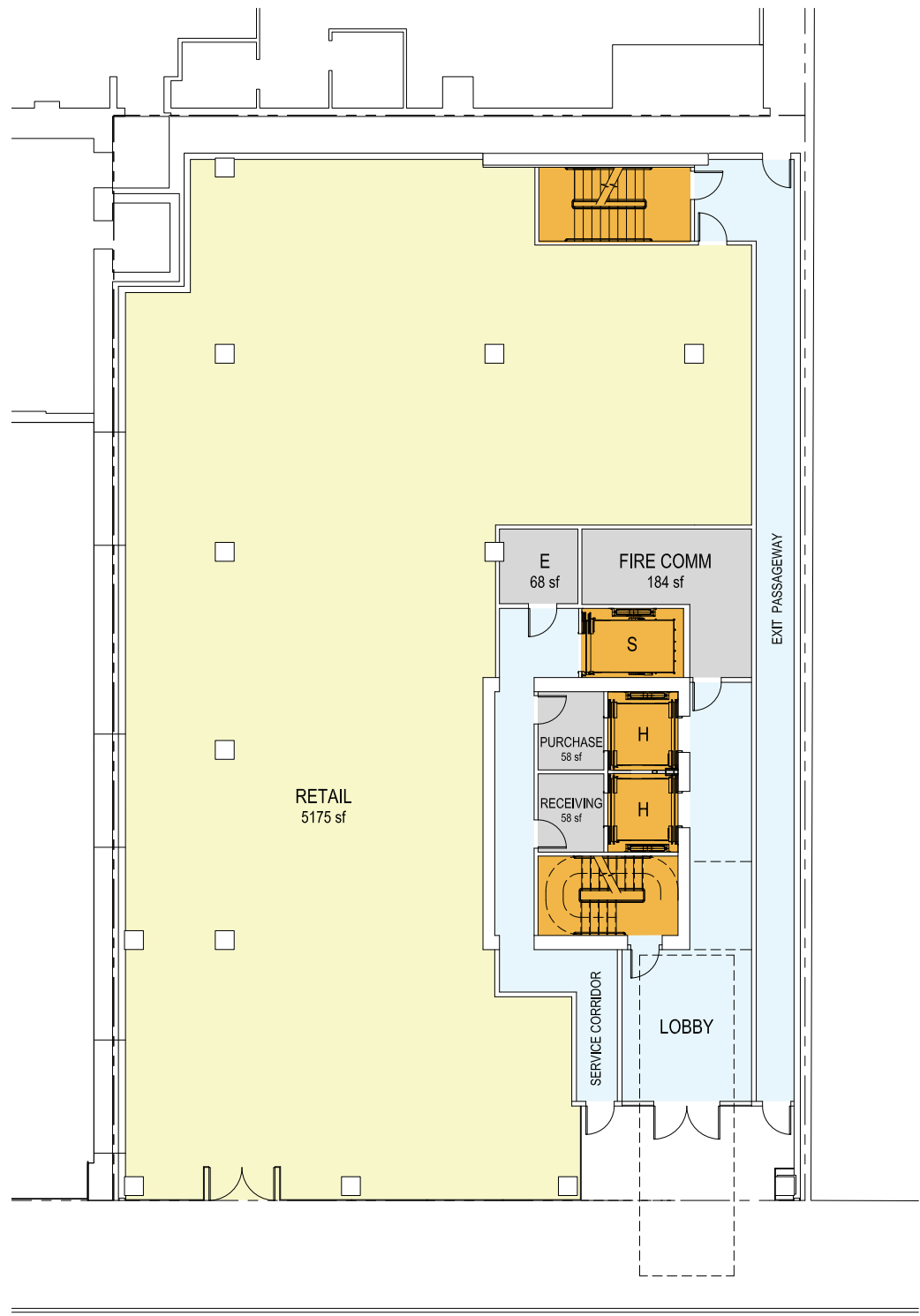


REVISED DESIGN

Basement Plan

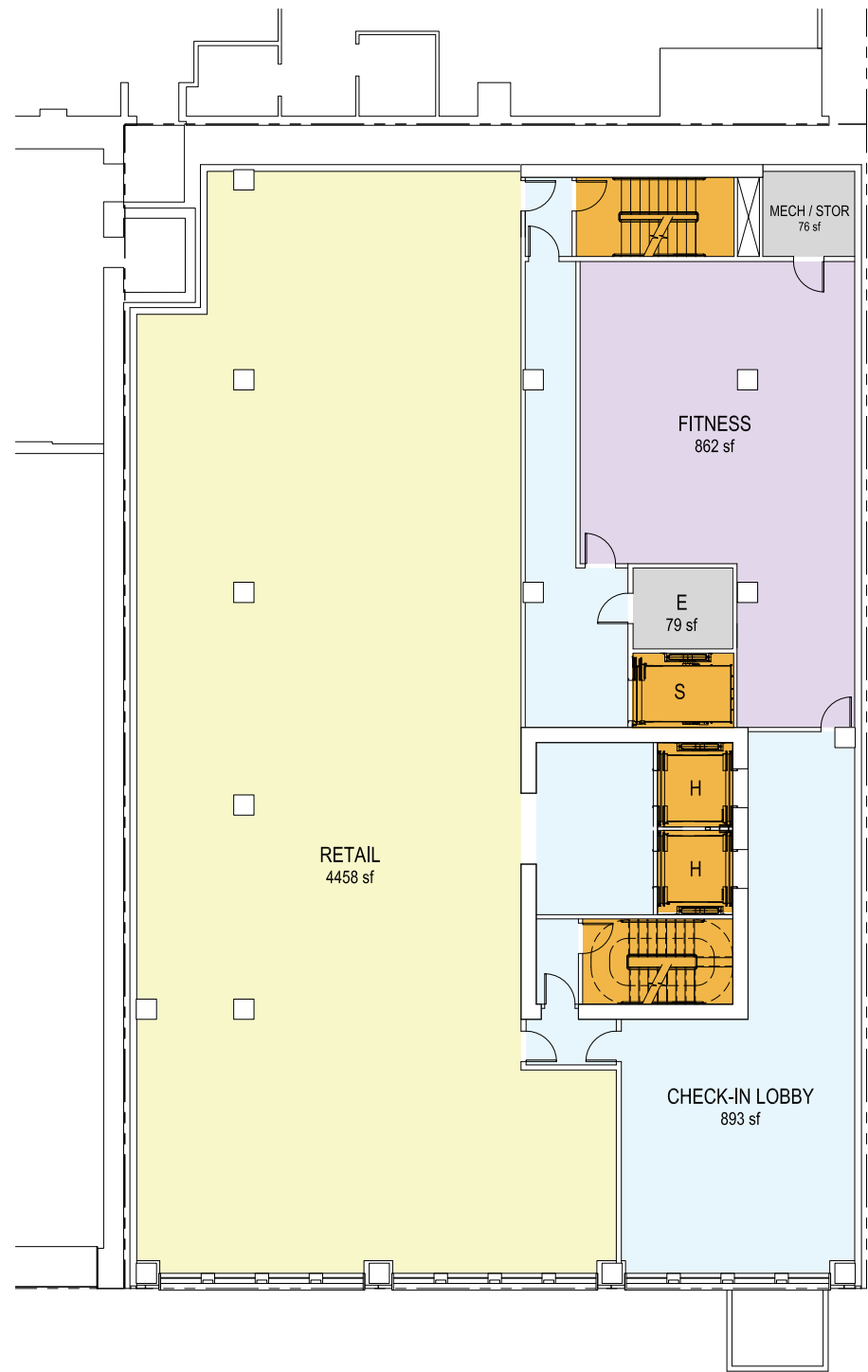


Ground Floor Plan

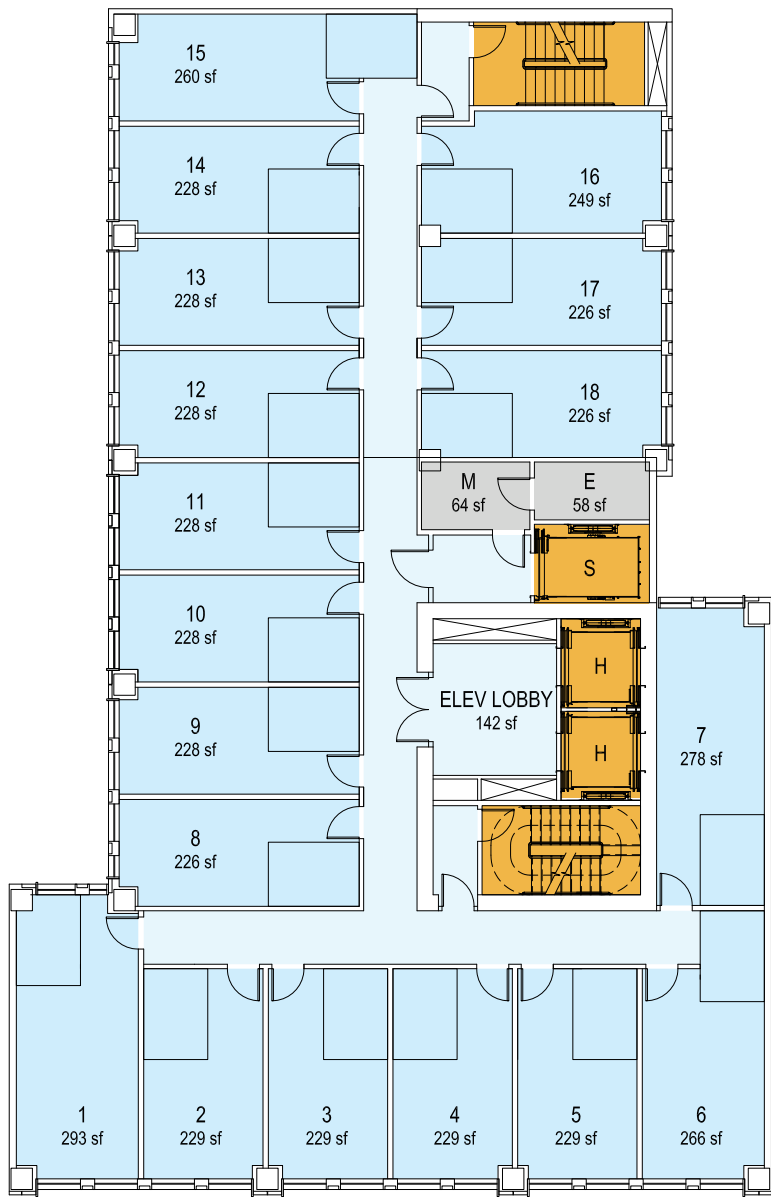


REVISED DESIGN

Second Floor Plan

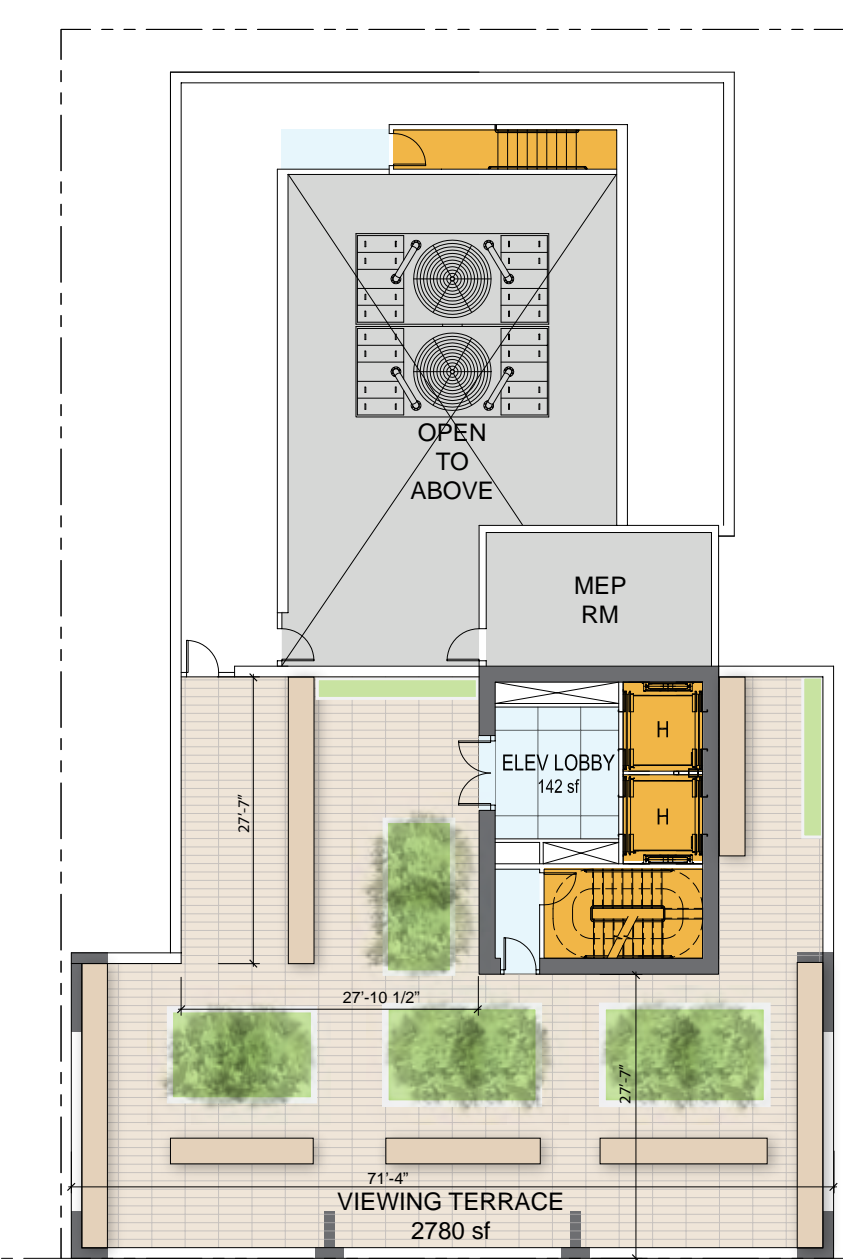


Typical Floor Plan



REVISED DESIGN

Roof Plan



REVISED DESIGN - Version 2



Perspective View



Retail Space

REVISED DESIGN - Version 2



Perspective View

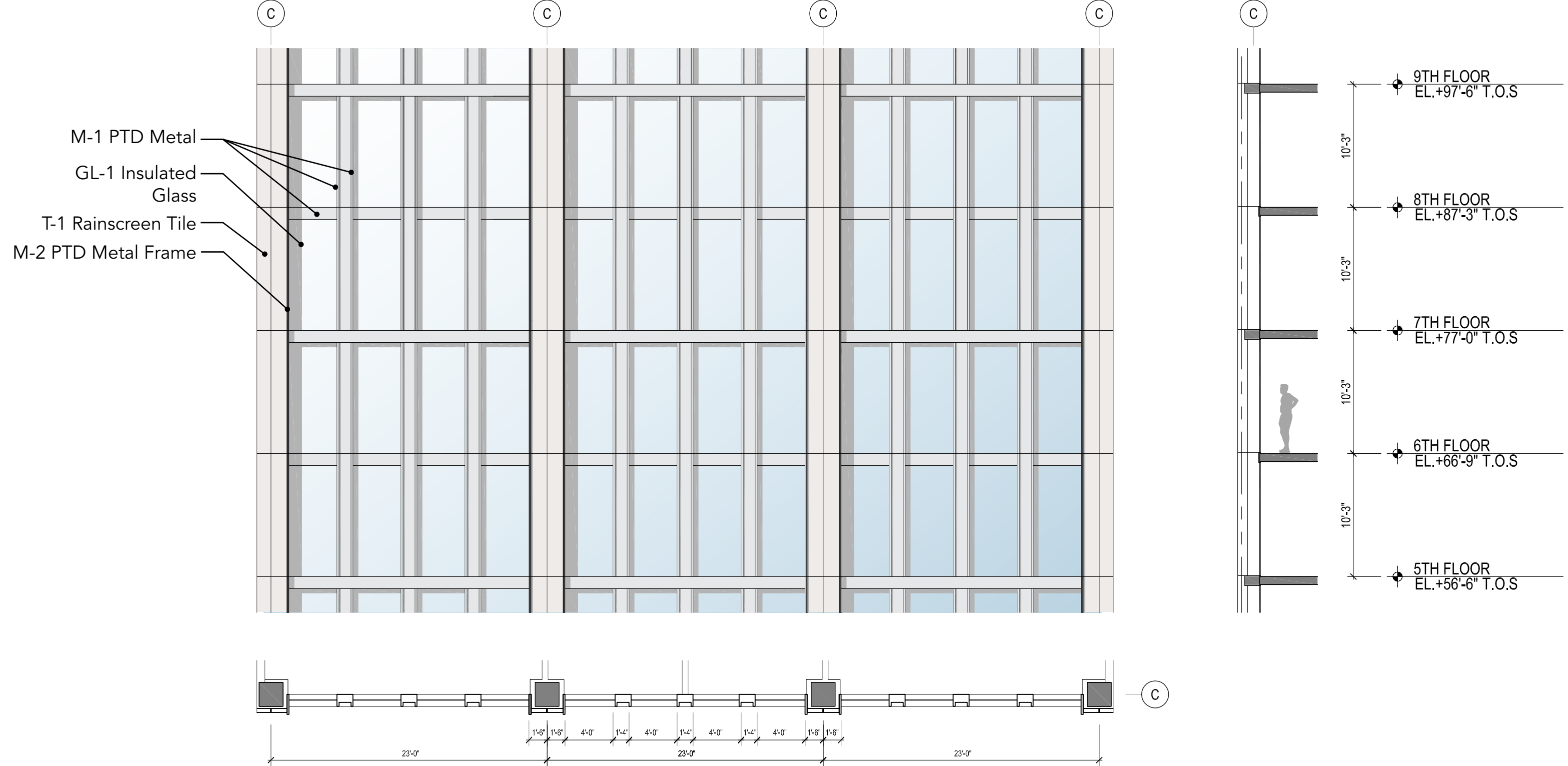


Cornice Detail View

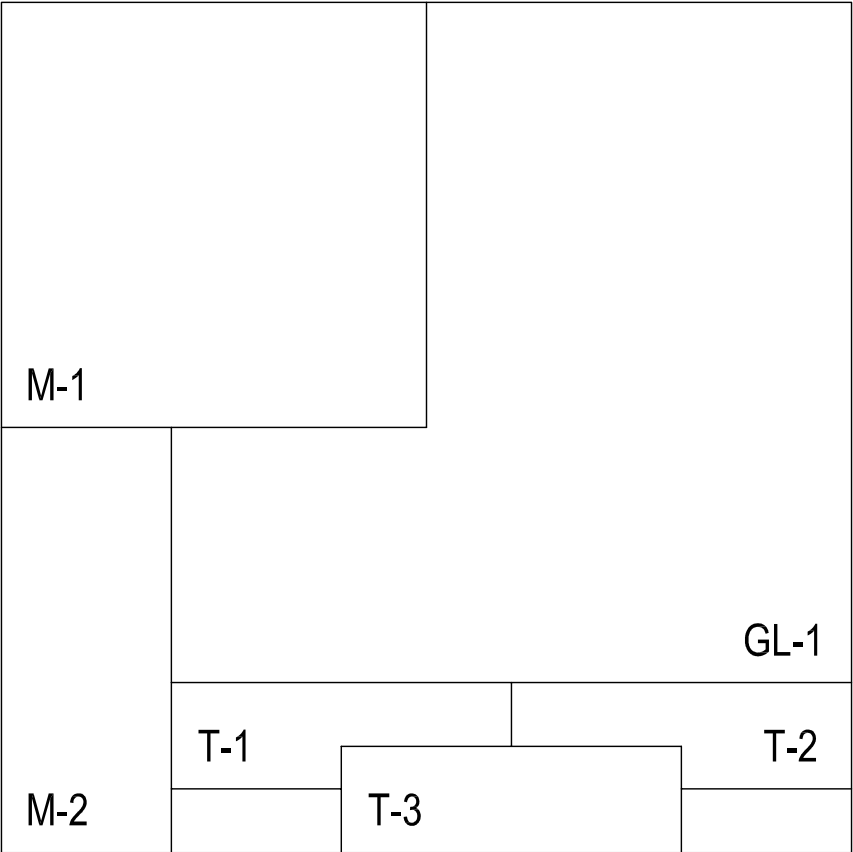
REVISED DESIGN - Version2



REVISED DESIGN - Typical facade



MATERIAL PALETTE



- M-1 - PTD METAL - CHAMPAGNE / LIGHT BRONZE METALLIC
- M-2 - PTD METAL- BLUE / BLACK METALLIC
- GL-1 - LOW-E INSULATED GLASS
- T-1 - LIGHT CREAM / BUFF RAINSCREEN TILE
- T-2 - DARK GREY / BLACK RAINSCREEN TILE
- T-3 - LIGHT GREY RAINSCREEN TILE

ORIGINAL ENTITLEMENT

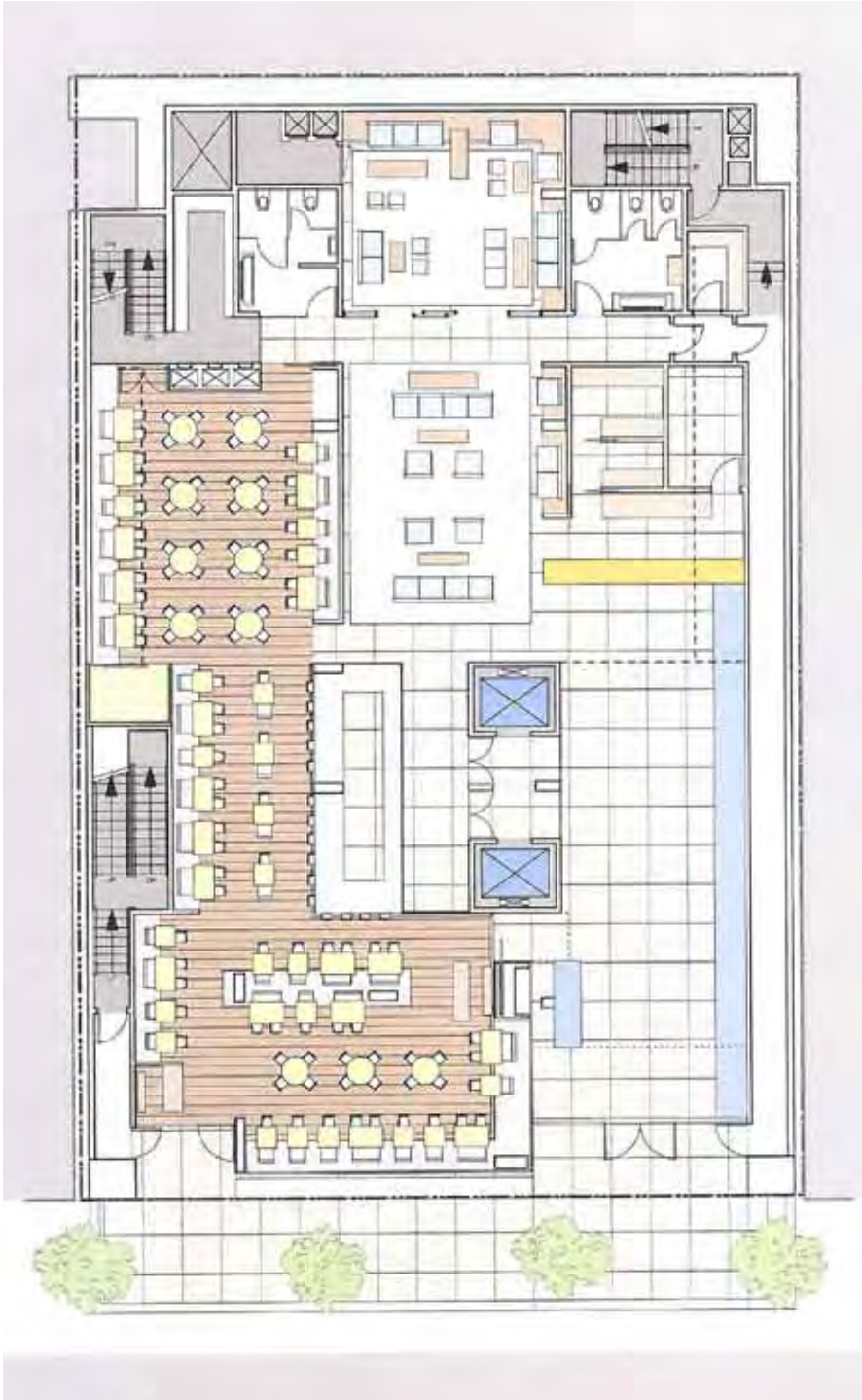
ORIGINAL ENTITLEMENT

South Elevation

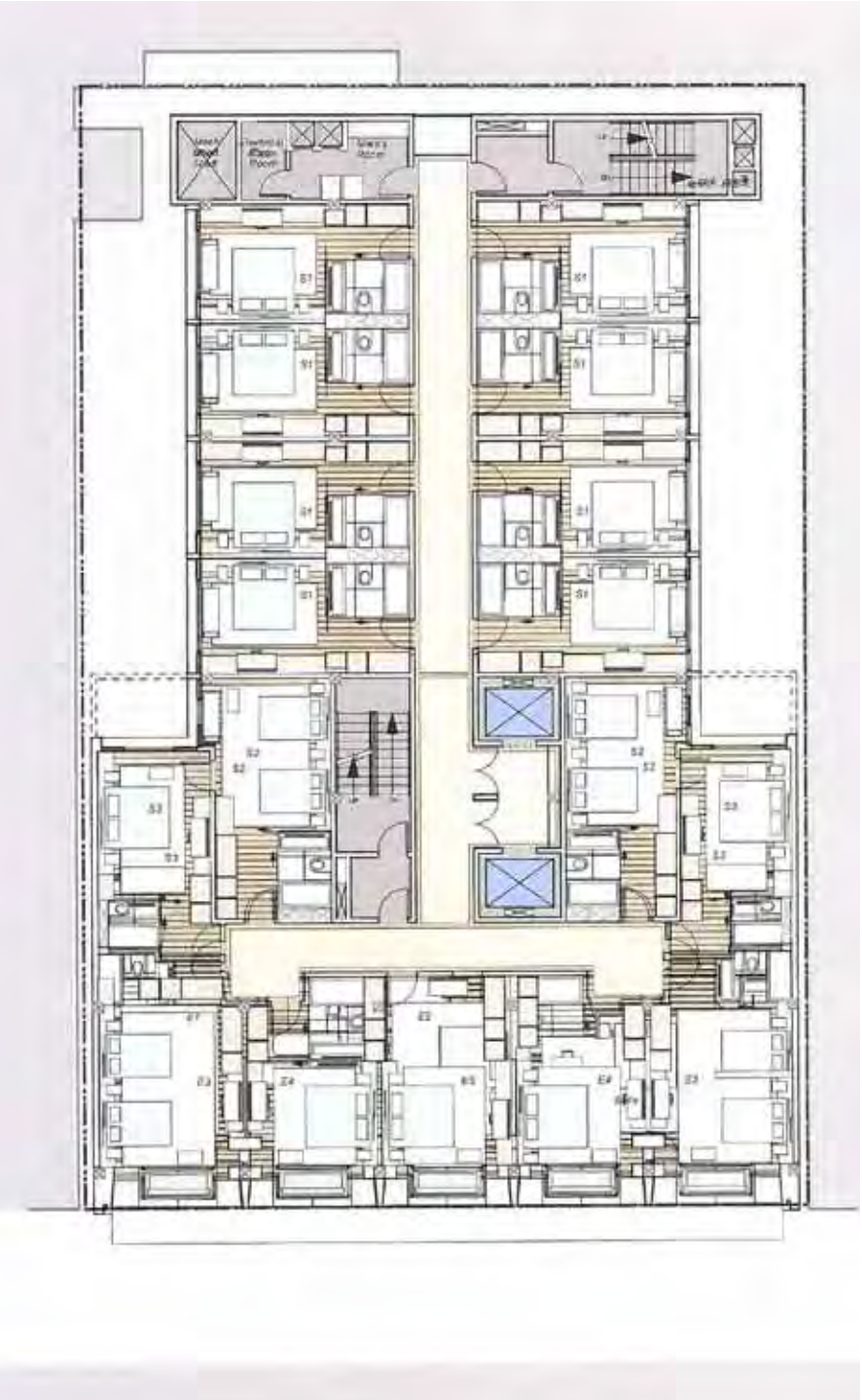


ORIGINAL ENTITLEMENT

Ground Floor Plan



Typical Floor Plan Ver 1



Typical Floor Plan Ver 2



ORIGINAL ENTITLEMENT

North-South Section



ORIGINAL ENTITLEMENT

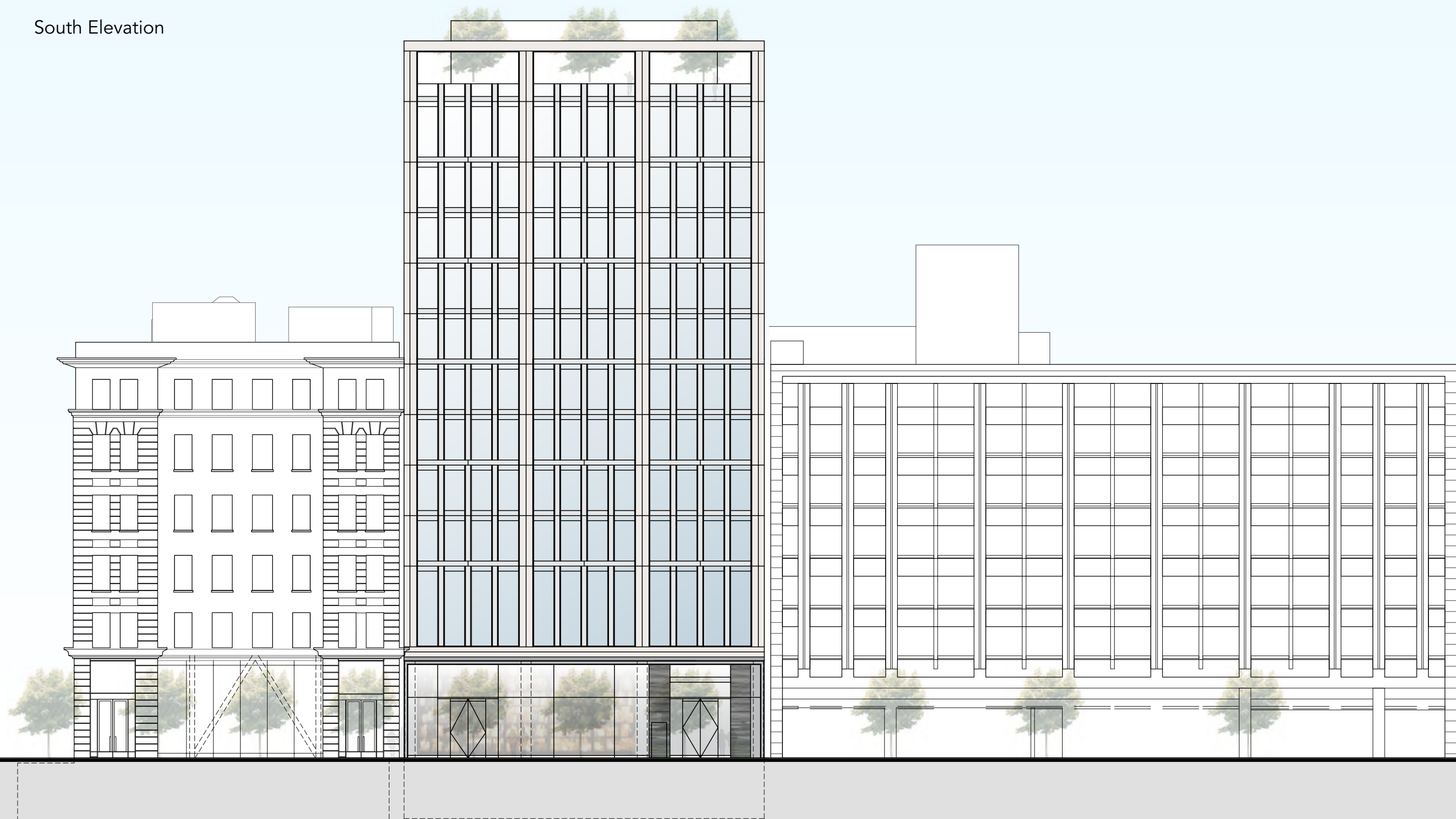
Street Views



REVISED DESIGN

REVISED DESIGN - Version 1

South Elevation



REVISED DESIGN - Version 1



Perspective View



Retail Space

REVISED DESIGN - Version 1



Perspective View



Cornice Detail View

REVISED DESIGN - Version1 retail facade

