



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Amendment / Downtown Project Authorization / Conditional Use / Variance

HEARING DATE: NOVEMBER 3, 2016

Date: October 20, 2016
Project Address: 950 Market Street
Project Proposal: 1) Planning Code Amendment;
2) Downtown Project Authorization
3) Conditional Use; and 4) Variance
Case Number: 2013.1049XCVP-CA [Board of Supervisors File Number 161066]
Zoning: C-3-G (Downtown General)
120-X Height and Bulk District
Block/Lot: 0342/001, 002, 004, and 014
Initiated by: Supervisor Jane Kim on October 4, 2016
Project Sponsor: Michelle Lin,
Mid Market Center, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.asbagh@sfgov.org
Reviewed by: AnMarie Rodgers, Senior Policy Advisor
anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation: **PCA – Adopt resolution recommending approval with amendments**
Entitlements – Approval with Conditions

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The development proposal at 950-947 Market Street was originally submitted on November 19, 2013, and was substantially revised on September 15, 2015 to generally reflect the Code-compliant residential, hotel, and retail project now before the Commission for consideration.

On October 4, 2016, the Board of Supervisors introduced an Ordinance, sponsored by Supervisor Jane Kim, that would exempt the project from a range of Planning Code requirements, including the inclusionary affordable housing requirements of Section 415, and instead authorize the project to participate in one of two alternative affordable housing schemes, both involving the dedication of land to the City.

Both the development proposal and the Planning Code Amendment are before the Planning Commission for consideration.

SITE DESCRIPTION AND PRESENT USE

The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets- Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking

structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 120-X Height and Bulk District, and is located within the Downtown Plan Area.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Mid-Market area at the edge of the Downtown/Civic Center neighborhood and adjacent to the South of Market (SoMa) and Tenderloin neighborhoods. Other zoning districts in the vicinity include: the SoMa NCT (Neighborhood Commercial) and C-3-S (Downtown Support) Districts to the south and RC-4 (Residential-Commercial – High Density) Zoning District to the north. The surrounding mixed-use area contains diverse building types and uses and is near the Market Street Theatre and Loft Historic District as well as the Uptown Tenderloin Historic District. The project site is approximately one block west of Hallidie Plaza and directly across Market Street from the currently under construction CityPlace Mall.

Existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses.

PROJECT DESCRIPTION

Development Proposal

The proposal would demolish four existing structures and a surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,000 gross-square-foot building containing 242 dwelling units, a 232-room hotel, and approximately 16,000 square feet of ground floor retail and arts activities. The project includes a residential unit mix of 132 studios (54.5%), 66 one-bedroom units (27.2%), and 44 two-bedroom units (18.2%). Common open space is provided through a 10,400 square-foot roof deck and a publicly accessible, 2,350 square-foot plaza on Turk Street. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible from Taylor Street.

The project's hotel component would be located in the northwestern portion of the building primarily along Turk Street, and accessed via a lobby located with openings on both Turk and Market Streets. The residential component of the project would be located in the southeastern portion of the site, and face onto Turk, Mason and Market Streets. The entrances for the residential units would be located on Market Street and Turk Street, separate from the hotel entries. The ground floor would contain multiple retail spaces along all frontages and a private open courtyard located mid-block on Market Street. In addition, the project would provide publicly accessible open space along Turk Street in the form of a 2,352 square foot plaza, and a 2,300 square foot landscaped sidewalk seating area.

Planning Code Amendment

The proposed Ordinance is an uncodified amendment to the Planning Code and Public Health Code Article 12C. It would do the following:

- **Affordable Housing Fund.** The ordinance would establish the “180 Jones Street Affordable Housing Fund” to receive fee revenue dedicated mainly to affordable housing.
- **Land Dedication/Affordable Housing Requirements.** The ordinance proposes an alternative to providing 13% of the units (31) at the 950 Market Street site as BMR ownership units. The ordinance would authorize the dedication of land located at 180 Jones Street to the Mayor’s Office of Housing and Community Development (“MOHCD”) at no cost and 1) payment of \$14.8 million through various means to the 180 Jones Street Fund in order to develop a 100% affordable housing project with 60-70 units (equivalent to 25%-29% of the units in the Market Street project), at the 180 Jones site, or 2) the project sponsor would develop the 100% affordable project with 60-70 units at the Jones site and provide a gift of \$2million to the 180 Jones Street Fund.

180 Jones Street is a surface parking lot located at the southeast corner of the intersection of Turk and Jones Streets. Zoned C-3-G, the property is 500 feet from the 950 Market site and was approved by the Commission on September 13, 2012 for a mixed-use project containing 37 dwelling units and 2,700 square feet of retail.

- **Jobs-Housing Linkage Fee.** The ordinance would take the Jobs-Housing Linkage fee for the project and deposit said funds into the 180 Jones Street Fund. It should be noted that the ordinance estimates the fee to be \$1.8 million; however after credits for existing uses, would be \$901,000.
- **Gross Floor Area and Transfer of Development Rights.** The ordinance would exempt 26,576 square feet of gross floor area from the otherwise applicable maximum 9:1 Floor Area Ratio (FAR) limit. Prior to the introduction of the Ordinance, this floor area would have been occupied by on-site BMR units, which, under the provisions of Planning Code Section 124(f), can be exempted from FAR calculations with a Conditional Use Authorization. Following the introduction of the Ordinance, this floor area was proposed for use as market-rate units, which would not otherwise be permitted.

Furthermore, the ordinance would exempt the project from the requirement of purchasing Transferable Development Rights (TDR) for the 26,576 square feet of floor area that exceeds the maximum FAR of 9:1.

- **Non-potable Water Ordinance.** The ordinance would exempt the project at 950-974 Market Street from the requirements of the Non-potable Water Ordinance. Total costs to comply with this requirement for the proposed building are thought to be between \$3.9 and \$5.6 million.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 14, 2016	October 5, 2016	29 days
Posted Notice	20 days	October 14, 2016	October 6, 2016	28 days
Mailed Notice	20 days	October 14, 2016	October 6, 2016	28 days

PUBLIC COMMENT/COMMUNITY OUTREACH

The Department has been informed that community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, Central City SRO Collaborative, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR, Golden Gate Theatre, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties.

To date, the Department has received correspondence expressing both support and opposition to the Project. In addition, an appeal of the PMND was filed and is scheduled to be heard on November 3, 2016, along with the development proposal and Planning Code Amendment.

DEVELOPMENT PROPOSAL – ISSUES AND OTHER CONSIDERATIONS

Planning Code Exceptions:

The Project does not strictly conform to several aspects of the Planning Code. As part of the Section 309 review process, the Commission may grant exceptions from certain requirements of the Planning Code for projects that meet specified criteria. The project requests exceptions regarding Rear Yard (Section 134), Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), and Tour Bus Loading Spaces (Section 162). Compliance with the specific criteria for each exception is summarized below, and discussed further in the attached draft Section 309 motion.

- **Rear Yard.** Planning Code Section 134 requires that buildings containing dwelling units provide a rear yard equal to 25 percent of the total lot depth at all residential levels. While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Additionally, the Project would provide a 10,400 square foot roof deck and solarium that would have full, unobstructed access to light and provide protected common open space. An additional 2,352 square foot plaza along Turk Street would further provide open space for the residences.
- **Ground Level Wind Currents.** Per Section 148, when existing ambient wind speeds exceed the comfort levels (7mph for seated areas/11mph for pedestrian areas), new development must be designed to reduce the ambient wind speeds to meet the specified comfort level. An exception to these requirements may be granted if the building cannot be shaped to meet the requirements without creating an ungainly building form and unduly restricting the development potential of the building site.

Wind tunnel tests show that the project would alter comfort exceedances at the test sites: 14 would be increased, one decreased, 11 remain unchanged, and 9 created resulting in a total of 36 comfort exceedances. An exception is justified under the circumstances, because the changes in wind speed and frequency due to the project are slight and unlikely to be noticeable. For the existing configuration in the vicinity of the project site, wind conditions were generally low with wind speeds averaging 11 mph for all 27 measurement locations. For the existing plus project configuration, wind speeds generally remained similar with the average wind speed for all test locations increased slightly from 11 mph to 12 mph. The 11mph criterion was exceeded 16% of

the time, a minor increase when compared to existing conditions on and around the project site. The project would minimally increase winds and there is no reason to believe that modification of the design would improve the existing windy conditions that currently exist.

- **Tour Bus Loading Spaces.** Section 162 sets the requirements for Tour Bus Loading Spaces for Hotel projects within C-3 Districts. Due to the unique combination of uses, the unusual configuration and size of the site, compliance with the tour bus requirements would substantially reduce the amount of retail, pedestrian circulation and open space uses on the site and along the sidewalk within the public realm. Additionally, there is ample loading space located along the Turk Street frontage that would accommodate bus loading without impeding vehicular traffic.

Conditional Use Authorization:

- **Floor Area Ratio.** Sections 124(f) and 303 to allow additional square footage above the base floor area ratio for the development of on-site affordable dwelling units. The project would exceed the maximum floor area allowed by 26,575 square feet, which is equivalent to the floor area of the on-site BMR units. Once the floor area of the BMR units is exempted, the FAR of the project would be reduced from an FAR of 9.6:1 to an FAR of 8.8:1, within the allowed maximum of 9:1. The project sponsor has requested that the project moves forward with this Conditional Use Authorization so as to maintain the option of providing on-site units in the even the proposed ordinance is not adopted.
- **Hotel Use.** The project includes a 232-room hotel and therefore requires a Conditional Use Authorization (CUA). In addition to standard findings, the Commission must consider additional criteria related to the impacts of the hotel when granting a Conditional Use Authorization. The hotel would employ an estimated 250 employees, however, it is anticipated that most would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population. The Department has been informed that the sponsor has taken measures to work with Tenderloin based community organizations as well as to partner with Unite Here Local 2 to ensure that local residents are employed. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal. A demand analysis prepared for the project found that the proposed boutique-style hotel would help alleviate the shortage of hotel rooms within the city and operate at a functional capacity year-round by the year 2019. achieve an 84% occupancy rate by 2019.

Variance:

Section 155(d) requires that all off-street freight loading and service vehicle spaces be accessed by means of a private driveway that is completely contained within the structure and Section 155(s)(5)(A) restricts the width of loading dock openings to 15 feet in C-3 Districts. The project does not meet the requirement and is seeking Variances from the Zoning Administrator to allow direct access to loading off of Turk Street and the width of the loading access to exceed 15 feet.

Downtown Area Plan:

The project would add 242 dwelling units to the city's housing stock as well as provide 232 hotel rooms in a location that is well served by public transit. The hotel, by virtue of its location, will help meet the demands created by visitors to the city and minimize the negative effects of those visitors on people living and working in the city. The project will provide 16,100 square feet of retail at the ground floor that will serve the hotel and new dwelling units as well as those already living and working in the vicinity.

On balance, the project meets the goals of the plan and would create substantial benefits for the City while minimizing undesirable consequences.

PROPOSED ORDINANCE – ISSUES AND OTHER CONSIDERATIONS

Planning Code Exemptions and Affordable Housing Options

Land Dedication

The Ordinance includes a land dedication of the property located at 180 Jones Street. Although there is no land dedication option for properties in the C-3 Zoning Districts in the current Planning Code, Planning Code Section 419.5 allows land dedication as a way to comply with the inclusionary housing requirements in some zoning districts, like the UMU and Mission NCT. These districts require a higher percentage of affordability than in C-3 Districts. Per Section 419.5, if this project were located in the UMU District, it would be required to dedicate land that could accommodate 35% of the total number of units as affordable units (equivalent to 85 units). The Jones Street site is slated to accommodate between 60 and 70 units under the proposed Ordinance. The sponsor estimates the cost of acquiring the land at 180 Jones to be approximately \$4 million.

GFA and TDR

The Ordinance would exempt 26,575 square feet of floor area from the otherwise applicable maximum 9:1 FAR limit and TDR requirements. The City's TDR program supports the preservation of historic resources; an exemption from the need to purchase 26,575 square feet of TDR diminishes support of that program by approximately \$664,000, assuming a current per TDR price of TDR \$25 per square foot.

Jobs-Housing Linkage Fee

The Ordinance would waive the Jobs-Housing Linkage Fee and would instead divert this fee into the 180 Jones Street fund. The Department estimates that (after credits for existing uses) the fee would be approximately \$0.9 million and thus be less than the projected \$1.8 million stated in the Ordinance.

Affordable Housing

The proposed Ordinance would waive the requirements of Sections 413 and 415 and authorize affordable housing through one of two land dedication options. If the proposed legislation is not adopted, the sponsor would utilize the existing on-site alternative to satisfy affordable housing requirements and provide 31 ownership units, priced at 80% of AMI.

Option 1: Monetary Contribution

- **Value of Contributions.** In addition to the land dedication, the Ordinance would allow the sponsor to pay approximately **\$14.8 million** into the 180 Jones Street Affordable Housing Fund. The total value of the land, payment, and gift amounts to roughly **\$18.8 million** – greater than the face value of either the on-site BMR units at 13% or the in-lieu fee at 25% (\$15 million).
- **Number, Size, and Affordability of Units.** The Ordinance would authorize 60-70 off-site, rental units targeted at an average AMI of 50% (40%-60%).
 - **Existing Requirement.** There is no existing land dedication option in this zoning district, however, if this project were located in the UMU District, it would be required to dedicate land that could accommodate 35% of the total number of units as affordable units (equivalent to 85 units). The existing requirement for on-site units would result in a requirement for 31 on-site units.

- **Number of Units.** The final project at 180 Jones would provide for 15-25 fewer units than would typically be required via land dedication.
 - **Size of Units to Be Provided.** Under both options, the Ordinance would produce smaller, efficiency-type units than what would be required under existing law. The unit mix of the principal project is 54.5% studios, 27.2% one-bedroom units, and 7.4% two-bedroom units.
 - **Affordability.** The proposed ordinance provides housing for residents at lower income levels, consistent with community needs, as identified by Supervisor Kim's office. While the inclusion of on-site BMR units would result in affordable units that are immediately available for residents upon completion of the principal project, the on-site units would be ownership units and therefore, under the Planning Code, would target higher income households (80% AMI).
- **Cost to City.** According to MOHCD, given the proposal to construct efficiency units at 180 Jones that rent to individuals or households earning 40% AMI and 60% AMI, and assuming the City secures State funding to cover the difference in fees paid to the City, this option would meet or exceed the monetary value of current Planning Code affordable housing requirements. While MOHCD reports that requesting State funding is feasible under current conditions, funding in future years – when the off-site project would be ripe for fund allocation – is unclear. **If the City cannot secure State funding, the City will have to pay approximately \$3M to develop the 100% affordable project at 180 Jones.**
 - **Timing of Contributions.** Projects paying the affordable housing fee are required to submit full payment of the fee at the time of issuance of the first construction document. The proposed Ordinance requires the dedication of land prior to issuance of a site permit and \$1.5 million of fees to be paid prior to issuance of the first construction document, or July 1, 2017, whichever is sooner. The remaining \$13.3 million would be due prior to issuance of the project's first temporary certificate of occupancy, likely at least 18-months after issuance of first construction document.
 - **Timing of Approvals and Construction of 180 Jones.** The Ordinance does not restrict the timeframe for MOHCD to secure funding, approvals and to complete construction. Because the project would not provide funding to MOHCD until the Temporary Certificate of Occupancy for the main Project, MOHCD estimates that this process could take four years (approximately 18-24 months for 950 Market project, plus time to entitle and construct 180 Jones).

Option 2: Project Sponsor Constructs Units at 180 Jones

- **Value of Contributions.** Under this option, the sponsor would contribute \$2 million to the Jones Street Fund.
- **Number, Size, and Affordability of Units.** This option would authorize the same unit types and number of units as described above in Option 1. However, under this option, the Ordinance does not specify the household AMI targets for the affordable units.
- **Cost to City.** In this option, the project sponsor would be responsible for delivery of an occupant-ready complete project with no additional cost to the City.

- **Timing of Approvals and Construction of 180 Jones.** The ordinance requires the affordable project to be completed, ready for occupancy, and marketed no less than three years after approval. The project sponsor of the principal project would be responsible for obtaining all required permits and CEQA clearance in the time frame specified by the Ordinance.

Non-Potable Water Ordinance

In September 2012, the City adopted the Non-potable Water Ordinance¹ by amending Article 12C of the San Francisco Health Code which requires the collection, treatment, and use of alternate water sources for non-potable applications. In July 2015, the Non-potable Water Ordinance was amended to require that new buildings of 250,000 gross square feet or more located outside the boundaries of San Francisco's designated recycled water use area be constructed, operated, and maintained using available alternate water sources for toilet and urinal flushing and irrigation, beginning November 1, 2016. Specifically, the Ordinance required that no site permit for such a building be issued after that date without full compliance with the Ordinance's non-potable requirements.

Because the project would obtain a site permit after November 1, 2016, the project would be required to comply with this Ordinance. According to the San Francisco Public Utilities Commission, the costs associated with this requirement typically amount to approximately 3-4% of construction cost or \$3.4 - \$4.6 million plus an additional filtration system that would cost approximately \$.5 - \$1 million. The proposed Ordinance exempts the project from complying with this requirement. According to the SFPUC, projects that have been in the process of entitlements for extended periods of time have been working with the SFPUC to satisfy the requirements by alternative means.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must 1) Approve a Downtown Project Authorization pursuant to Planning Code Section 309, granting exceptions to the requirements for "Rear Yard" (Section 134), "Ground Level Wind Currents" (Section 148), and "Tour Bus Loading" (Sections 134); and 2) approve a Conditional Use Authorization pursuant to Planning Code Sections 124(f) and 303 to allow additional square footage above the base floor area ratio for the development of on-site affordable dwelling units within the Project and Section 210.2 to allow for the Hotel.

The proposed Ordinance is before the Commission so that it may recommend that the Board of Supervisors approve or disapprove the proposed ordinance.

RECOMMENDATION

Development Proposal. The Department recommends that the Commission approve the Downtown Project Authorization with requested exceptions and Conditional Use Authorization, with conditions.

Proposed Ordinance. The Department recommends that the Commission adopt a resolution recommending that the Board of Supervisors approve the proposed Ordinance with the following modifications:

¹ Health, Public Works Codes - Mandatory Use of Alternate Water Supplies in New Construction. Board File Number 150350, Ordinance Number 109-15. Introduced on May 19, 2015. Signed by the Mayor on July 2, 2015.

- The Ordinance should be amended to reflect a payment of \$1.8 million to the 180 Street Affordable Housing Fund regardless of the Jobs-Housing Linkage Fee the project would have paid to the city.
- The technical Ordinance language does not tie the various waivers of Planning Code requirements to the payments, dedication of land, and/or provision of BMR units off site. The Ordinance should be amended to make the waivers contingent upon the fund payment, dedication of land, and/or provision of BMR housing.
- The Ordinance should be amended to remove the exemption from the Non-Potable Water Ordinance, and instead the Board should urge that the project sponsor work with the SFPUC to explore satisfying the requirements through alternative means.
- With respect to the Ordinance's off-site unit construction option, clear AMI's comparable to the requirements outlined in the monetary contribution option (option one) should be included. Additionally, a clear timeline should be established within which the off-site project must be entitled and permitted. A contingency should be provided in the event that the off-site project isn't delivered following the construction of the principal project.

BASIS FOR RECOMMENDATION

- The **principal project** would provide much-needed housing, create new hotel rooms to support the City's tourism sector and generate additional Hotel Occupancy Tax, provide publicly accessible open space along Turk Street and create ground level retail space that will activate and enliven the abutting sidewalks.
- With respect to **affordable housing** production, the proposed Ordinance would afford two options that, on balance, would provide generally equal benefit to the City. Either option would facilitate the provision of a greater number of affordable units, at sizes more appropriate for the immediate context, and at AMI levels more consistent with the needs of nearby current residents than would otherwise be provided on-site. Assuming the City is able to secure State funding, the monetary value of either option under the Ordinance would meet or exceed the monetary value of current Planning Code requirements. Concerns regarding (1) the delay required to deliver the occupant-ready affordable housing proposed under the Ordinance, (2) the absence of a direct comparability between the unit sizes proposed under the Ordinance versus those otherwise required, (3) the uncertainty of being able to secure State financing should the sponsor select the land-dedication and monetary contribution option, are generally outweighed by the policy priorities that would be addressed by the nature of the housing proposed at 180 Jones Street.
- The **Non-potable Water Ordinance** was adopted in July 2015. California is currently experiencing a historic drought. According to the Department of Water Resources, the period from 2012-2015 encompassed the driest four consecutive water years in California since 1895². Implementation of the Non-potable Water Ordinance is an important step that the City can take towards reducing unnecessary water consumption. Providing greywater systems is identified by

² California Department of Water Resources. "Drought and Water Year 2016". September 2016. Retrieved from http://water.ca.gov/waterconditions/docs/a3065_Drought_8page_v8_FINALsm.pdf on October 18, 2016.

the Pacific Institute as a “best practice” for new buildings³. For these reasons, the Department recommends that the proposed project comply with the Non-potable Water Ordinance through either the standard or alternative means.

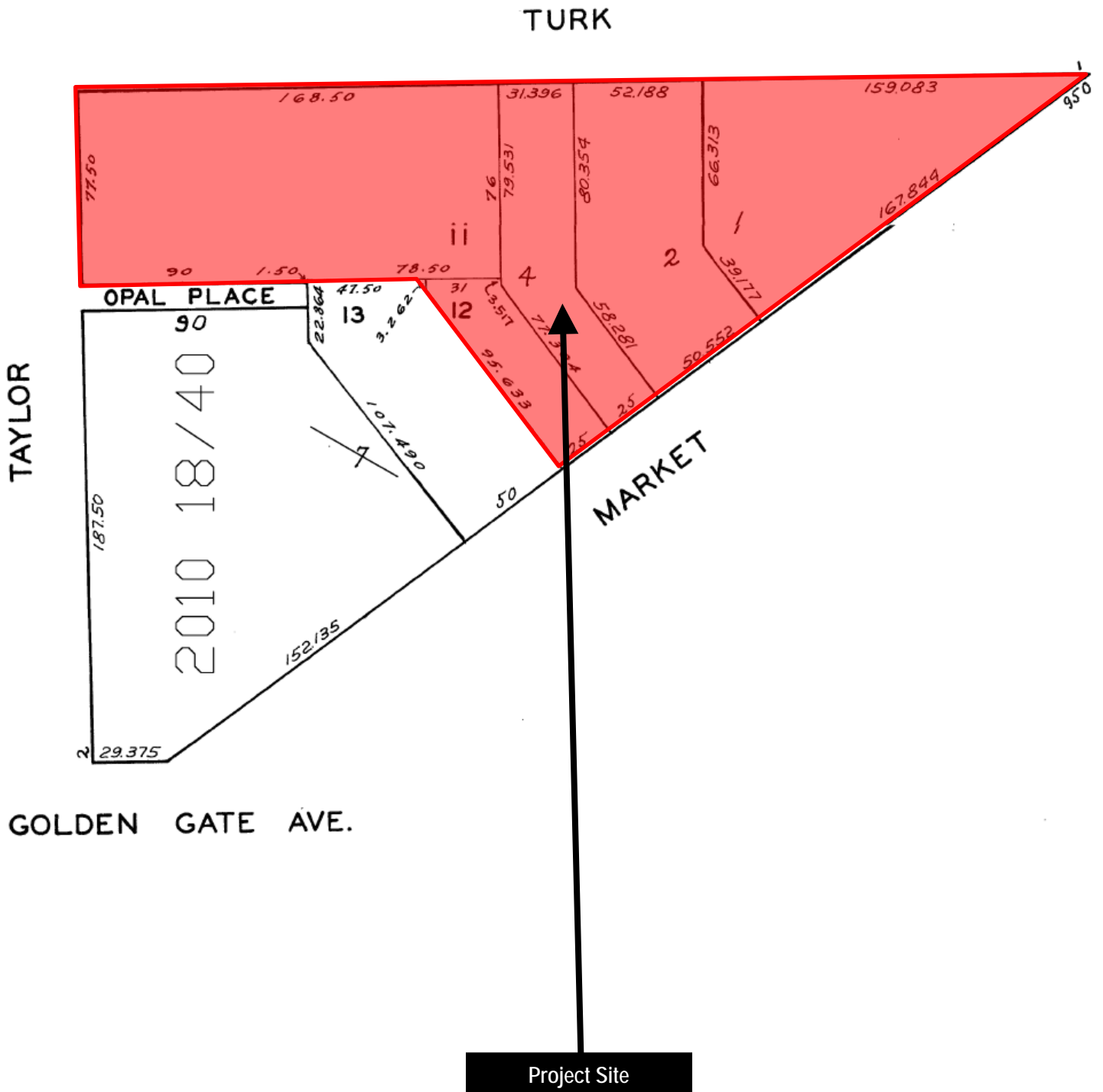
- With respect to the City’s existing **Non-Potable Water Ordinance**, the proposed Ordinance would exempt the project from requirements to install “grey-water” building systems and thus (1) impede implementation of adopted City policy and achievement of sustainability goals and (2) reduce construction costs at the principal project by approximately \$3.9 - \$5.6 million without a clear policy rationale. Existing exemptions in the Non-Potable Water Ordinance apply only to projects that obtain their site permit prior to November 1, 2016. It is unlikely in the extreme that this development project, in any of the multiple proposed iterations, could have obtained a site permit by this date.
- With respect to the proposed waiver of the requirement to acquire 26,575 square feet of TDR, Staff remains concerned regarding the loss of funding to this important preservation component of the Downtown Plan. Nonetheless, the net benefits conferred by both the principal project and the off-site project appear to provide substantial benefits.

Attachments:

Property Info (Assessor’s map, Sanborn, etc.)
Draft Motion, Downtown Project Authorization
Draft Motion, Conditional Use Authorization
Draft Resolution for Recommendation of Approval to BOS
Draft Ordinance – Board File No. 161066
Project Sponsor Materials
Project Plans, dated October 7, 2016

³ Pacific Institute. “Where We Agree: Building Consensus on Solutions to California’s Urban Water Challenges”. March 2016. Retrieved from: [http://pacinst.org/app/uploads/2016/03/Where We Agree Building Consensus on Solutions to CAs Urban Water Challenges.pdf](http://pacinst.org/app/uploads/2016/03/Where_We_Agree_Building_Consensus_on_Solutions_to_CAs_Urban_Water_Challenges.pdf) on October 18, 2016.

Parcel Map

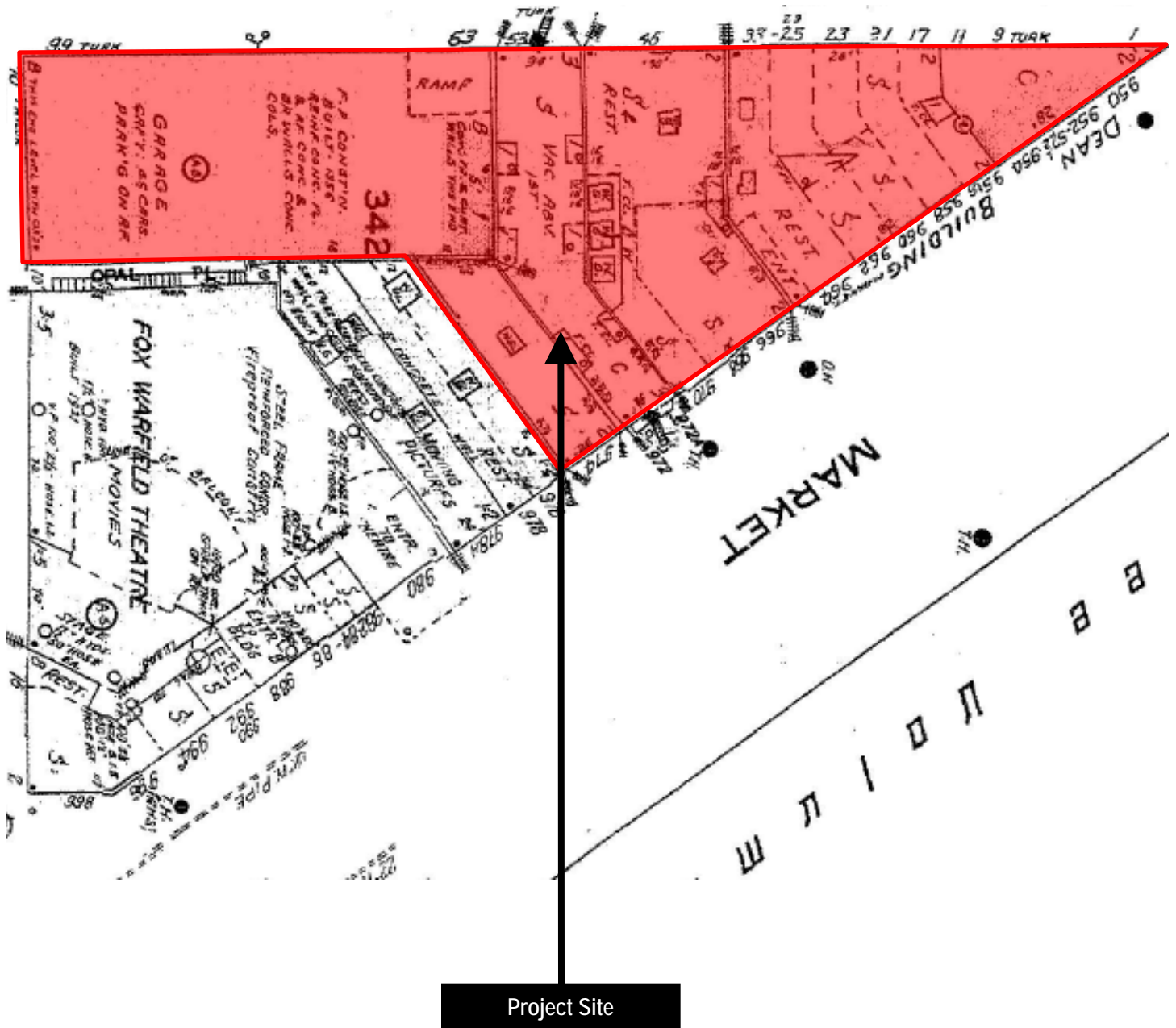


Case No. 2013.1049ECXV

950 Market Street

Downtown Project Auth./Cond. Use

Sanborn Map*

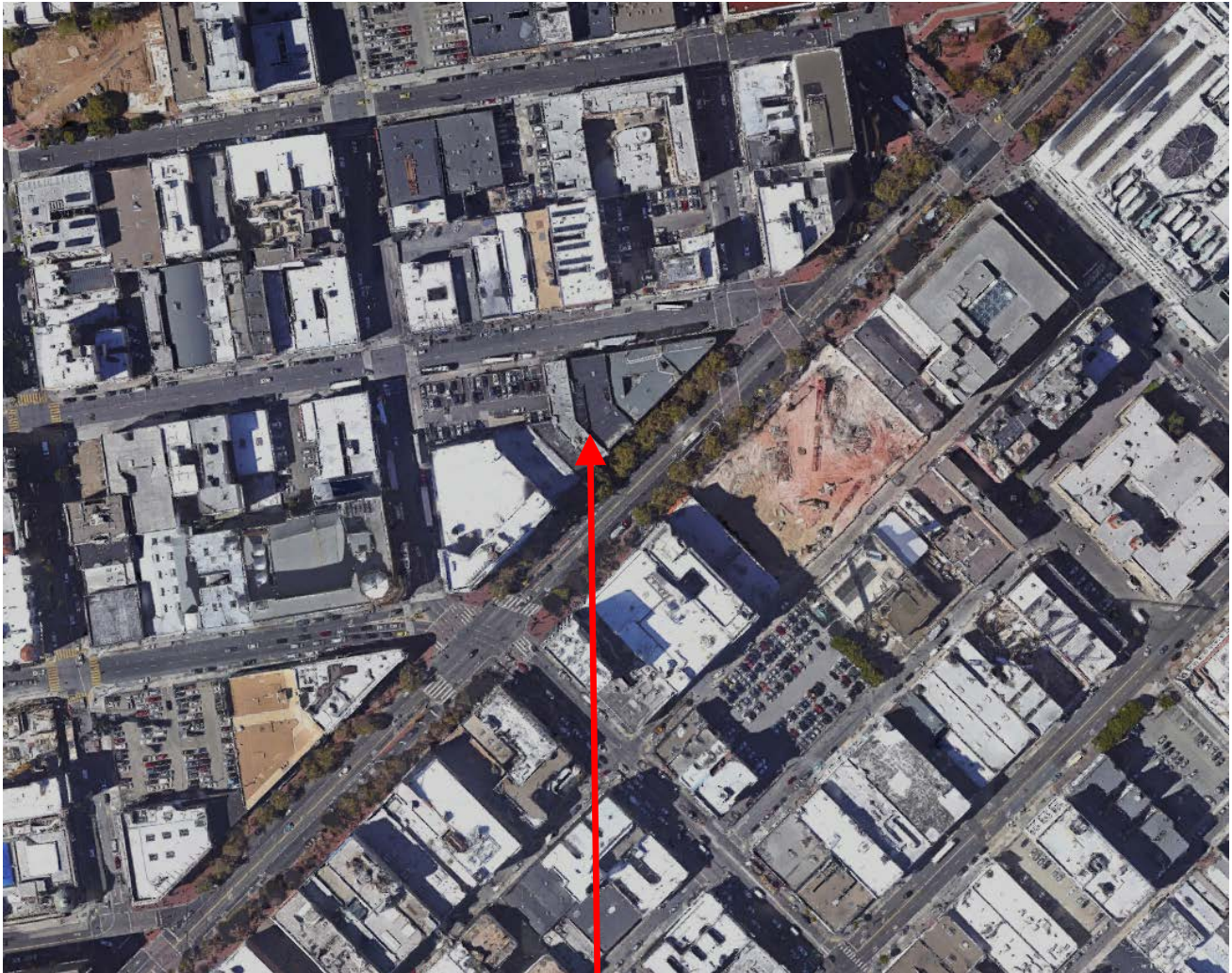


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Case No. 2013.1049ECXV
950 Market Street
Downtown Project Auth./Cond. Use

Aerial Photo

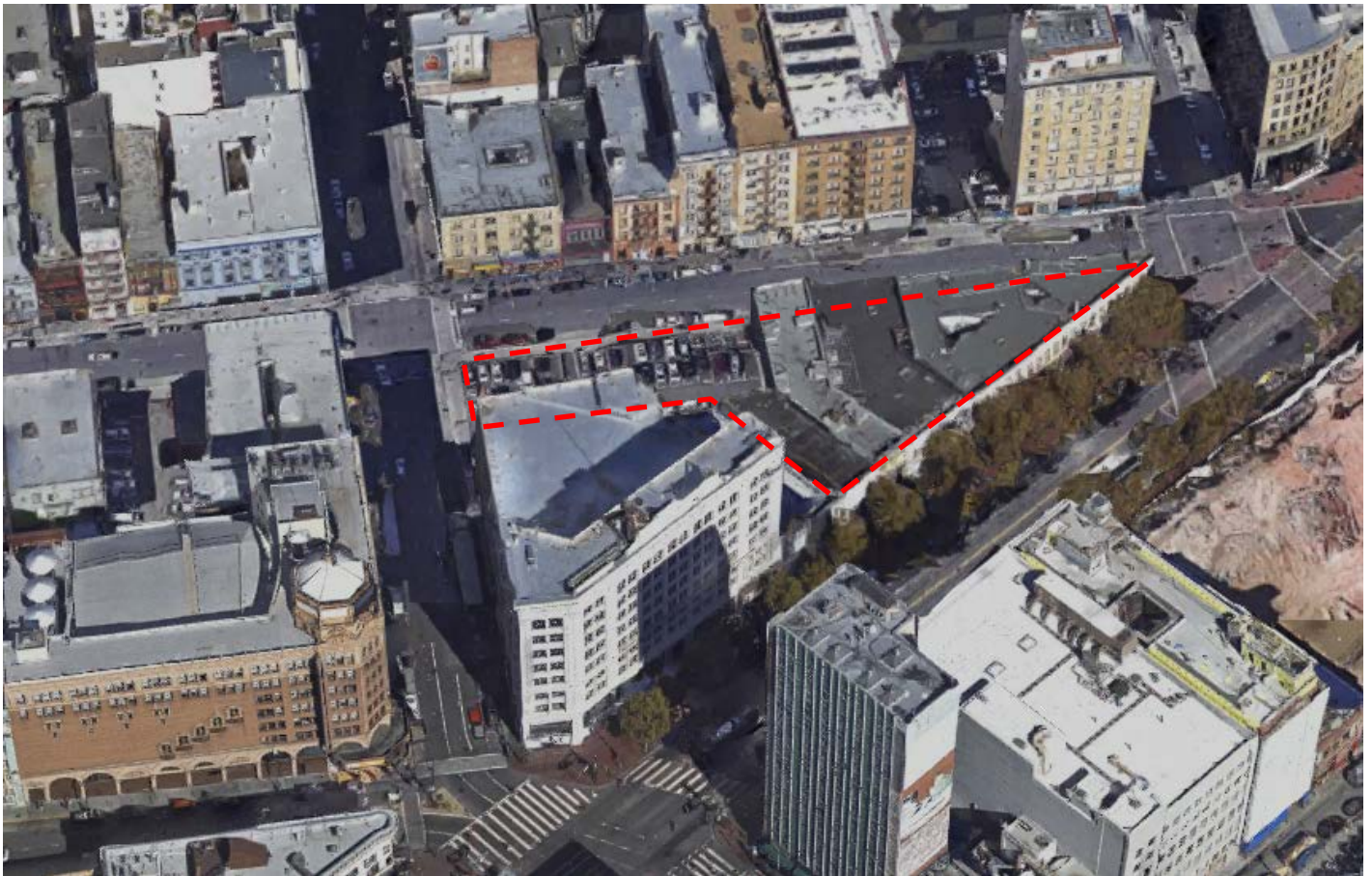


Project Site

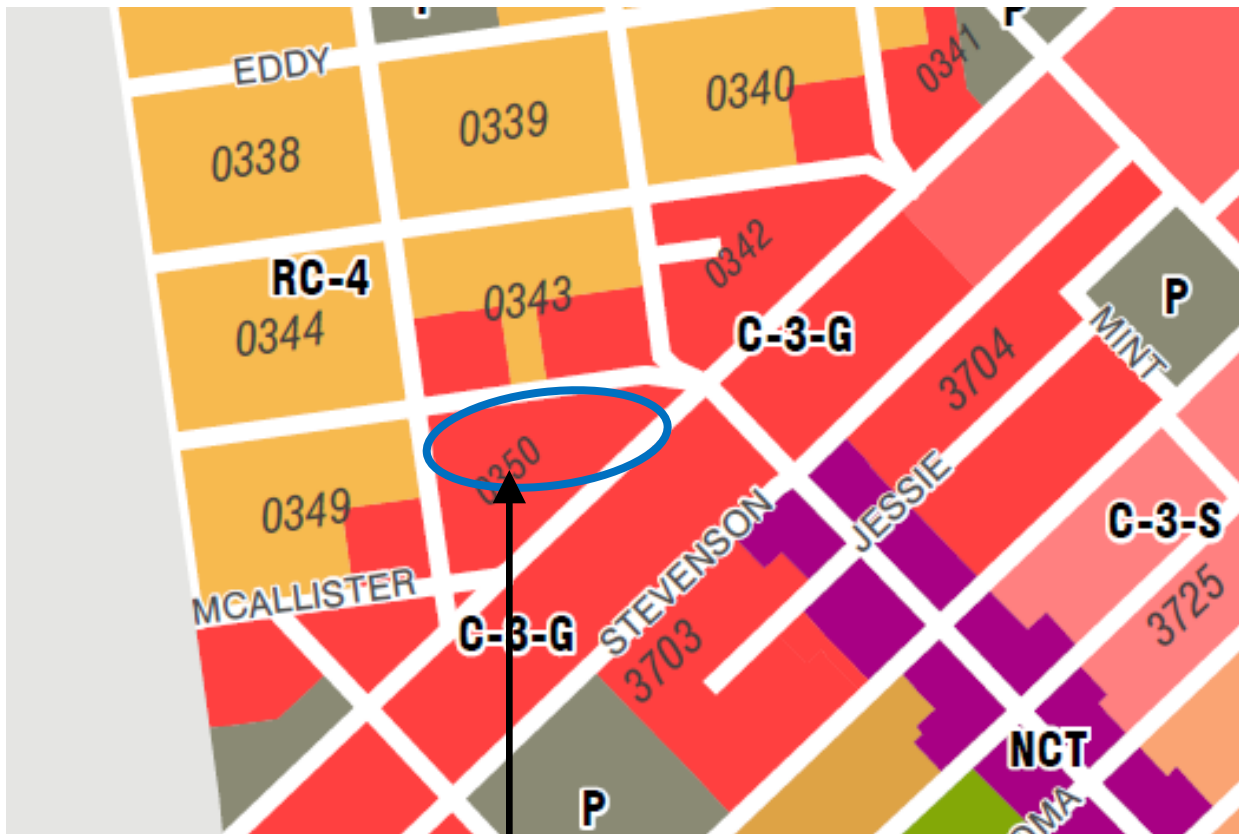


Case No. 2013.1049ECXV
950 Market Street
Downtown Project Auth./Cond. Use

Bird's Eye View



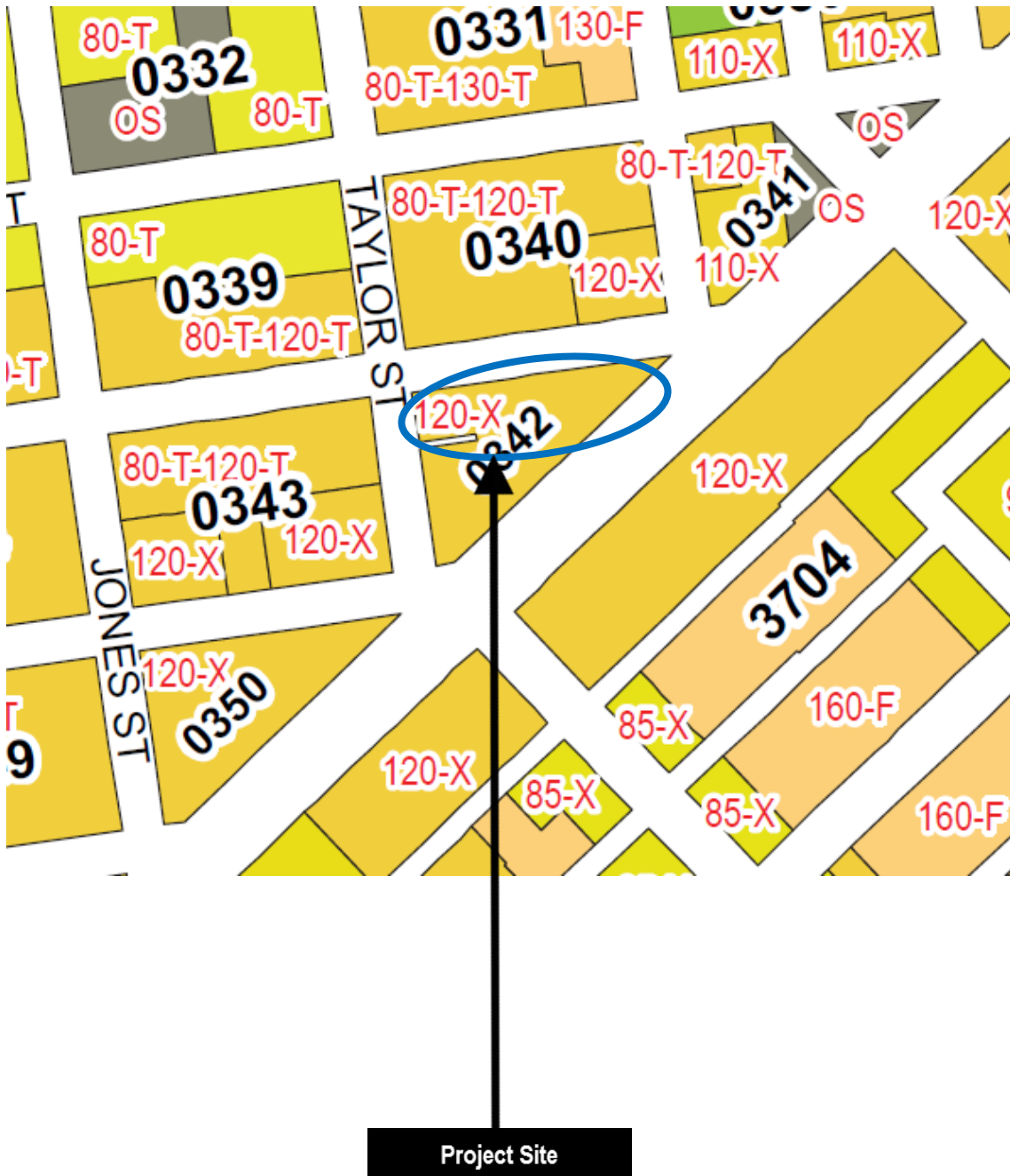
Zoning District Map



Project Site



Height and Bulk Map



Case No. 2013.1049ECXV

950 Market Street

Downtown Project Auth./Cond. Use



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|-------------------------------------|
| ■ Affordable Housing (Sec. 415) | ■ First Source Hiring (Admin. Code) |
| ■ Transit Impact Development Fee (Sec. 411) | ■ Child Care Requirement (Sec. 414) |
| ■ Jobs Housing Linkage Program (Sec. 413) | ■ Public Art (Sec. 429) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
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Planning Commission Draft Motion

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Project Sponsor: Michelle Lin, Mid Market Center, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
michelle@groupi.com
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Claudine.asbagh@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, AND OFF-STREET TOUR BUS LOADING PER PLANNING CODE SECTION 162(b), TO ALLOW A PROJECT TO DEMOLISH FOUR STRUCTURES AND ASSOCIATED SURFACE PARKING LOT AND CONSTRUCT A 120-FOOT TALL, 12-STORY-OVER-BASEMENT, APPROXIMATELY 408,342 GROSS-SQUARE-FOOT (GSF) BUILDING CONTAINING 242 DWELLING UNITS, A 232-ROOM HOTEL, 16,100 SQUARE FEET OF GROUND FLOOR RETAIL, AND 82 OFF-STREET PARKING SPACES AT 950-974 MARKET STREET, ASSESSOR'S BLOCK NO. 0342, LOTS 001, 002, 004, AND 014, WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, AND THE 120-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of arts/educational uses, and 198 off-street parking spaces at 950 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD); and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements to allow a 20-foot opening where 15 is permitted (Section 155(s)), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance from off-street loading requirements to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,342 square-foot, mixed-use building with approximately 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

On January 20, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project and the proposed Mid-Market Arts and Arts Education Special Use District. The PMND was available for public comment until February 9, 2016.

On February 9, 2016, two appeals of the PMND were filed with the Department.

On February 22, 2016 the Planning Department's Environmental Review Office determined that the PMND should be recirculated because the Department was no longer seeking approval for the Mid-Market SUD and due to substantial changes in the project.

On July 6, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and recirculated the PMND for the Project that superseded the prior January 20, 2016 PMND. The PMND was available for public comment until July 26, 2016.

On July 26, 2016, an appeal of the PMND was filed with the Department.

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's

Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

On November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013-1049CXVPCA and the Appeal of the Preliminary Mitigated Negative Declaration, No. 2013.1049E.

Also on November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, No. 2013-1049CXVPCA.

On November 3, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On November 3, 2016, the 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), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the responses to the appeal of

the PMND contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1049E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby approves the Downtown Project Authorization and exceptions requested in Application No. 2013.1049CXVPCA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 120-X Height and Bulk District, and is located within the Downtown Plan Area.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Mid-Market area at the edge of the Downtown/Civic Center neighborhood and adjacent to the South of Market (SoMa) and Tenderloin neighborhoods. Other zoning districts in the vicinity include: the SoMa NCT (Neighborhood Commercial) and C-3-S (Downtown Support) to the south and RC-4 (Residential-Commercial – High Density) to the north. The surrounding mixed-use area contains diverse building types and uses and is near the Market Street Theatre and Loft Historic District as well as the Uptown Tenderloin Historic District. The project site is approximately one block west of Hallidie Plaza and the Westfield Shopping Center and directly across Market Street from the currently under construction CityPlace Mall.

The existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but can range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses. The site is immediately adjacent to the Crazy Horse and Warfield Theaters.

4. **Project Description.** The proposal would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,100 square feet of ground floor retail and arts activity. The project includes a residential unit mix of approximately 132 studios, 66 one-bedroom units, and 18 two-bedroom units. Common open space is provided at the 10,400 square-foot roof deck and the 2,352 square-foot Turk Street Plaza. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible off of Taylor Street.

The project's hotel component would be located on the northwestern portion of the building, and accessed via a lobby located that has openings on both Turk and Market Streets. The residential component of the project would be located on the southeastern portion of the site, and face onto Turk, Mason and Market Streets. The entrances for the residential units are located on Market Street and Turk Street, separate from the hotel entries. The ground floor would contain multiple retail spaces along Market, Taylor, and Turk Streets as well as a private open courtyard located mid-block on Market Street. In addition, the project would provide publically accessible open space along Turk Street in the form of a 2,352 square foot plaza, and a 2,300 square foot landscaped sidewalk seating area.

5. **Community Outreach and Public Comment.** Community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, Central City SRO Collaborative, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR, Golden Gate Theatre, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties.

To date, the Department has received correspondence expressing both support and opposition to the Project. In addition, an appeal of the PMND was filed.

6. **Planning Code Compliance:** The Conditional Use Authorization Findings set forth in Motion No. XXXXX, Case No. 2014.1049CXP (Conditional Use Authorization, pursuant to Planning Code Section 303) apply to this Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Maximum Floor Area Ratio.** Planning Code Section 124 establishes a Floor Area Ratio (FAR) of 6.0 to 1 for properties within the C-3-G Zoning District. Under Sections 123 and

128 of the Planning Code, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR").

The Project Site has a lot area of approximately 34,262 square feet. Therefore, up to 205,572 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 308,358 of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 328,615 square feet of GFA, resulting in an FAR of approximately 9.6 to 1.0. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, for approximately 102,786 (308,358-205,572=102,786) square feet of floor area.

Pursuant to Planning Code Amendment entitled, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, 26,572 square feet will be exempt from the calculation of allowable gross floor area set forth in Planning Code Section 124 to permit additional floor area on the site. Additionally, the said 26,572 square feet will be exempt from the calculation of required transferable development rights ("TDR") to reduce the TDR necessary for the Project. Alternatively, in the event the project includes on-site inclusionary units, the Conditional Use Authorization has authorized exempting 26,572 square feet from the calculation of gross floor area, pursuant to Planning Code Section 124(f).

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

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

- C. Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that common usable open be provided at a ratio of 48 square feet per dwelling unit.

The Project includes 242 dwelling units that would require 11,616 square feet of common usable open space. The Project would provide a 10,400 square foot roof deck and solarium. In addition, the project provides a 2,352 square foot plaza along Turk Street, for a total of 12,752 square feet of common open space. The project therefore complies with Section 135.

- D. Public Open Space.** Planning Code Section 138 requires that new buildings in the C-3-G Zoning District provide public open space at a ratio of one sq. ft. per 50 gsf of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Project includes approximately 218,639 GFA of non-residential commercial space therefore 4,373 square feet of publically accessible useable open space is required. In compliance with Section 138, approximately 4,652 square feet of public open space along Turk Street would be provided.

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

The Project proposes streetscape elements along Market, Turk, and Taylor Streets as part of a Streetscape plan. Features include street trees and landscaping consistent with City Standards. The Turk Street sidewalk will be widened as required by the Department of Public Works, and publically-accessible bike parking will be provided along Turk and Market Street. The Streetscape Plan will continue to be refined through the Site Permit process, as required by the Conditions of Approval. Therefore, the Project complies with Section 138.1.

The Planning Department finds that the proposed sidewalk width changes are supported by the Better Streets Plan which was found to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 (b) in Planning Commission Resolution No. 18212 and Board of Supervisors Ordinance 310-10; and incorporates those findings herein by reference.

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

The Project contains 242 dwelling units, each of which face either Market Street, Turk Street, or an outer court not less than 25 feet wide. Therefore all dwelling units comply with Section 140.

- G. **Street Frontage.** Per Planning Code Section 145.1, the treatment of the street frontages at the project shall be designed to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in the Commercial districts. The project requires that 60 percent of the building perimeter at the ground floor be transparent and the first 25 feet of the ground floor to be devoted to active uses. Spaces such as lobbies are considered active uses only if they do not exceed 40 feet and spaces such as restrooms, bike parking, and other service areas are not considered "active uses."

The majority of the project's street-facing ground floor frontages along Market, Turk, and Taylor Streets are devoted to retail store fronts. The project provides ground floor ceiling heights between 15 and 16 feet, and 75 percent fenestration along Market Street, while retail along Turk Street provides ceiling heights between 14 and 16 feet with 69% fenestration. The Project's parking garage has one access point on Taylor Street and is situated below grade so that it is not visible from the street.

Additionally, the frontage devoted to the garage door has been minimized so as not to interfere with the street-fronting active uses.

In addition, the project will create publically accessible usable open space along Turk Street in the form of a 2,352 square-foot plaza and a 2,300 square-foot sidewalk seating area.

- H. **Sunlight Access to Public Sidewalks.** Planning Code Section 146(a) establishes design requirements for buildings on specified streets in order to maintain direct sunlight on public sidewalks in downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) applies to projects located on southern side of Market Street between Second and Tenth Streets. As the site is located on the northern side of Market Street, this provision of the code is not applicable to the project. As it relates to Section 146(c), the Project would replace the existing buildings with a 12-story mixed-use building. The proposed project would cast net new shadow on nearby sidewalks—including those along Taylor, Turk, and Market Streets—at certain times of day throughout the year. Many of the sidewalks in this part of San Francisco are already shadowed for much of the day by densely developed, multi-story buildings, and additional project-related shadow would be temporary in nature and would not substantially affect the use of sidewalks.

The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. The project's shadows would be limited in scope and would not increase the total amount of shading to levels above those commonly accepted in urban areas.

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

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza. However, the preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted. Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

The Project would not cause net new shadow on any open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Wind tunnel tests were performed for the originally proposed 200-foot tall project in September 2014 and results were provided to the Department in a report dated October 20, 2014. Considering the similar footprint of the original project and the project as currently proposed, as well as the reduced height, the proposed project would have similar or marginally reduced effects on pedestrian-level wind speeds in the area. A total of 77 test point locations along sidewalk areas adjacent to and near the Project Site were selected for the purpose of analyzing existing and proposed wind levels near the Project Site pursuant to Planning Code Section 148.

The existing conditions at the Project Site indicate that 27 of the 77 test locations exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time) and no test locations exceeded the hazard level of 26 mph (for a single hour of the year). With the Project, 14 comfort exceedances would be increased, one would be decreased, 11 would remain unchanged, and 9 new exceedances are created resulting in a total of 36 comfort exceedances. There are no hazardous wind speeds caused by the Project.

At above grade levels, 11 comfort exceedances would exist. According to the wind tunnel text reports, any trees at grade would help improve localized wind speeds around public areas and building

entrances. To improve comfort at above grade levels, porous wind screens and furniture are recommended and will be provided. The Project includes 14 new street trees along Turk Street.

A Section 309 exception is being sought because the Project creates an increase of nine comfort exceedances for a total of 36 locations that exceed the Planning Code's comfort criterion. The Commission may grant an exception to the requirements after considering the criteria specified in Section 148. Conformance with these criteria is discussed under item #7 below.

- K. **Parking.** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right.

The Project contains 242 dwelling units and 82 off-street parking spaces (including 2 car-share spaces), which is less than the principally permitted parking ratio of one car per two units; therefore the project complies with Section 151.1.

- L. **Loading.** Section 152.1 provides a schedule of required off-street freight loading spaces for C-3 districts. Section 153(a)(6) allows the substitution of two service vehicle spaces for each required off-street freight loading space, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Section 155 sets standards for the location and arrangement of loading spaces.

The project requires three off-street loading spaces (one each for residential, hotel, and retail). The project would provide two loading spaces accessed via Turk Street to satisfy the requirements for hotel and retail uses and two service vehicle spaces within the garage to satisfy the requirement for the residential uses.

Section 155(d) requires that all off-street freight loading and service vehicle spaces be accessed by means of a private driveway that is completely contained within the structure and Section 155(s)(5)(A) restricts the width of loading dock openings to 15' in C-3 Districts. The project does not meet the requirement and is seeking Variances from the Zoning Administrator to allow direct access to loading off of Turk Street and the width of the loading access to exceed 15' as part of the related Case No. 2013.1049CXVPCA.

- M. **Bicycle Parking.** For buildings with 100 dwelling units or more, Planning Code Section 155.2 requires one Class 1 space for every dwelling unit up to 100 units plus one additional space for every four units above 100 and one Class 2 space for every 20 dwelling units. For the retail space, Section 155.2 requires one Class 1 space for every 7,500 square feet of occupied floor area, plus a minimum of two Class 2 spaces, with one space for every 2,500 square feet of occupied floor area.

The Project requires a minimum of 145 Class 1 bicycle parking spaces (135 for the residential; 9 for non-residential) and 28 Class 2 spaces (12 for the residential; 16 for non-residential). The basement would accommodate approximately 146 Class 1 bicycle parking spaces, and bicycle racks along Market and Turk Streets would, in total, accommodate 42 Class 2 spaces. The project therefore exceeds the amount of bicycle parking required.

- N. **Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with between 200 and 300 dwelling units.

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

- O. **Use.** Per Planning Code Section 210.2, within the C-3-G Zoning District, residential and retail uses are principally permitted and hotel uses require a Conditional Use Authorization.

The project proposes to construct an approximately 232 room hotel and therefore, a Conditional Use Authorization is required. The Project is seeking a Conditional Use Authorization per Sections 210.2 and 303 as part of the related Case No. 20131049CXVPCA.

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

The Project contains 242 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- Q. **Height.** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within the 120-X Height and Bulk District that permits structures up to a height of 120 feet.

The Project would reach a height of approximately 120 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, a solarium and parapets extending above the 120-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).

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

The nearest public open spaces to project site are Boeddeker Park, located approximately 0.2 mile northwest of the project site; Hallidie Plaza, located approximately 200 feet east of the project site; and Mint Plaza, located approximately 0.1 mile southeast of the project site. Of those public open spaces, only Boeddeker Park is protected by Section 295.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza. The preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted for the 200-foot variant of the project.

Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round. Therefore the project complies with Section 295.

- S. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on November 19, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

Pursuant to the proposed ordinance entitled "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

In the event that the proposed ordinance does not pass, or the project at 180 Jones Street cannot be built, the project would satisfy the Affordable Housing Requirements by providing 31 BMR units on site (18 studios, 7 one-bedroom, and five two-bedroom units).

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

The Project estimates a construction cost of \$114,000,000, one percent of which is estimated to be \$1,140,000 dedicated to public art. The Project Sponsor will either pay the required one percent into the Public Artwork Trust Fund, contribute to on-site public artwork, or a combination of the two. Any public art proposed to be provided on-site will be reviewed by the Planning Director for compliance with the requirements of the program. In addition, the proposal will then be presented to the Planning Commission at an information presentation. The Project will comply with the public art requirement pursuant to the Conditions of Approval.

- U. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this

Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor has not executed yet a Memorandum of Understanding (MOU) with the City and County of San Francisco, as part of the First Source Hiring Program, however an affidavit for First Source Hiring Program – Section 83 was filed on December 10, 2015.

7. **Exceptions Requested Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below:

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

Due to the unique configuration of the Property, the Project does not provide a traditional rear yard but rather provides a comparable amount of open space. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Specifically, the Project would provide common open space in the form of a 10,400 square foot roof deck and solarium that would have full, unobstructed access to light and air on all sides. An additional 2,352 square foot plaza along Turk Street would further provide open space for the residences. Due to the adequate air and light and open space provided by the project, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.

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

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

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity¹.

Comfort Criterion

Based on existing conditions, 27 of the 73 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph, with wind speeds ranging from 6 to 17 mph.

In the Existing Configuration 27 of the 73 test points currently exceed the 11 mph criterion with wind speeds ranging from 6 to 17 mph across all test points. With the Project, there are 9 additional comfort exceedances at grade, ranging from 12 to 15 mph, increasing the average wind speeds to approximately 12 mph. Additionally, 11 exceedances above grade would be created with an average wind speed of 17 mph. The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from 7 to 18 mph. With implementation of the Project, there would be localized changes throughout the Project vicinity; average wind speeds at grade and above grade increase by 2 mph.

All of the exceedances, except for the one located near the loading access off of Turk Street, are in an area of substantial pedestrian use. An exception under Section 148 (a) is therefore required.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the project are slight and unlikely to be noticeable. For the existing configuration in the vicinity of the project site, wind conditions were generally low with wind speeds averaging 11 mph for all 27 measurement locations. For the existing plus project configuration, wind speeds generally remained similar with the average wind speed for all test locations being slightly

¹ The testing evaluated an approximately 501,000 gsf building consisting of two towers reaching a maximum of 200 feet in height, with a building footprint covering the site. The currently proposed project would be approximately 406,000 gsf building, measuring 120 feet in height. Considering the similar footprint and reduced height, particularly along the western portion of the site, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area.

increased to from 11 mph to 12 mph. The 11mph criterion was exceeded 16% of the time, a minor increase when compared to existing conditions on and around the project site.

In addition, the Project cannot be shaped or other incorporate other wind baffling measures that would reduce the wind at the exceedance locations to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the Project Site. The wind analysis demonstrates that (a) the proposed addition will not generate adverse pedestrian level winds given the nature of the built environment surrounding the proposed development, and that (b) there is no reason to believe that modification of the design would improve the existing windy conditions that occur in the vicinity. For the reasons discussed above, an exception from the comfort criterion is appropriate and hereby granted.

Hazard Criterion

There are no existing exceedances of the wind hazard criterion of 26 mph in the vicinity, and the construction of the Project would not create any new exceedances. Therefore, the Project would comply with the hazard criterion of Section 148.

- c. **Section 162: Tour Bus Loading Spaces in C-3 Districts.** Planning Code Section 162 sets the requirements for Tour Bus Loading Spaces for Hotel projects within C-3 Districts. In recognition of the fact that site constraints in C-3 Districts may make provision of the required number of tour bus loading spaces impractical, a reduction in or waiver of the provision of such spaces in C-3 Districts may be permitted, in accordance with the provisions of Section 309. When granting an exception, the Commission shall consider the following applicable criteria:
- 1) The site size is not large enough to permit a configuration of spaces that could satisfy the requirements;
 - 2) Provision of the required number and/or size of spaces would result in the use of an unreasonable percentage of ground floor area and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses; and
 - 3) Spaces for tour bus loading can be provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations or general traffic circulation.

Due to the unique combination of uses, the unusual configuration and size of the site, the provision of tour bus loading spaces within the building envelope could not be accomplished without sacrificing more desirable and active ground floor uses. Compliance with the tour bus requirements would substantially reduce the amount of retail, pedestrian circulation and open space uses on the site and along the sidewalk within the public realm. Additionally, there is ample loading space located along the Turk Street frontage that would accommodate bus loading without impeding vehicular traffic.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

POLICY 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

The proposed property acceptance will allow the Mayor's Office of Housing and Community Development to construct 60-70 units of affordable housing.

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish four two-to three-story underutilized commercial buildings and surface parking lot and construct a mixed-use building above ground floor retail that contains 242 dwelling units, and approximately 16,600 gsf of retail use. The site is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The creation of ground floor retail will reinforce the existing pattern of active ground uses along Market Street and provide new opportunities to activate frontages along Turk and Taylor Streets.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the Mid-Market location and proximity to the Downtown/Civic Center neighborhood of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Civic Center BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project provides 146 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 242 dwelling units, of which 132 (55%) are studios, 66 (27%) are one-bedroom units and 44 (18%) are two-bedroom units. The Project provides a range of unit types to serve a variety of needs.

OBJECTIVE 7:

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

In compliance with this policy, the Project is looking at several options to provide the community with affordable housing.

Pursuant to the proposed ordinance, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

In the event that the proposed ordinance does not pass, or the project at 180 Jones Street cannot be built, the project would satisfy the Affordable Housing Requirements by providing 31 BMR units on site (18 studios, 7 one-bedroom, and five two-bedroom units).

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

POLICY 8.1

Support the production and management of permanently affordable housing.

The proposed property acceptance will allow for the production of 60-70 units of permanently affordable housing.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project would create 242 dwelling units in the immediate vicinity of existing residential, retail and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite façade containing defined base, middle and top, while remaining contemporary in expression. The Project would enhance the block with a building that is contextual with the surrounding, established neighborhood, and that includes an active ground floor to encourage a more pedestrian-oriented development.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1

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

Policy 3.2

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

Policy 3.6

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

The project would merge four parcels into a single 34,262 square-foot, triangular-shaped parcel that would comprise the project site. The proposed structure would span the entirety of the site, however provides unobstructed open spaces generally mid-block along both market and turk streets. The open spaces help reduce the perceived mass of the building, and provide well landscaped active areas. Existing development in the vicinity varies in size and intensity, and the project is generally compatible with the eclectic character of the area.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project would add approximately 16,600 square feet of ground floor retail space that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

Proposed sidewalks improvements would foster pedestrian safety, and includes the widening of the sidewalk along Turk Street and a bulb-out at the Taylor and Turk Street intersection, that will help reduce vehicular speed and shorten crossing distances for pedestrians. The Project would also plant a consistent row of street trees along Turk and Taylor Streets and provide bicycle racks along Turk and Market Streets.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown and in the growing Mid-Market area. The new building would replace four underutilized commercial buildings and associated surface parking lot with a mixed use project containing 242 dwelling units, a 232-room hotel, and 16,600 square feet of ground-floor retail. The project would create substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 4

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

Policy 4.1

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

Located in the Mid-Market area, the Project Site is well served by public transit. The Site is located one block from the Powell Street MUNI and BART stations, and in close proximity to several MUNI bus lines that run along the Market Street corridor (F, 5, 6, 7, 7R, 9 and 21). A bus stop on the north side of Turk Street near the project site serves Muni routes 31-Balboa and 16X Noriega Express. Additionally, the proposed hotel would not displace any existing dwellings and is not expected to create too great of a concentration of hotels within the immediate vicinity.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish the existing underutilized commercial buildings and construct a 120-foot tall, 12-story, mixed use building within easy commuting distance of downtown jobs.

The Project would also include approximately 16,600 sq. ft. of ground floor retail space, with tenant spaces along Market, Turk, and Taylor Streets; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses at street level.

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

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

The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 16,600 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.

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

The project will not diminish existing housing stock, and will add 242 dwelling units in a manner that enhances the vitality of the neighborhood.

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

The Project does not constrain or reduce the supply of affordable housing. Pursuant to Planning Code Amendment, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

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

A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.

Per the traffic studies prepared or reviewed as part of the PMND, the Project will not contribute significantly to existing intersection operations nearby and would have a less than significant impact on traffic and transportation.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project does not propose any office development. The Project would replace existing commercial buildings with a mixed use building containing 242 dwelling units, a 232 room hotel, and 16,600 square feet of retail that will provide employment opportunities for area residents.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic structures on the site so the project would not cause a significant adverse impact upon a historic resource, as defined by CEQA.

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

Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

The Project would not cause net new shadow on any open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2013.1049CXVPCA**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 7, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 3, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** related to a Project that would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,100 square feet of ground floor retail and arts activity located at 950 Market Street, Assessor's Block 0342, Lots 001, 002, 004, and 014, pursuant to **Planning Code Sections 309, 134, 148, and 162** within the C-3-G Zoning District and the 120-X Height and Bulk district; in general conformance with plans, dated **October 7, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1049CXVPCA** and subject to conditions of approval reviewed and approved by the Commission on **November 3, 2016** under Motion No. XXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditional Use Authorization Findings set forth in Motion No. XXXXX, Case No. 2013.1049CXVPCA (Conditional Use Authorization, pursuant to planning code section 303) apply to this motion, and are incorporated herein as though fully set forth.

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 3, 2016** under Motion No. XXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Conditions of Approval set forth in Exhibit A of Motion No. 19500, Case No. 2013.1049CXVPCA (Conditional Use Authorization) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. The conditions set forth below are additional conditions required in connection with the Project. If these

conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

7. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.

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

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

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on December 1, 2015. These conditions state:

9. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
10. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
11. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.

12. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
13. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

14. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
15. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
16. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

- 18. Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.

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

- 19. Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on Market and Turk Streets. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

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

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

- 21. Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;

- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

- 23. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

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

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

PARKING AND TRAFFIC

- 25. Parking Maximum.** The Project shall provide no more than 82 off-street parking spaces.

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

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

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

- 27. Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 146 Class 1 bicycle parking spaces (136 for the residential portion and 10 for the non-residential portion), and 27 Class 2 spaces (12 for the residential portion of the Project and 15 for non-residential).

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

- 28. Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than two showers and 12 clothes lockers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
- 29. Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide two off-street loading spaces (one each for hotel and retail) and two off-street service spaces (for the residential)
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 30. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

- 31. Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 32. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org
- 33. Transportation Sustainability Fee.** Pursuant to Planning Code Section 411A, the Project Sponsor shall pay the Transportation Sustainability Fee (TSF) based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 34. Childcare Requirements - Office and Hotel Development.** The Project is subject to the Childcare Fee for Office and Hotel Development Projects, as applicable, pursuant to Planning Code Section 414.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

35. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
36. **Art.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
37. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
38. **Art.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
39. **Art.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
40. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

- 41. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 42. Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 43. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

- 44. Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
- 45. Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

- 46. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
- 47. Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org
- 48. Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
CULTURAL RESOURCES					
Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan	Project Sponsor to retain qualified structural engineer and preservation architect to conduct the assessment.	Prior to issuance of grading or building permits.	Prepare pre-construction assessment and vibration management and continuous monitoring plan.	Planning Department to review pre-construction assessment.	Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects, if any, on proximate historical resources.
The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior’s Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.					
The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.					
Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976-980 Market Street or the Warfield Building at 986-988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.	Project Sponsor/ qualified structural engineer/ preservation architect/ contractor.	During construction activities, including project related soil- disturbing activities.	If damage is found, protect buildings from further damage and restore to pre-construction conditions.	Project Sponsor is responsible for contractor compliance.	Considered complete upon submittal to ERO of post- construction report on damage to proximate historical resources, if any, and results of remediation.
<i>Mitigation Measure M-CR-3: Archeological Testing</i> Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department	Project Sponsor/ archeological consultant at the direction of the ERO.	Prior to issuance of grading or building permits.	Conduct archeological testing program.	Project Sponsor to retain a qualified archeological consultant who shall report to the ERO.	Considered complete after construction activities have ended.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM				
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule	
<p>archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Section 15064.5 (a)(c).</p>						
<i>Consultation with Descendant Communities.</i> On discovery of an archeological site ¹ associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative ² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources	Project Sponsor/ archeological consultant at the direction of the ERO.	In the event archeological sites associated with descendant Native Americans, the Oversees Chinese, or other descendant group are found.	Contact representative of descendant group to monitor archeological field investigations, if desired.	Project Sponsor/ archeological consultant to monitor throughout all soil disturbing activities.	Project archeologist to report to ERO on progress of any field investigations monthly, or as required by ERO. Considered complete after Final	

¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
Report shall be provided to the representative of the descendant group.					Archeological Resources Report is submitted to representative of the descendant group.
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.</p> <p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:</p>	Project Sponsor/ archeological consultant at the direction of the ERO.	Prior to any soil- disturbing activities.	Prepare ATP and final written report.	Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soil-disturbing activities at the site.	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of Archeological Testing Program.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or</p> <ul style="list-style-type: none"> a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p> <p>The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.</p> <p>The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.</p> <p>The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO and archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program (AMP) is necessary, monitor throughout all soil-disturbing activities.</p>	<p>Prepare AMP, conduct archeological monitoring, prepare and submit final report.</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of AMP.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.</p> <p>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.</p> <p>If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>					
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions</p>	Archeological consultant at the direction of the ERO	If there is a determination that an ADRP program is required	Prepare ADRP, conduct archeological data recovery program.	Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. • Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				required by the ERO.	complete upon review and approval by ERO of results of ADRP.
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include</p>	<p>The Project Sponsor / archeological consultant in consultation with</p>	<p>In the event human remains and/or</p>	<p>Monitor for human remains and notify</p>	<p>Project Sponsor/ archeological consultant to monitor</p>	<p>Considered complete after construction</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
immediate notification of the Coroner of the City and County of San Francisco and ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.	the San Francisco Coroner, NAHC, and MDL.	funerary objects are found.	appropriate parties.	throughout all soil-disturbing activities for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL.	activities have ended.
<i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor/ archeological consultant at the direction of the ERO.	After completion of the archeological data recovery, inventorying, analysis and interpretation.	Prepare FARR and, after approval, distribute to appropriate parties.	Project Sponsor/ archeological consultant to prepare and distribute report, after ERO approval.	Considered complete upon review and approval by ERO.
Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.					

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<p>Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program</p> <p>If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>	ERO in consultation with Project Sponsor.	In the event that a significant archeological resource constitutes a TCR.	Implementation of interpretive program if the TCR cannot be preserved in place	Project Sponsor to prepare interpretive program produced in consultation with the ERO and affiliated tribal representatives	Considered complete after displays or installation are in place.

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NOISE					
Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving	Project Sponsor/ contractor(s).	Prior to and during construction activities requiring the use of pile- driving equipment.	Erect noise barriers, implement quiet pile-driving technology, take noise measurements, and limit activities, as feasible.	Project Sponsor/ contractor(s).	Considered complete after construction activities have ended.
Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:					
<ul style="list-style-type: none">• The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels.• The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.• The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements.• The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses.					

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AIR QUALITY					
Mitigation Measure M-AQ-2: Construction Air Quality	Project Sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project Sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.
The Project Sponsor or the Project Sponsor’s contractor shall comply with the following:					
A. Engine Requirements					
1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.					
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.					
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit.					
4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.					

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B. Waivers

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative

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1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.					
* Alternative fuels are not a VDECS.					
C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.	Project Sponsor/contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project Sponsor/contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.					
2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.					
3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign					

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summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.					
D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.	Project Sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project Sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
<i>Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators</i> The Project Sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.	Project Sponsor.	Prior to issuance of permit for backup diesel generator from City agency.	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation 2, Rules 2 and 5.	Project Sponsor and the ERO.	Considered complete approval of plans detailing compliance.
GEOLOGY AND SOILS					

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<p>Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery</p> <p>For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.</p> <ul style="list-style-type: none"> Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines. The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. 	Project Sponsor and contractor, in consultation with the ERO.	Prior to any ground-disturbing activities at the site.	Train construction personnel and prepare a recovery plan, if necessary.	Project Sponsor responsible for training by qualified paleontologist; ERO approval required for recovery plan, if prepared.	<p>Training: Project Sponsor to maintain training records pre- and during construction.</p> <p>Report: Project Sponsor to prepare report, in consultation with ERO, upon indication that a paleontological resource has been encountered during construction.</p>

HAZARDS AND HAZARDOUS MATERIALS

<p>Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement</p>	Project Sponsor and project	Prior to building demolition.	Survey for and abate any	Project Sponsor and project	Considered complete upon
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The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.	sponsors of any subsequent development project within the SUD and Special Height and Bulk District.		hazardous building materials.	sponsors of any subsequent development, in consultation with the ERO and SF Department of Public Health (DPH).	ERO and DPH review and approval of project sponsor's documentation regarding hazardous building materials, to be submitted prior to building demolition.

IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

CULTURAL AND PALEONTOLOGICAL RESOURCES

Improvement Measure I-CR-1a: Interpretive Program

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the	Project Sponsor/qualified preservation consultant.	Prior to issuance of the architectural addendum to the Site Permit; Prior to issuance of Temporary Certificate of Occupancy.	Design and install an on-site display to memorialize the historical importance of the building.	Planning Department staff to approve design and final installation.	Planning Department staff to approve design prior to installation, and installation prior to issuance of an occupancy certificate.
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Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
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<p>project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco</p> <p>Interpretation of the site's history should be supervised by a qualified consultant meeting the Secretary of the Interior's Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the Citywide LGBTQ Historic Context Statement may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p>					
<p>Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources</p> <p>The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum</p>	Project Sponsor.	During pre-construction and construction activities, including project related soil-disturbing activities.	Incorporate measures to protect damage to the Crest/Egyptian Theater and the Warfield Building into construction specifications.	ERO and, optionally, Planning Department Preservation Technical Specialist, to review construction specifications.	Considered complete after Project Sponsor submittal of construction specifications to ERO.

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feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.					
TRANSPORTATION AND CIRCULATION					
<i>Improvement Measure I-TR-1a: Residential Transportation Demand Management Program</i>	Project Sponsor	During Post-construction.	Identify a TDM program and coordinator.	Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p>The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building’s TDM program:</p> <ul style="list-style-type: none"> • TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator will provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby. 					

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<ul style="list-style-type: none">Transportation and Trip Planning Information<ul style="list-style-type: none">Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request.Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps.					

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<ul style="list-style-type: none"> Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage. 					
<p>Improvement Measure I-TR-1b: Passenger Loading</p> <p>It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:</p> <ul style="list-style-type: none"> Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis. Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an "extended period of time" shall be defined as more than 5 consecutive minutes at any time. <p>Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance</p>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues or conflicts, and employ abatement methods	Planning Department to monitor Project Sponsor compliance.	Planning Department staff to monitor quarterly until ERO deems monitoring and success of the improvement measure complete.

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<p>with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.</p> <p>If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.</p> <p>If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance</p>					

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with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant's evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.					
<p>Improvement Measure I-TR-1c: Loading Dock Safety</p> <p>Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management.	Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p>Improvement Measure I-TR-1d: Loading Schedule</p> <p>Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management; obtain necessary permits reserve curb space.	Planning Department to monitor Project Sponsor compliance.	Ongoing.

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be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.					
Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.	Project Sponsor.	During post-construction activities, as appropriate.	Restrict truck activity to and from the project site during peak hours.	MTA to determine peak hours; Planning Department to monitor Project Sponsor compliance.	Ongoing.
Improvement Measure I-TR-1f: Construction Traffic Control To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following: <ul style="list-style-type: none"> Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands. Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways. 	Project Sponsor/contractor.	Pre-construction, as part of the traffic control plan.	Incorporate traffic management practices into traffic control plan.	Project Sponsor shall be responsible for contractor compliance.	Considered complete after construction activities have ended.

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<ul style="list-style-type: none"> Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility. Identifying routes for construction-related trucks to utilize during construction. Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site. Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns. 					
<p><i>Improvement Measure I-TR-4a: Garage Exit Warning</i></p> <p>Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install warning devices at garage entrance.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to conduct ongoing functionality monitoring.
<p><i>Improvement Measure I-TR-4b: Pedestrian Safety Signage</i></p> <p>Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install appropriate on-site signage.	Planning Department to monitor Project Sponsor compliance..	Project Sponsor to ensure that signage remains in place.
<p><i>Improvement Measure I-TR-4c: Garage Curb Cut</i></p> <p>Daylight the project's garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut</p>	Project Sponsor.	During construction and post-construction	Designate a no-stopping zone	Planning Department to monitor Project	Project Sponsor to ensure that improvements

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
as a red “No Stopping” zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists’ field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.		activities, as appropriate.	adjacent to the garage.	Sponsor compliance.	remain in good condition.
<i>Improvement Measure I-TR-4d: Pedestrian Signals</i> Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.	Project Sponsor.	During construction.	Install appropriate pedestrian signals.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
<i>Improvement Measure I-TR-4e: Americans with Disabilities Act Standards</i> Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection. Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue. Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.	Project Sponsor/ contractor.	During construction.	Update curb ramps to be ADA compliant.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
<i>Improvement Measure I-TR-4f: Queue Abatement</i>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues	Planning Department to monitor Project	Planning Department staff to monitor

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway. A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors. A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs. There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the 			or conflicts, and employ abatement methods	Sponsor compliance.	quarterly until ERO deems monitoring and success of the improvement measure complete.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.</p> <ul style="list-style-type: none"> • If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department. • If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues 					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.</p> <ul style="list-style-type: none"> If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department. 					
WIND AND SHADOW					
<p><i>Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces</i></p> <p>To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.</p>	Project Sponsor.	During construction and post-construction activities.	Provide wind screens or landscaping to reduce wind.	Project Sponsor.	Project Sponsor to ensure ongoing functionality.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|-------------------------------------|
| ■ Transit Impact Development Fee (Sec. 411) | ■ First Source Hiring (Admin. Code) |
| ■ Affordable Housing (Sec. 415) | ■ Child Care Requirement (Sec. 414) |
| ■ Jobs Housing Linkage Program (Sec. 413) | ■ Public Art (Section 429) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: NOVEMBER 3, 2016

Date: October 20, 2016
Case No.: **2013-1049CXVPCA**
Project Address: **950-974 Market Street**
Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0342/001, 002, 004, and 014
Project Sponsor: Michelle Lin, Mid Market Center, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
Michelle@groupi.com
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 124, 210.2 AND 303 TO CONSTRUCT A TOURIST HOTEL AND TO EXCLUDE ON-SITE AFFORDABLE UNITS FROM THE FAR CALCULATION AT 950-974 MARKET STREET, ASSESSOR'S BLOCK NO. 0342, LOTS 001, 002, 004, AND 014, WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, AND THE 120-X HEIGHT AND BULK DISTRICT. THE PROJECT WOULD DEMOLISH FOUR STRUCTURES AND ASSOCIATED SURFACE PARKING LOT AND CONSTRUCT A 120-FOOT TALL, 12-STORY-OVER-BASEMENT, APPROXIMATELY 408,342 GROSS-SQUARE-FOOT (GSF) BUILDING CONTAINING 242 DWELLING UNITS, A 232-ROOM HOTEL, 16,100 SQUARE FEET OF GROUND FLOOR RETAIL, AND 82 OFF-STREET PARKING SPACES.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of

arts/educational uses, and 198 off-street parking spaces at 950-974 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)) and exclude on-site affordable units from FAR calculation (Section 124(f)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD) and Special Height District; and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance to allow a 20-foot façade opening where 15 feet is permitted (Section 155(s) for off-street loading to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,300 square-foot, mixed-use building with 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

On January 20, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project. The PMND was available for public comment until February 9, 2016.

On February 9, 2016, two appeals of the PMND were filed with the Department.

On February 22, 2016 the Planning Department's Environmental Review Office determined that the PMND should be recirculated because the Department was no longer seeking approval for the Mid-Market Arts and Arts Education SUD and Special Height District and due to substantial changes in the project.

On July 6, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and recirculated the PMND for the Project that superseded the prior January 20, 2016 PMND. The PMND was available for public comment until July 26, 2016.

On July 26, 2016, an appeal of the recirculated PMND was filed with the Department.

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable

development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; and authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

On November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Planning Application No. 2013-1049CXVPCA and the Appeal of the Mitigated Negative Declaration, 2013.1049E.

On November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; and authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, Case No 2013-1049CXVPCA.

On November 3, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On November 3, 2016, the 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), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the response to the appeal

contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 201301049E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2013.1049C_XVPCA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 120-X Height and Bulk District, and is located within the Downtown Plan Area.

3. **Surrounding Properties and Neighborhood.** The project site is located within the Mid-Market area at the edge of the Downtown/Civic Center neighborhood and adjacent to the South of Market (SoMa) and Tenderloin neighborhoods. Other zoning districts in the vicinity include: the SoMa NCT (Neighborhood Commercial) and C-3-S (Downtown Support) to the south and RC-4 (Residential-Commercial – High Density) to the north. The surrounding mixed-use area contains diverse building types and uses and is near the Market Street Theatre and Loft Historic District as well as the Uptown Tenderloin Historic District. The project site is approximately one block west of Hallidie Plaza and the Westfield Shopping Center and directly across Market Street from the currently under construction CityPlace Mall.

The existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but can range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses. The site is immediately adjacent to the Crazy Horse and Warfield Theaters.

4. **Project Description.** The proposal would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,600 square feet of ground floor retail and arts activity. The project includes a residential unit mix of approximately 132 studios, 66 one-bedroom units, and 18 two-bedroom units. Common open space is provided at the 10,400 square-foot roof deck and the 2,352 square-foot Turk Street Plaza. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible off of Taylor Street.

The project's hotel component would be located on the northwestern portion of the building, and accessed via a lobby located that has openings on both Turk and Market Streets. The residential component of the project would be located on the southeastern portion of the site, and face onto Turk, Mason, and Market Streets. The entrances for the residential units are located on Market Street and Turk Street, separate from the hotel entries. The ground floor would contain multiple retail spaces along Market, Taylor, and Turk Streets as well as a private open courtyard located mid-block on Market Street. In addition, the project would provide publically accessible open space along Turk Street in the form of a 2,352 square foot plaza, and a 2,300 square foot landscaped sidewalk seating area.

5. **Public Comment.** Community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, Central City SRO Collaborative, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR, Golden Gate Theatre, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties.

To date, the Department has received correspondence expressing both support and opposition to the Project. In addition, an appeal of the PMND was filed.

6. **Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2014.1049CXP (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
7. **Planning Code Section 124(f):** For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to [Article 11](#) of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for the Life of the Project, as defined in Section [401](#), to households whose incomes are within 150 percent of AMI, as defined in

Section [401](#), for ownership units and up to 120% of AMI for rental units, in accordance with the conditional use procedures and criteria as provided in Section [303](#) of this Code.

In the event the project provides on-site inclusionary units pursuant to Planning Code Section 415, those units will be affordable to households that are within 150 percent of AMI, as defined in Section 401, for ownership units and up to 120% of AMI for rental units, and meet the criteria for additional square footage above the permitted 6.0:1 base FAR associated with those on-site affordable units, in this case a total of 26,572 gross square feet that is excluded from the calculation of FAR.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed Project is necessary and desirable in that it will provide 242 new dwelling-units to the City's housing stock and includes a mix of unit sizes that would appeal to a variety of households. The Project will add housing opportunities within the Mid-Market area at a density that is suitable for an intensely-developed urban area served by ample public transit and retail services. The project would contribute to the City's hotel stock which is significantly underserved. Additionally, the project will contribute to the commercial activity of the immediate area by replacing the existing retail frontages along Market Street and creating new retail frontages along Taylor and Turk Streets.

The existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but can range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses. The site is immediately adjacent to the Crazy Horse and Warfield Theaters.

The project would be compatible with the surrounding uses and buildings and be a positive contribution to the Mid-Market and Tenderloin neighborhood and community. The project would provide publically accessible open space in the form of a triangular plaza and separate seating area along Turk Street. The project's intensity and mix of uses would help transform an underutilized block into an active area that serves both local residents and tourists alike.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The project would merge four parcels into a single 34,262 square-foot, triangular-shaped parcel that would comprise the project site. The proposed structure would span the entirety of the site, however provides unobstructed open spaces generally mid-block along both Market and Turk

Streets. The open spaces help reduce the perceived mass of the building, and provide well landscaped active areas. Existing development in the vicinity varies in size and intensity, and the project is generally compatible with the eclectic character of the area.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

As discussed in the Final Mitigated Negative Declaration, the project would not result in a significant net increase in vehicular traffic, and would not negatively affect transit services or have significant adverse impacts on pedestrians or bicyclists.

The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Powell Street BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project provides 146 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

The Project provides a limited amount of off-street parking in support of the City's transit first policies. This off-street parking is located in a below-grade garage accessible from Taylor Street. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation.

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

The Project includes residential and retail uses that are typical of the surrounding context, and will not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to spray the site to suppress dust during demolition, excavation, and construction; therefore, these activities should not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials; therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project proposes a variety of common and private open spaces in the form of roof decks, sidewalk seating areas, a courtyard and plaza. The project provides 14 new street trees along Turk Street. The conceptual plans show landscaping in the form of trees and other plantings in the open spaces. Parking is located within a subterranean garage that is not readily visible from the street, except for the access driveway. Conditions of approval require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work Planning staff to refine details of lighting, signage, materials, and other aspects of the project.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is not located within a Neighborhood Commercial District.

9. **Planning Code Section 303(g)** establishes criteria for the Planning Commission to consider when reviewing application for hotel projects, through the Conditional Use Process. On balance, the project complies with said criteria in that:

- 1) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

According to the Final Mitigated Negative Declaration, the addition of retail and hotel space in the Project could contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. The proposed project would generate an estimated 250 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal. In addition, the Project would add 242 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 242 new residential units would accommodate approximately 547 residents, significantly more than the number of on-site hotel employees. The Project will provide affordable housing and pay the Transportation Sustainability Fee and the Child Care Fee to support affordable housing and child care services in the area.

- 2) 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 has agreed to provide a grant to support a Tenderloin-specific hospitality job training and recruitment program, to be led by Tenderloin based community organizations. This program, which will provide resources to both job-readiness and sector job-readiness training, will empower Tenderloin residents seeking an employment opportunity in the Project as well as a number of other projects in the area. Additionally, the Project has agreed to partner with Unite Here Local 2, the local hospitality workers union, and is expected to pay additional funds for job training through its ongoing contributions to the union's Education Fund. Both efforts will increase the likelihood of San Francisco residents being employed in the hotel and thereby minimize the demand on regional transportation.

- 3) The market demand for a hotel or motel of the type proposed

According to a March 25, 2015 market demand analysis prepared by PKF Consulting USA, the San Francisco Bay Area is the strongest lodging market in the United States with occupancy rates in the

high-70 to low-80 percent range. By comparison, the average occupancy for hotels nationwide was 64.4 percent in 2014. According to the report's findings, the addition of the boutique hotel will not have any material impact on the overall market's performance; in fact, the City of San Francisco is vastly underserved with regard to hotel supply and generates a significant amount of unsatisfied demand that is displaced to other markets throughout the Bay Area. Additionally, the report anticipates that the project would achieve a stabilized occupancy of 84 percent by 2019, in line with levels projected for the competitive market. With this occupancy, the Hotel will be operating at functional capacity level year-round.

10. **General Plan Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2014.1049CXP (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
11. **Planning Code Section 101.1(b)** The Planning Code Priority Policy Findings set forth in Motion No. XXXXX, Case No. 2014.1049CXP (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
12. 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.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1049CXP** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 7, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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 No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 3, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a Hotel (Sections 303, 210.2), and to exceed the Maximum F.A.R. by providing on-site affordable dwelling units (Section 124(f)) at 950 Market Street within the C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District; in general conformance with plans, dated October 7, 2016 and stamped "EXHIBIT B" included in the docket for Case No. 2013.1049CXPVCA and subject to conditions of approval reviewed and approved by the Commission on November 3, 2016 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2013.1049CXPVCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

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 3, 2016 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.1049CXVPCA (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

Planning Code Amendment

HEARING DATE: NOVEMBER 3, 2016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 20, 2016
Case No.: **2013-1049CXVPCA [Board File No. 161066]**
Initiated by: Supervisor Kim / Introduced October 4, 2016
Project Address: **950-974 Market Street**
Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0342/001, 002, 004, and 014
Project Sponsor: Michelle Lin,
Mid Market Center, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
michelle@groupi.com
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

RECOMMEND APPROVAL WITH MODIFICATIONS FOR THE ORDINANCE [BOARD OF SUPERVISORS FILE NO. 161066] WAIVING THE JOBS-HOUSING LINKAGE FEE SET FORTH IN PLANNING CODE SECTION 413 ET SEQ., THE INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS SET FORTH IN PLANNING CODE SECTION 415 ET SEQ., AND THE ALTERNATIVE WATER SUPPLY REQUIREMENTS SET FORTH IN HEALTH CODE ARTICLE 12C; EXEMPTING 26,572 SQUARE FEET FROM THE CALCULATION OF GROSS FLOOR AREA PURSUANT TO PLANNING CODE SECTION 124 TO ALLOW THE ADDITIONAL FLOOR AREA, AND EXEMPTING 26,572 SQUARE FEET FROM PLANNING CODE SECTIONS 123 AND 128 TO REDUCE ANY REQUIRED TRANSFERABLE DEVELOPMENT RIGHTS BY SUCH AMOUNT, FOR A PROJECT LOCATED AT 950-974 MARKET STREET IN SAN FRANCISCO, IN EXCHANGE FOR EITHER (1) THE DEDICATION OF REAL PROPERTY AT 180 JONES STREET TO THE SAN FRANCISCO MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT AT NO COST AND PAYMENT OF APPROXIMATELY \$12.8 MILLION TO THE 180 JONES STREET AFFORDABLE HOUSING FUND, OR (2) THE CONSTRUCTION OF A MINIMUM OF 60 AND A MAXIMUM OF 70 AFFORDABLE STUDIO OR EFFICIENCY RENTAL UNITS AT 180 JONES STREET; ESTABLISHING THE 180 JONES STREET AFFORDABLE HOUSING FUND; ACCEPTING A \$2 MILLION GIFT TO THE 180 JONES STREET AFFORDABLE HOUSING FUND; AUTHORIZING ACTIONS IN FURTHERANCE OF THIS ORDINANCE; AND ADOPTING FINDINGS REGARDING THE FINAL MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS UNDER PLANNING CODE SECTION 302; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of arts/educational uses, and 198 off-street parking spaces at 950-974 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD); and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements to allow a 20-foot opening where 15 is permitted (Section 155(s)), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance from off-street loading requirements to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,342 square-foot, mixed-use building with 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

On January 20, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the originally proposed Project and for the proposed Mid-Market Arts and Arts Education Special Use District and Special Height District. The PMND was available for public comment until February 9, 2016.

On February 9, 2016, two appeals of the PMND were filed with the Department.

On February 22, 2016 the Planning Department's Environmental Review Office determined that the PMND should be recirculated because the Department was no longer seeking approval for the Mid-Market Arts and Arts Education SUD and Special Heights District and due to substantial changes in the project.

On July 6, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and recirculated the PMND for the Project that superseded the prior January 20, 2016 PMND. The PMND was available for public comment until July 26, 2016.

On July 26, 2016, an appeal of the recirculated PMND was filed with the Department.

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health

Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1 (the "Ordinance").

On November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Planning Application No. 2013-1049CXVPCA and the Appeal of the Preliminary Mitigated Negative Declaration, No. 2013-1049E.

Also on November 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Ordinance.

On November 3, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On November 3, 2016, the 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), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the summary of comments and responses contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1049E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

The Commission has reviewed the proposed Planning Code Amendment Ordinance; and

RESOLVED, that the Planning Commission hereby adopts the findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act issued by Motion No. XXXX, based on the findings as stated below.

FURTHER RESOLVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance with the following modifications:

- The Ordinance should be amended to reflect a payment of \$1.8 million to the 180 Street Affordable Housing Fund regardless of the Jobs-Housing Linkage Fee the project would have paid to the city.
- The technical Ordinance language does not tie the various waivers of Planning Code requirements to the payments, dedication of land, and/or provision of BMR units off site. The Ordinance should be amended to make the waivers contingent upon the fund payment, dedication of land, and/or provision of BMR housing.
- With respect to the Ordinance's off-site unit construction option, clear AMI's comparable to existing Planning Code requirements should be included. Additionally, a clear timeline should be established within which the off-site project must be entitled and permitted. A contingency should be provided in the event that the off-site project isn't delivered following the construction of the principal project.
- The Ordinance should be amended to remove the exemption from the Non-Potable Water Ordinance, and instead the Board should urge that the project sponsor work with the SFPUC to explore satisfying the requirements through alternative means.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. The MND is adequate, accurate and complete, and reflects the independent judgment and analysis of the Planning Department. The Project, as shown in the analysis of the MND, could not have a significant effect on the environment. The Planning Commission adopted the MND in Resolution No. XXXX.
2. The Commission finds the Ordinance, with the recommended modifications, and the associated fee waivers in exchange for either (1) the dedication by the Project Sponsor of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment by the Project Sponsor of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, establishing the 180 Jones Street Affordable Housing Fund and accepting a \$2 million gift from the Project Sponsor to the fund, or (2) the construction by the Project Sponsor of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street is a benefit to the City by allowing the City to provide a greater number of affordable housing units at a lower median income level in the Downtown/Civic Center neighborhood than could otherwise be provided on-site at the Project site.

3. At the same time, the Commission recognizes the historic drought facing the State of California. For this reason, the Commission recommends that the proposed project comply with the Non-potable Water Ordinance through either the standard or alternative means.
4. The Ordinance and this Resolution does not constitute an approval of any new or revised project located at 180 Jones Street. The Planning Commission adopted a mitigated negative declaration, CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion No. 17838 for the previously approved 37-unit project at 180 Jones Street. The CEQA findings and the MMRP contained in Planning Commission Motion No. 17838 are incorporated herein by this reference thereto, as applicable to the land dedication or off-site units authorized by the Ordinance. The Commission is not otherwise approving any changes to the approved project at 180 Jones Street. If and when any revised project at 180 Jones Street is undertaken by the City, or is submitted to the City for review, the City will conduct any additional environmental review required by CEQA for that project.
5. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings for the Downtown Project Authorization (Motion No. XXXX), which are incorporated by reference as though fully set forth herein.
6. **Planning Code Section 101.1(b)** On balance, the Project complies with Planning Code Section 101.1(b), for the reasons set forth in the Downtown Project Authorization (Motion No. XXXX), which are incorporated by reference as though fully set forth herein and the following:
 - 1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The proposed property acceptance will not negatively affect existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses. The new development will, however, provide new affordable housing for residents who may support such businesses in the surrounding area.
 - 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 property acceptance would not displace any existing housing and would provide 60-70 additional affordable housing units and will help preserve the cultural and economic diversity of the neighborhood.
 - 3) That the City's supply of affordable housing be preserved and enhanced.

The proposed property acceptance will increase the stock of permanent affordable housing in the City.
 - 4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The proposed property acceptance will not result in commuter traffic impeding Muni's transit service, overburdening the streets or altering current neighborhood parking. The proposed affordable housing project will be transit-oriented given its location near Muni and BART.
 - 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 residential employment and ownership in these sectors be enhanced.

The proposed property transfer would not affect the existing economic base in this area.

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

The proposed property transfer would not affect the City's preparedness to protect against injury and loss of life in an earthquake.

- 7) That landmarks and historic buildings be preserved.

The proposed property transfer will not affect landmarks or historic buildings.

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

The proposed property acceptance will not affect City parks or open spaces, or their access to sunlight and vistas.

7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) for the reasons set forth in the Downtown Project Authorization (Motion No. XXXX), which are incorporated by reference as though fully set forth herein. The project, would contribute to the community by adding 242 dwelling units to the City's housing stock, a 232-room hotel, and approximately 16,100 square feet of ground floor retail. The project would provide publicly accessible open space along Turk Street and create 12,752 square feet of common open space for the new dwelling units. The Ordinance would allow the project to provide more off-site affordable housing units than could be provided on-site through one of two options and thereby be a beneficial project.
8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed Planning Code waivers in the Ordinance as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 3, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

1 Planning Code - Waiving Jobs-Housing Linkage Fee, Inclusionary Housing Requirements and
2 Alternative Water Supply Requirements, Exempting Certain Floor Area from the Calculation of
3 Gross Floor Area and Transferable Development Rights Requirements, Authorizing Land
4 Dedication or Construction of Off-Site Units, Establishing the 180 Jones Street Affordable
Housing Fund, Accepting a Gift, and authorizing Payment to Such Fund for the Project
Located at 950-974 Market Street.]

5 **Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section**
6 **413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning**
7 **Code Section 415 et seq., and the alternative water supply requirements set forth in**
8 **Health Code Article 12C; exempting 26,572 square feet from the calculation of gross**
9 **floor area pursuant to Planning Code Section 124 to allow the additional floor area, and**
10 **exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any**
11 **required transferable development rights by such amount, for a project located at 950-**
12 **974 Market Street in San Francisco, in exchange for either (1) the dedication of real**
13 **property at 180 Jones Street to the San Francisco Mayor's Office of Housing and**
14 **Community Development at no cost and payment of approximately \$12.8 million to the**
15 **180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60**
16 **and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street;**
17 **establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift**
18 **to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of**
19 **this ordinance; and adopting findings regarding the Final Mitigated Negative**
20 **Declaration under the California Environmental Quality Act; making findings under**
21 **Planning Code Section 302; and making findings of consistency with the General Plan**
22 **and the eight priority policies of Planning Code Section 101.1.**

23
24 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
25 **Additions to Codes** are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in ~~strikethrough~~ Arial font.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) It is the intention of the Board of Supervisors to (1) waive the requirements set forth in Planning Code Section 413 et seq. to pay the Jobs-Housing Linkage Fee, (2) waive the requirements set forth in Planning Code Section 415 et seq. to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units, (3) waive the alternative water supply requirements set forth in Health Code Article 12C, (4) exempt 26,572 square feet from the calculation of allowable gross floor area set forth in Planning Code Section 124 to permit additional floor area on the site, (5) exempt 26,572 square feet from the calculation of required transferable development rights ("TDR") to reduce the TDR necessary for the project located at 950 Market Street, Assessor's Block No. 0342, Lots No. 001, 002, 004, and 014 ("Project"), (6) authorize Mid-Market Center LLC ("Project Sponsor") to either (A) dedicate the real property located at 180 Jones Street, Assessor's Block No. 0343, Lot 14 ("Dedicated Property") to the San Francisco Mayor's Office of Housing and Community Development ("MOHCD") at no cost and pay \$16.8 million, less the acquisition cost of the Dedicated Property (estimated to be \$4 million), to the 180 Jones Street Affordable Housing Fund (the "Fund") or (B) construct a minimum of 60 and a maximum of 70 affordable studio or efficiency units at the Dedicated Property (the "Off-Site Units"), (7) accept a gift of \$2 Million to the Fund, and (8) establish the Fund.

(b) The proposed waivers and exemptions, corresponding land dedication and establishment of and payment to the Fund or construction of Off-Site Units are necessary to implement construction of the Project and to facilitate potential development on the Dedicated Property of a 100% affordable residential development. The Project is a multi-family

1 residential and hotel development project with ground floor retail space located on a 34,262
2 square foot project site within the Downtown Plan Area and the Downtown/Civic Center
3 neighborhood and is located within the C-3-G (Downtown General) Zoning and 120-X Height
4 and Bulk District. The floor area ratio (FAR) limit as defined by Planning Code Section 124 for
5 the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be
6 increased to 9.0 to 1 with the purchase of TDR.

7 (c) The Project would provide approximately 242 dwelling units, a 232-room hotel, and
8 16,600 gross square feet of ground-floor commercial retail space. The Project applied to
9 provide 31 for sale on-site inclusionary affordable dwelling units (comprising thirteen percent
10 (13%) of the total number of units and 26,572 gross square feet of floor area) to comply with
11 the requirements of Section 415 et seq. The Project sponsor also sought a conditional use
12 permit to allow the additional square footage for the affordable units pursuant to Planning
13 Code Section 124(f).

14 (d) The Project now proposes to provide land and funds to the City to construct off-site
15 affordable housing or to construct a minimum of 60 and a maximum of 70 off-site affordable
16 units, equivalent to not less than 25% of the number of on-site market-rate units. The
17 proposed Sections 413 and 415 waivers and Sections 123, 124 and 128 floor area
18 exemptions will enable the Project to be constructed without on-site inclusionary affordable
19 dwelling units, without the need to acquire an additional 26,572 gross square feet of
20 transferable development rights, and without the need to procure a conditional use permit for
21 the extra square footage as was otherwise required by Planning Code Section 124(f) for the
22 on-site affordable housing. This ordinance will allow the Project Sponsor to withdraw the
23 Section 124(f) conditional use application without forfeiting the Section 124 gross floor area
24 exemption proposed for the 26,572 gross square feet associated with the prior on-site
25 inclusionary affordable units. As set forth below, dedication to the City of the Dedicated

1 Property, establishment of the Fund and payment by the Project Sponsor to the Fund or
2 construction by the Project Sponsor of the Off-Site Units would allow the City to provide a
3 greater number of affordable housing units at a lower median income level than could
4 otherwise be provided on-site, if a 100% affordable residential development is approved at the
5 Dedicated Property.

6 (e) The Dedicated Property located at 180 Jones Street is 4,743 square foot in land
7 area and has an approximate acquisition cost of \$4 million. The Dedicated Property was
8 previously approved for construction of 37 one- and two-bedroom dwelling units and ground
9 floor commercial space and can accommodate approximately 30,818 square feet of above
10 ground development. The conveyance by the Project Sponsor of the Dedicated Property and
11 payment by the Project Sponsor to the Fund or construction by the Project Sponsor of the Off-
12 Site Units would allow the City to modify the previously approved plans to instead provide a
13 100% affordable rental residential housing development of approximately 60 to 70 efficiency
14 dwelling units affordable to low income households on the Dedicated Property, if such project
15 is approved at the Dedicated Property. This would be a significant increase in the City's stock
16 of affordable housing in the Downtown/Civic Center neighborhood, compared to the
17 previously contemplated 31 for sale on-site inclusionary affordable units affordable to
18 moderate income households at the Project site.

19 (f) On _____, 2016, the Planning Commission conducted a duly noticed public
20 hearing on the ordinance, including the waiver of fee payments and requirements under
21 Planning Code Sections 413 et seq. and 415 et seq., waiver of Health Code Article 12C, and
22 the exemption of 26,572 gross square feet from the calculation of gross floor area as set forth
23 in Planning Code Section 124 and from the requirements to purchase TDR under Planning
24 Code Sections 123 and 128. The Planning Commission, in Motion No. _____, found that
25 the ordinance is, on balance, consistent with the City's General Plan and the eight priority

1 policies of Planning Code Section 101.1. A copy of the Planning Commission Motion is on
2 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
3 by reference. The Board adopts the Planning Commission findings as its own.

4 (g) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
5 serve the public necessity, convenience, and general welfare for the reasons set forth in
6 Planning Commission Motion No. _____ and the Board incorporates such reasons
7 herein by reference.

8 (h) On _____, 2016, the Planning Commission finalized, reviewed and
9 considered the Final Mitigated Negative Declaration (FMND) prepared for the Project located
10 at 950-974 Market Street and found that the contents of the FMND and the procedures
11 through which the FMND was prepared, publicized, and reviewed complied with the California
12 Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (CEQA),
13 Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and
14 Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning
15 Commission adopted the FMND, CEQA findings and a Mitigation and Monitoring Reporting
16 Program (MMRP) in its Motion No. _____. The CEQA findings and the MMRP contained in
17 Planning Commission Motion No. _____ are incorporated herein by this reference thereto.
18 The proposed changes contained in this ordinance are not substantial changes to the Project
19 and there are no substantial changes in Project circumstances that would require major
20 revisions to the FMND due to the involvement of new significant environmental effects, nor is
21 there an increase in the severity of previously identified significant impacts, or any new
22 information of substantial importance that would change the conclusions set forth in the
23 FMND.

24 (i) This ordinance does not constitute an approval of any new or revised project
25 located at 180 Jones Street. The Planning Commission adopted a mitigated negative

1 declaration, CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion
2 No. 17838 for the previously approved 37-unit project at the Dedicated Property. The CEQA
3 findings and the MMRP contained in Planning Commission Motion No. 17838 are
4 incorporated herein by this reference thereto, as applicable to the land dedication or Off-Site
5 Units authorized by this Ordinance. The City is not otherwise approving any changes to the
6 approved project at 180 Jones Street. If and when any revised project for the Dedicated
7 Property is undertaken by the City, or is submitted to the City for review, the City will conduct
8 any additional environmental review required by CEQA for that project.

9 Section 2. Planning Code Fee Waivers, Floor Area and TDR Exemption, and Land
10 Dedication and Payment to the Fund or Construction of Off-Site Units.

11 (a) Waiver of Jobs-Housing Linkage Fee and Inclusionary Affordable Housing
12 Requirements and Payment to Fund. Notwithstanding the requirement to pay the Jobs-
13 Housing Linkage Fee pursuant to Planning Code Section 413 et seq. and the Affordable
14 Housing Fee or provide on-site or off-site inclusionary affordable housing alternatives to the
15 Affordable Housing Fee pursuant to Planning Code Section 415 et seq. (Inclusionary Housing
16 Program), the requirements set forth in Planning Code Section 413 et seq. to pay the Jobs-
17 Housing Linkage Fee associated with the Project's hotel and retail uses and the requirements
18 set forth in Planning Code Section 415 et seq. to pay to either pay the Affordable Housing Fee
19 or provide on-site or off-site inclusionary affordable housing alternatives to the Affordable
20 Housing Fee payment for the Project are hereby waived in their entirety.

21 Instead, the Project Sponsor shall be permitted to either:

22 (1) Dedicate a site to the City to be used for affordable housing and to pay money to
23 the Fund. In lieu of paying the Jobs-Housing Linkage Fee and the Affordable Housing Fee or
24 providing on-site or off-site inclusionary affordable housing units, prior to issuance of a site or
25 building permit for the Project, the Project Sponsor shall convey in fee simple absolute to

MOHCD, according to the land dedication provisions of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring Procedures Manual issued by the San Francisco Department of City Planning ("Procedures Manual"), the real property located at 180 Jones Street, at no cost to MOHCD. In addition, between issuance of the first construction document and the first temporary certificate of occupancy for the Project as set forth in more detail below, the Project Sponsor shall pay \$18.8 Million, less the acquisition cost of the Dedicated Property, to the 180 Jones Affordable Housing Fund established by this Ordinance, which real property and Fund shall be used by MOHCD to facilitate construction of an affordable housing project of approximately 60 to 70 efficiency dwelling units at 180 Jones Street affordable to low income households. This \$18.8 Million, comprised of the acquisition cost of the Dedicated Land and payments to the 180 Jones Affordable Housing Fund is the equivalent payment of the Project's Jobs-Housing Linkage Fee and an affordable housing percentage fee of 25% under Planning Code Sections 415 et seq., the current affordable housing fee percentage applicable to the Project, plus a gift to the City of approximately \$2 Million. The conveyance by the Project Sponsor of the Dedicated Land to the City and payments to the 180 Jones Affordable Housing Fund shall occur pursuant to the following schedule:

- A. Conveyance of Dedicated Land: prior to issuance of a site or building permit for the Project;
 - B. Payment of \$1.5 million: prior to issuance of the first construction document for the Project, or July 1, 2017, whichever comes first;
 - C. Payment of \$17.3 million, less the acquisition cost of the Dedicated Land, prior to issuance of the Project's first temporary certificate of occupancy; or
- (2) Construct a minimum of 60 and a maximum of 70 affordable studio or efficiency units at the Dedicated Property, after such project undergoes any required environmental

1 review and if such project is approved by the City. In lieu of paying the Jobs-Housing Linkage
2 Fee and the Affordable Housing Fee or providing on-site or off-site inclusionary affordable
3 housing units, the Project Sponsor shall provide evidence to the City that it has acquired fee
4 simple title to the Dedicated Property prior to issuance of the Project's first construction
5 document. The Project Sponsor shall ensure that the off-site units are constructed, completed,
6 ready for occupancy, and marketed no later than three years after the City approves such
7 project at the Dedicated Property. It is the intent of the Board of Supervisors that the
8 affordable units at the Dedicated Property be comparable in overall quality of construction to
9 the market rate units in the Project, and the interior features in the affordable units be
10 consistent with the "Quality Standards for Off Site Affordable Housing Units" found in the
11 Procedures Manual.

12 (b) Exemption From Floor Area Ratio Calculations. Notwithstanding the provisions of
13 Planning Code Section 124, floor area in the Project equivalent to 26,572 square feet is
14 hereby exempt from the calculation of gross floor area pursuant to Planning Code Section
15 124. This Section 124 floor area exemption shall not reduce the Project's development
16 impact fee obligations by any amount under Article 4 of the Planning Code and the Project
17 shall pay any applicable development impact fees set forth in Planning Code Article 4 on the
18 total floor area of the Project.

19 (c) TDR Exemption. Notwithstanding the provisions of Planning Code Sections 123
20 and 128, the Project shall be exempt from any applicable requirement to purchase TDR solely
21 for 26,572 square feet of floor area to increase the allowable density on-site. The Project
22 shall be permitted to increase density on-site by 26,572 square feet of floor area without the
23 need to purchase TDR for this amount. The Project shall be otherwise required to comply
24 with Planning Code Sections 123 and 128, and shall purchase TDR for any other necessary
25 increase in density on-site.

1 Section 3. The Administrative Code Chapter 10, Article XIII is hereby amended by
2 adding Section 10.100-____, to read as follows:

3 **SEC. 10.100- . 180 JONES STREET AFFORDABLE HOUSING FUND.**

4 (a) Establishment of Fund. The 180 Jones Street Affordable Housing Fund is established as a
5 category four fund to receive fee revenue dedicated to affordable housing and other contributions to the
6 fund. The fund receives money from:

7 (1) A \$1.8 million of Planning Code Sections 413 et seq. (Jobs-Housing Linkage
8 Program) Jobs-Housing Linkage Fee payment that the Board of Supervisors waived for the 950-974
9 Market Street project. This payment is addressed in an ordinance concerning the waiver of the Jobs-
10 Housing Linkage Fee and Inclusionary Housing Requirements, and authorizing other exemptions as
11 well as a land dedication (the “950-974 Market Street Ordinance”), which is on file with the Clerk of
12 the Board of Supervisors in File No. _____.

13 (2) An \$11 million payment of Planning Code Sections 415 et seq. (Inclusionary
14 Housing Program) affordable housing fees that the Board of Supervisors waived for the 950-974
15 Market project in the 950-974 Market Street Ordinance, on file with the Clerk of the Board of
16 Supervisors in File No. _____.

17 (3) A \$2 million gift from from the Project Sponsor of the 950-957 Market Street
18 Project, as authorized in the 950-957 Market Street Ordinance, on file with the Clerk of the Board of
19 Supervisors in File No. _____.

20 (b) Use of Fund. The fund is to be used exclusively by the Mayor's Office of Housing and
21 Community Development (MOHCD), or its successor, for the purpose of supporting construction of
22 affordable housing units at 180 Jones Street (Assessor’s Block 0343, Lot 14). If, however, the City fails
23 to approve a revised project at 180 Jones Street after five years of the last payment to the Fund
24 authorized by the 950-972 Market Street Ordinance, the money in this Fund shall be deposited into the
25

1 Citywide Affordable Housing Fund as established in Administrative Code Section 10.100-49, or its
2 successor fund.

3 (c) Exceptions to Fund Category. The Director of MOHCD shall approve all expenditures
4 from the fund.

5 (d) Administration of Fund. The MOHCD shall administer the fund and shall report annually
6 to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement,
7 and the number and types of housing units assisted. The MOHCD shall have the authority to prescribe
8 rules and regulations governing the fund. Any unexpended funds remaining after 10 years from the
9 effective date of the ordinance identified in subsections (a)(1) and (a)(2) shall be deposited into the
10 Citywide Affordable Housing Fund as established in Administrative Code Section 10.100-49 or its
11 successor fund.

12
13 Section 4. Health Code Article 12C Waiver.

14 The requirements set forth in Article 12C of the Health Code for projects that obtain a
15 site or building permit after November 1, 2016, to provide an alternative water source
16 (graywater) are hereby waived in their entirety for the Project.

17
18 Section 5. Authorizing Acceptance and Expenditure of Gift.

19 The Project Sponsor has offered a gift of \$2 million to the City, to be paid prior to the
20 Project's first temporary certificate of occupancy. This gift would be given to the Fund, to
21 assist in providing affordable housing at 180 Jones Street. The Board of Supervisors hereby
22 authorizes MOHCD to accept the gift of \$2 million from the Project Sponsor, and to expend it
23 consistent with the purposes, procedures and requirements of the Fund.

1 Section 6. The Mayor, Clerk of the Board, Property Director and MOHCD are hereby
2 authorized and directed to take any and all actions which they or the City Attorney may deem
3 necessary or advisable in order to effectuate the purpose and intent of this ordinance
4 (including, without limitation, the filing of the ordinance in the Official Records of the City and
5 County of San Francisco; acceptance of the land dedication; establishment of the Fund and
6 receipt of payments to the Fund; and confirmation of satisfaction of the conditions to the
7 effectiveness of the Planning Code Sections 413 and 415 and Health Code Article 12C
8 waivers and land dedication or Off-Site Unit construction hereunder; and execution and
9 delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the
10 conditions upon signature by any such City official or his or her designee).

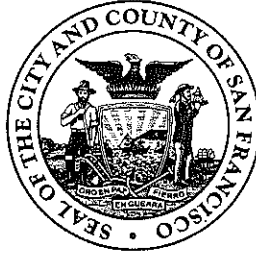
11
12 Section 7. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 ANDREA RUIZ-ESQUIDE
21 Deputy City Attorney

22
23
24
25
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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 13, 2016

File No. 161066

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 4, 2016, Supervisor Kim introduced the following proposed legislation:

File No. 161066

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in blue ink, appearing to read "Alisa Somera", is written over the printed name.

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

- c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. The project proposed at 950-974 Market Street is covered under CEQA with Planning Department Case No. 2013.1049E under a Mitigated Negative Declaration. Subsequent environmental review will be required for the 180 Jones Street project.

[Planning Code - Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment - 950-974 Market Street]

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 Additions to Codes are in single-underline italics Times New Roman font.
 Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
 Board amendment additions are in double-underlined Arial font.
 Board amendment deletions are in ~~strikethrough Arial font~~.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) It is the intention of the Board of Supervisors to (1) waive the requirements set forth in Planning Code Section 413 et seq. to pay the Jobs-Housing Linkage Fee, (2) waive the requirements set forth in Planning Code Section 415 et seq. to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units, (3) waive the alternative water supply requirements set forth in Health Code Article 12C, (4) exempt 26,572 square feet from the calculation of allowable gross floor area set forth in Planning Code Section 124 to permit additional floor area on the site, (5) exempt 26,572 square feet from the calculation of required transferable development rights ("TDR") to reduce the TDR necessary for the project located at 950 Market Street, Assessor's Block No. 0342, Lots No. 001, 002, 004, and 014 ("Project"), (6) authorize Mid-Market Center LLC ("Project Sponsor") to either (A) dedicate the real property located at 180 Jones Street, Assessor's Block No. 0343, Lot 14 ("Dedicated Property") to the San Francisco Mayor's Office of Housing and Community Development ("MOHCD") at no cost and pay \$16.8 million, less the acquisition cost of the Dedicated Property (estimated to be \$4 million), to the 180 Jones Street Affordable Housing Fund (the "Fund") or (B) construct a minimum of 60 and a maximum of 70 affordable studio or efficiency units at the Dedicated Property (the "Off-Site Units"), (7) accept a gift of \$2 Million to the Fund, and (8) establish the Fund.

(b) The proposed waivers and exemptions, corresponding land dedication and establishment of and payment to the Fund or construction of Off-Site Units are necessary to implement construction of the Project and to facilitate potential development on the Dedicated Property of a 100% affordable residential development. The Project is a multi-family

1 residential and hotel development project with ground floor retail space located on a 34,262
2 square foot project site within the Downtown Plan Area and the Downtown/Civic Center
3 neighborhood and is located within the C-3-G (Downtown General) Zoning and 120-X Height
4 and Bulk District. The floor area ratio (FAR) limit as defined by Planning Code Section 124 for
5 the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be
6 increased to 9.0 to 1 with the purchase of TDR.

7 (c) The Project would provide approximately 242 dwelling units, a 232-room hotel, and
8 16,600 gross square feet of ground-floor commercial retail space. The Project applied to
9 provide 31 for sale on-site inclusionary affordable dwelling units (comprising thirteen percent
10 (13%) of the total number of units and 26,572 gross square feet of floor area) to comply with
11 the requirements of Section 415 et seq. The Project sponsor also sought a conditional use
12 permit to allow the additional square footage for the affordable units pursuant to Planning
13 Code Section 124(f).

14 (d) The Project now proposes to provide land and funds to the City to construct off-site
15 affordable housing or to construct a minimum of 60 and a maximum of 70 off-site affordable
16 units, equivalent to not less than 25% of the number of on-site market-rate units. The
17 proposed Sections 413 and 415 waivers and Sections 123, 124 and 128 floor area
18 exemptions will enable the Project to be constructed without on-site inclusionary affordable
19 dwelling units, without the need to acquire an additional 26,572 gross square feet of
20 transferable development rights, and without the need to procure a conditional use permit for
21 the extra square footage as was otherwise required by Planning Code Section 124(f) for the
22 on-site affordable housing. This ordinance will allow the Project Sponsor to withdraw the
23 Section 124(f) conditional use application without forfeiting the Section 124 gross floor area
24 exemption proposed for the 26,572 gross square feet associated with the prior on-site
25 inclusionary affordable units. As set forth below, dedication to the City of the Dedicated

1 Property, establishment of the Fund and payment by the Project Sponsor to the Fund or
2 construction by the Project Sponsor of the Off-Site Units would allow the City to provide a
3 greater number of affordable housing units at a lower median income level than could
4 otherwise be provided on-site, if a 100% affordable residential development is approved at the
5 Dedicated Property.

6 (e) The Dedicated Property located at 180 Jones Street is 4,743 square foot in land
7 area and has an approximate acquisition cost of \$4 million. The Dedicated Property was
8 previously approved for construction of 37 one- and two-bedroom dwelling units and ground
9 floor commercial space and can accommodate approximately 30,818 square feet of above
10 ground development. The conveyance by the Project Sponsor of the Dedicated Property and
11 payment by the Project Sponsor to the Fund or construction by the Project Sponsor of the Off-
12 Site Units would allow the City to modify the previously approved plans to instead provide a
13 100% affordable rental residential housing development of approximately 60 to 70 efficiency
14 dwelling units affordable to low income households on the Dedicated Property, if such project
15 is approved at the Dedicated Property. This would be a significant increase in the City's stock
16 of affordable housing in the Downtown/Civic Center neighborhood, compared to the
17 previously contemplated 31 for sale on-site inclusionary affordable units affordable to
18 moderate income households at the Project site.

19 (f) On _____, 2016, the Planning Commission conducted a duly noticed public
20 hearing on the ordinance, including the waiver of fee payments and requirements under
21 Planning Code Sections 413 et seq. and 415 et seq., waiver of Health Code Article 12C, and
22 the exemption of 26,572 gross square feet from the calculation of gross floor area as set forth
23 in Planning Code Section 124 and from the requirements to purchase TDR under Planning
24 Code Sections 123 and 128. The Planning Commission, in Motion No. _____, found that
25 the ordinance is, on balance, consistent with the City's General Plan and the eight priority

1 policies of Planning Code Section 101.1. A copy of the Planning Commission Motion is on
2 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein
3 by reference. The Board adopts the Planning Commission findings as its own.

4 (g) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
5 serve the public necessity, convenience, and general welfare for the reasons set forth in
6 Planning Commission Motion No. _____ and the Board incorporates such reasons
7 herein by reference.

8 (h) On _____, 2016, the Planning Commission finalized, reviewed and
9 considered the Final Mitigated Negative Declaration (FMND) prepared for the Project located
10 at 950-974 Market Street and found that the contents of the FMND and the procedures
11 through which the FMND was prepared, publicized, and reviewed complied with the California
12 Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (CEQA),
13 Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and
14 Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Planning
15 Commission adopted the FMND, CEQA findings and a Mitigation and Monitoring Reporting
16 Program (MMRP) in its Motion No. _____. The CEQA findings and the MMRP contained in
17 Planning Commission Motion No. _____ are incorporated herein by this reference thereto.
18 The proposed changes contained in this ordinance are not substantial changes to the Project
19 and there are no substantial changes in Project circumstances that would require major
20 revisions to the FMND due to the involvement of new significant environmental effects, nor is
21 there an increase in the severity of previously identified significant impacts, or any new
22 information of substantial importance that would change the conclusions set forth in the
23 FMND.

24 (i) This ordinance does not constitute an approval of any new or revised project
25 located at 180 Jones Street. The Planning Commission adopted a mitigated negative

1 declaration, CEQA findings and a Mitigation and Monitoring Reporting Program in its Motion
2 No. 17838 for the previously approved 37-unit project at the Dedicated Property. The CEQA
3 findings and the MMRP contained in Planning Commission Motion No. 17838 are
4 incorporated herein by this reference thereto, as applicable to the land dedication or Off-Site
5 Units authorized by this Ordinance. The City is not otherwise approving any changes to the
6 approved project at 180 Jones Street. If and when any revised project for the Dedicated
7 Property is undertaken by the City, or is submitted to the City for review, the City will conduct
8 any additional environmental review required by CEQA for that project.

9 Section 2. Planning Code Fee Waivers, Floor Area and TDR Exemption, and Land
10 Dedication and Payment to the Fund or Construction of Off-Site Units.

11 (a) Waiver of Jobs-Housing Linkage Fee and Inclusionary Affordable Housing
12 Requirements and Payment to Fund. Notwithstanding the requirement to pay the Jobs-
13 Housing Linkage Fee pursuant to Planning Code Section 413 et seq. and the Affordable
14 Housing Fee or provide on-site or off-site inclusionary affordable housing alternatives to the
15 Affordable Housing Fee pursuant to Planning Code Section 415 et seq. (Inclusionary Housing
16 Program), the requirements set forth in Planning Code Section 413 et seq. to pay the Jobs-
17 Housing Linkage Fee associated with the Project's hotel and retail uses and the requirements
18 set forth in Planning Code Section 415 et seq. to pay to either pay the Affordable Housing Fee
19 or provide on-site or off-site inclusionary affordable housing alternatives to the Affordable
20 Housing Fee payment for the Project are hereby waived in their entirety.

21 Instead, the Project Sponsor shall be permitted to either:

22 (1) Dedicate a site to the City to be used for affordable housing and to pay money to
23 the Fund. In lieu of paying the Jobs-Housing Linkage Fee and the Affordable Housing Fee or
24 providing on-site or off-site inclusionary affordable housing units, prior to issuance of a site or
25 building permit for the Project, the Project Sponsor shall convey in fee simple absolute to

1 MOHCD, according to the land dedication provisions of the City and County of San Francisco
2 Inclusionary Affordable Housing Program Monitoring Procedures Manual issued by the San
3 Francisco Department of City Planning ("Procedures Manual"), the real property located at
4 180 Jones Street, at no cost to MOHCD. In addition, between issuance of the first
5 construction document and the first temporary certificate of occupancy for the Project as set
6 forth in more detail below, the Project Sponsor shall pay \$18.8 Million, less the acquisition
7 cost of the Dedicated Property, to the 180 Jones Affordable Housing Fund established by this
8 Ordinance, which real property and Fund shall be used by MOHCD to facilitate construction of
9 an affordable housing project of approximately 60 to 70 efficiency dwelling units at 180 Jones
10 Street affordable to low income households. This \$18.8 Million, comprised of the acquisition
11 cost of the Dedicated Land and payments to the 180 Jones Affordable Housing Fund is the
12 equivalent payment of the Project's Jobs-Housing Linkage Fee and an affordable housing
13 percentage fee of 25% under Planning Code Sections 415 et seq., the current affordable
14 housing fee percentage applicable to the Project, plus a gift to the City of approximately \$2
15 Million. The conveyance by the Project Sponsor of the Dedicated Land to the City and
16 payments to the 180 Jones Affordable Housing Fund shall occur pursuant to the following
17 schedule:

- 18 A. Conveyance of Dedicated Land: prior to issuance of a site or building permit for the
19 Project;
- 20 B. Payment of \$1.5 million: prior to issuance of the first construction document for the
21 Project, or July 1, 2017, whichever comes first;
- 22 C. Payment of \$17.3 million, less the acquisition cost of the Dedicated Land, prior to
23 issuance of the Project's first temporary certificate of occupancy; or
- 24 (2) Construct a minimum of 60 and a maximum of 70 affordable studio or efficiency
25 units at the Dedicated Property, after such project undergoes any required environmental

1 review and if such project is approved by the City. In lieu of paying the Jobs-Housing Linkage
2 Fee and the Affordable Housing Fee or providing on-site or off-site inclusionary affordable
3 housing units, the Project Sponsor shall provide evidence to the City that it has acquired fee
4 simple title to the Dedicated Property prior to issuance of the Project's first construction
5 document. The Project Sponsor shall ensure that the off-site units are constructed, completed,
6 ready for occupancy, and marketed no later than three years after the City approves such
7 project at the Dedicated Property. It is the intent of the Board of Supervisors that the
8 affordable units at the Dedicated Property be comparable in overall quality of construction to
9 the market rate units in the Project, and the interior features in the affordable units be
10 consistent with the "Quality Standards for Off Site Affordable Housing Units" found in the
11 Procedures Manual.

12 (b) Exemption From Floor Area Ratio Calculations. Notwithstanding the provisions of
13 Planning Code Section 124, floor area in the Project equivalent to 26,572 square feet is
14 hereby exempt from the calculation of gross floor area pursuant to Planning Code Section
15 124. This Section 124 floor area exemption shall not reduce the Project's development
16 impact fee obligations by any amount under Article 4 of the Planning Code and the Project
17 shall pay any applicable development impact fees set forth in Planning Code Article 4 on the
18 total floor area of the Project.

19 (c) TDR Exemption. Notwithstanding the provisions of Planning Code Sections 123
20 and 128, the Project shall be exempt from any applicable requirement to purchase TDR solely
21 for 26,572 square feet of floor area to increase the allowable density on-site. The Project
22 shall be permitted to increase density on-site by 26,572 square feet of floor area without the
23 need to purchase TDR for this amount. The Project shall be otherwise required to comply
24 with Planning Code Sections 123 and 128, and shall purchase TDR for any other necessary
25 increase in density on-site.

1 Section 3. The Administrative Code Chapter 10, Article XIII is hereby amended by
2 adding Section 10.100-__, to read as follows:

3 **SEC. 10.100- . 180 JONES STREET AFFORDABLE HOUSING FUND.**

4 (a) Establishment of Fund. The 180 Jones Street Affordable Housing Fund is established as a
5 category four fund to receive fee revenue dedicated to affordable housing and other contributions to the
6 fund. The fund receives money from:

7 (1) A \$1.8 million of Planning Code Sections 413 et seq. (Jobs-Housing Linkage
8 Program) Jobs-Housing Linkage Fee payment that the Board of Supervisors waived for the 950-974
9 Market Street project. This payment is addressed in an ordinance concerning the waiver of the Jobs-
10 Housing Linkage Fee and Inclusionary Housing Requirements, and authorizing other exemptions as
11 well as a land dedication (the "950-974 Market Street Ordinance"), which is on file with the Clerk of
12 the Board of Supervisors in File No. _____.

13 (2) An \$11 million payment of Planning Code Sections 415 et seq. (Inclusionary
14 Housing Program) affordable housing fees that the Board of Supervisors waived for the 950-974
15 Market project in the 950-974 Market Street Ordinance, on file with the Clerk of the Board of
16 Supervisors in File No. _____.

17 (3) A \$2 million gift from from the Project Sponsor of the 950-957 Market Street
18 Project, as authorized in the 950-957 Market Street Ordinance, on file with the Clerk of the Board of
19 Supervisors in File No. _____.

20 (b) Use of Fund. The fund is to be used exclusively by the Mayor's Office of Housing and
21 Community Development (MOHCD), or its successor, for the purpose of supporting construction of
22 affordable housing units at 180 Jones Street (Assessor's Block 0343, Lot 14). If, however, the City fails
23 to approve a revised project at 180 Jones Street after five years of the last payment to the Fund
24 authorized by the 950-972 Market Street Ordinance, the money in this Fund shall be deposited into the
25

1 Citywide Affordable Housing Fund as established in Administrative Code Section 10.100-49, or its
2 successor fund.

3 (c) Exceptions to Fund Category. The Director of MOHCD shall approve all expenditures
4 from the fund.

5 (d) Administration of Fund. The MOHCD shall administer the fund and shall report annually
6 to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement,
7 and the number and types of housing units assisted. The MOHCD shall have the authority to prescribe
8 rules and regulations governing the fund. Any unexpended funds remaining after 10 years from the
9 effective date of the ordinance identified in subsections (a)(1) and (a)(2) shall be deposited into the
10 Citywide Affordable Housing Fund as established in Administrative Code Section 10.100-49 or its
11 successor fund.

12
13 Section 4. Health Code Article 12C Waiver.

14 The requirements set forth in Article 12C of the Health Code for projects that obtain a
15 site or building permit after November 1, 2016, to provide an alternative water source
16 (graywater) are hereby waived in their entirety for the Project.

17
18 Section 5. Authorizing Acceptance and Expenditure of Gift.

19 The Project Sponsor has offered a gift of \$2 million to the City, to be paid prior to the
20 Project's first temporary certificate of occupancy. This gift would be given to the Fund, to
21 assist in providing affordable housing at 180 Jones Street. The Board of Supervisors hereby
22 authorizes MOHCD to accept the gift of \$2 million from the Project Sponsor, and to expend it
23 consistent with the purposes, procedures and requirements of the Fund.

1 Section 6. The Mayor, Clerk of the Board, Property Director and MOHCD are hereby
2 authorized and directed to take any and all actions which they or the City Attorney may deem
3 necessary or advisable in order to effectuate the purpose and intent of this ordinance
4 (including, without limitation, the filing of the ordinance in the Official Records of the City and
5 County of San Francisco; acceptance of the land dedication; establishment of the Fund and
6 receipt of payments to the Fund; and confirmation of satisfaction of the conditions to the
7 effectiveness of the Planning Code Sections 413 and 415 and Health Code Article 12C
8 waivers and land dedication or Off-Site Unit construction hereunder; and execution and
9 delivery of any evidence of the same, which shall be conclusive as to the satisfaction of the
10 conditions upon signature by any such City official or his or her designee).

11
12 Section 7. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By:

20  for ARE
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

21 n:\legana\as2016\1700089\01140854.docx
22
23
24
25

LEGISLATIVE DIGEST

[Planning Code - Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment - 950-974 Market Street]

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The City regulates development projects and requires them to meet some requirements, in the form of development standards or, sometimes, development fees. For the proposed project at 950-957 Market Street ("the Project"), some of these requirements, as relevant to this Ordinance, are:

1. Inclusionary Housing Program. Under the Inclusionary Housing Program codified in the Charter and in Section 415 et seq. of the Planning Code, the Project would have an on-site affordability requirement of 13% of the total number of units, or would have to pay for an off-site/in lieu requirement equivalent to 25% of the total number of units.

2. Jobs-Housing Linkage Fee. The Project would have to pay a fee Jobs-Housing Linkage Fee, set forth in Section 413 et seq. of the Planning Code, equivalent to approximately \$1.8 million.

3. Land Dedication: In some zoning districts, like the UMU and Mission NCT, Planning Code Section 419.5 allows land dedication as a way to comply with the inclusionary affordable housing requirements. Land dedication is not currently an option for the C-3-S zoning district, where the Project is located.

4. Calculation of Square Footage and Floor Area Ratio Limits: Planning Code Section 124 sets forth the basic floor area ratio limits and methods of calculation and exemption. It provides that additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of affordable housing on the project site. In addition, Planning Code Sections 123, 127 and 128 allow buildings in the C-3 district to exceed the base floor area ratio limits by purchasing transferable development rights ("TDR") for use of the site. Planning Code Section 124(f) also allows buildings in the C-3 district to exceed the base floor area ratio limits by procuring a conditional use permit for the additional square footage dedicated to affordable housing on a site.

5. Alternative Sources of Water. Article 12C of the Health Code requires projects that obtain a site or building permit after November 1, 2016, to provide an alternative water source (graywater).

Amendments to Current Law

This Ordinance would waive the payment of the Jobs-Housing Linkage, the Inclusionary Affordable Housing requirements, and the alternative water supply requirements, and would exempt 26,572 square feet from the calculation of gross floor area to allow the additional floor area, and exempt 26,572 square feet from Planning Code Sections 123 and 128, to reduce any required transferable development rights by such amount, for the Project.

The Ordinance would waive the above requirements in exchange for either:

(1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development, at no cost to the City, and the payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or

(2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

The Ordinance would also establish the 180 Jones Street Affordable Housing Fund, administered by Mayor's Office of Housing and Community Development (MOHCD), or its successor, for the purpose of supporting construction of affordable housing units at 180 Jones Street.

The Ordinance would also accept a \$2 million gift that the Project has offered to the City, to be paid prior to the Project's first temporary certificate of occupancy. This gift would be given to

FILE NO. 161066

the 180 Jones Street Affordable Housing Fund, to assist in providing affordable housing at 180 Jones Street.

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October 14, 2016

Hon. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: 950-974 Market Street
Case No. 2013-1049CXVPCA
Section 309, conditional use and affordable housing land dedication ordinance
Hearing Date: November 3, 2016

Dear President Fong and Commissioners:

I am writing on behalf of Mid Market Center, LLC, an affiliate of Group i, the project sponsor of the 950-974 Market Street project (the "Project"). The Project site comprises most of the triangular block bound by Market, Turk and Taylor Streets in the Mid-Market/Tenderloin neighborhood. The Warfield Theater and office building share the block. The site is in a blighted condition and is currently occupied by four mostly vacant two-story buildings and a parking structure. The site is in the C-3-G zoning district, the 120-X height and bulk district and is within the Downtown Plan area.

Project Description. Group i consulted with community stakeholders, the Mayor's office, Supervisor Kim and the Planning Department over the last three years to arrive at a consensus Project program and design. The Project proposes to demolish the existing buildings and construct a 120-foot tall mixed-use building containing 242 for-sale dwelling units, a 232-room hotel and 16,100 square feet of retail and arts space along the Market, Turk and Taylor Street frontages. The Project also includes a public open space plaza on Turk Street, and the hotel lobby serves as a 24/7 publicly accessible pedestrian passage through the building. The hotel's main entrance is on Turk Street, where the vehicle drop-off zone is located. The residential lobby also fronts both Market Street and Turk Street. Below grade parking is provided for 80 residential spaces (a 0.33:1 ratio) and two car share spaces. The Project also provides 156 Class 1 and 42 Class 2 bike parking spaces and four loading spaces. Open space is provided in the Turk Street plaza, roof decks, and a solarium.

Handel Architects is the Project architect. Your Commission packet contains renderings, plans, elevations, and sections. The design features a highly articulated punched window façade, a strongly expressed 2-story base that relates to the 2-story base of surrounding buildings, a substantial Turk Street plaza indentation, and differentiation between the residential and hotel

detailing to complement both the Market Street civic context and the more residential Tenderloin neighborhood.

Affordable Housing at 180 Jones Street. At the request of the community, Group i will dedicate the property at 180 Jones Street (located one block away and with value of \$4 million) to MOHCD and provide approximately \$14.8 million in additional funding to enable MOHCD to develop an approximately 68-unit 100% affordable development there. Supervisor Kim introduced legislation on October 4 to facilitate this consensus affordable housing strategy. The ordinance waives the otherwise applicable on-site inclusionary housing requirement (which would have resulted in 31 on-site for-sale BMR units) and the hotel's Jobs-Housing Linkage Fee in exchange for the Group i's dedication of the 180 Jones site and the \$14.8 million contribution to MOHCD.

Community Benefits and Support. In addition to the 180 Jones affordable housing program and payment of normal transportation and child care fees, the Project provides an unprecedented level of other community benefits, and as a consequence enjoys an unprecedented level of community support. These community benefits, at a total cost to Group i of over \$5 million, include:

- Rent Free Arts Space at Turk and Taylor. Group i has agreed to lease the 2,000 square foot ground floor retail space at the corner of Turk and Taylor Streets to Magic Theater for a community serving performing arts center with a base rent of \$0.
- Reduced Rent for Local Retail Store. Group i has offered to provide \$73,000 of rental assistance to the Q Foundation to lease the ground floor retail space at 111 Taylor Street (the site of the historic Compton's Café) to provide job training and celebrate the LGBTQ history in the Tenderloin. In the event Q Foundation does not accept this offer, the assistance will be made available to another community-serving retailer that can demonstrate community-mindedness and economic viability.
- Local Hiring and Workforce Development. Group i will provide \$300,000 in funding to provide Tenderloin-specific hospitality job training and skills development prior to the opening of the hotel.
- Card Check Neutrality for Hotel. Group i has signed a card check neutrality agreement with Unite HERE Local 2.
- Management of Turk Street Plaza. Group i has agreed to design the Turk Street plaza in a manner that is safe, accessible and comfortable to all Tenderloin residents and provide de-escalation, cultural and mental health sensitivity, and conflict resolution training to hotel, retail and condominium personnel.
- Construction Period Noise Attenuation, Relocation and Accommodation. Group i will implement extraordinary noise attenuation measures during construction and provide up

to \$100,000 in relocation assistance and accommodation during disruptive construction activities to TNDC residents located across Turk Street.

On the basis of these community benefits and the universal belief that this blighted site needs to be redeveloped, community support is wide-spread. Included in the Commission packet are dozens of letters from Tenderloin and Mid-Market organizations and individuals expressing their support of the Project.

Environmental Review. The Planning Department published a Preliminary Mitigated Negative Declaration (PMND) on July 6, 2016, determining that the Project will have no unmitigated environmental impacts. In particular, the PMND determined that the existing buildings are not historic resources because, even though three gay bars occupied various storefronts on the site at various times between the 1930's and 1980, none of the storefronts retains physical features associated with those bars sufficient to convey their association and thus lack "integrity." Group i has agreed to implement an Improvement Measure to create an interpretive program to commemorate the site's prior association with the LGBTQ community in the Tenderloin and is working with the author of the adopted Citywide LGBTQ Historic Context Statement to engage community members and develop an appropriate interpretative program.

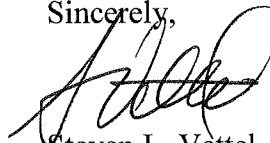
Nonetheless, an appeal of the PMND was filed by Brian Basinger of the Q Foundation, seeking preparation of a full EIR to further evaluate this issue and investigate whether a potential Tenderloin LGBTQ historic district would become ineligible were the existing buildings demolished. The Planning Department has prepared a thorough response to the appeal that is included in your Commission packet and concludes that no new evidence was presented in the appeal that was not already analyzed in the PMND, that impacts remain less-than-significant because the buildings lack integrity, and that the potential LGBTQ historic district would remain eligible for listing after demolition of the four on-site buildings. We request that you uphold the Department's determination and reject the appeal.

Section 309 and Conditional Use Authorization. The Project is consistent with the Downtown Plan, the C-3-G zoning and 120-foot height limit. The Project does require (1) a Section 309 authorization for a rear yard exception and an exception to the tour bus loading requirement and (2) a Conditional Use Authorization for the hotel use. The Planning Department is in support of these authorizations and exceptions, and we request your approval as well.

Supervisor Kim's Legislation. Finally, the Commission will be making a recommendation to the Board of Supervisors on the affordable housing land dedication, monetary contribution and fee waiver ordinance introduced by Supervisor Kim. Even though this off-site affordable housing proposal will require a significantly higher financial burden on Group i than providing on-site BMR units and paying the waived fees, Group i is supportive of the ordinance based on the community's strong preference for the larger number of more deeply affordable rental BMR units at 180 Jones Street than could be provided on-site. We ask that you also give Supervisor Kim's legislation a positive recommendation.

We look forward to the November 3 hearing. Please contact me prior to the hearing if we can provide any additional information.

Sincerely,



Steven L. Vettel

cc: Claudine Asbagh, Planner
Supervisor Jane Kim
Joy Ou, Group i

29090\5639890.1



UNITE HERE!

March 22, 2016

San Francisco Planning Commissioners
c/o Claudine Asbagh
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 2013.1049C (950-974 Market Street)

Dear Commissioners:

We write in support of Group i's proposed hotel development at 950 Market Street. The project sponsors have distinguished themselves by entering into an organizing agreement that guarantees hotel employees at that site will have the opportunity to join a union easily and without risk of retaliation. As a result, the hotel jobs created there will almost certainly be the kind we need more of in San Francisco: service jobs that provide living wages, family health care, and retirement benefits.

As our union has often testified, the Commission has a responsibility to exercise its Conditional Use discretion to weigh the quality of jobs at major projects, particularly (per Section 303(g)) hotels. In that light, we urge you to approve the development of this hotel.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anand Singh".

Anand Singh
President

opeiu-3-afl-cio(51)mds

Anand Singh
President

Chito Cuéllar
Vice-President

Tina Chen
Secretary-Treasurer



May 11, 2015

Leigh Chang
Director of Acquisitions and Development
Group i
500 Sansome Street, Suite 750
San Francisco, CA 94111

RE: Support for Project at 950-970 Market Street

Dear Ms. Chang,

I write on behalf of the Hotel Council of San Francisco and our Board of Directors to express our support for the proposed mixed-use 212-room hotel, 250 - unit housing and 16,000 square feet of ground floor retail space at 950-970 Market Street.

The Council believes the project will generate significant economic activity and contribute positively to the hospitality industry in San Francisco. The addition of this project is not only projected to bring 2000 jobs into the neighborhood and tax revenue to support the city but also economic impact for surrounding businesses. Hotel guests spend more money outside of hotels than inside which will benefit other businesses in the neighborhood.

The Project is expected to revitalize Mid-Market's roots as a thriving theater district by activating Market Street with lively pedestrian activity throughout day and night and establishing a vibrant environment for both local residents and visitors.

The Hotel Council supports this commercial and residential development of the Mid-Market area and believes the mixed use project being developed by Group i will bring much needed support for the neighborhood and city.

Sincerely,

A handwritten signature in black ink that reads "Kevin Carroll". The signature is fluid and cursive, with the first name "Kevin" and last name "Carroll" clearly distinguishable.

Kevin Carroll
Executive Director



United Brotherhood of Carpenters
and Joiners of America
LOCAL UNION NO. 22

July 19, 2016

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

Dear President Fong,

On behalf of more than 3000 members, Carpenters Local Union 22 fully supports Group I's project at 950-974 Market Street. Group I has committed to use Union Signatory General Contractor Lendlease for the construction of its new Mid-Market project. This project will create hundreds of local union jobs with living wages, health and retirement benefits. In addition, Group I's project will be a gateway for local workers to enter into union apprenticeship and training programs for a sustainable career in the construction industry.

950-974 Market will provide approximately 242 units of middle income housing in the heart of the Market Street transit corridor, helping to relieve the current housing crisis in San Francisco. Complementing the residential development will be a boutique hotel and 13,500 square feet of ground floor retail space. This development will also be supplying non-profit space free of charge to Magic Lab, a community-focused off shoot of the renowned Magic Theater, which will be focused on providing arts education opportunities to Tenderloin youth.

We encourage you to support Group I's project to ease San Francisco's housing crisis and create a friendly and accessible environment between Mid-Market and the Tenderloin.

Respectfully,

Todd Williams
Senior Field Representative

cc: John Rahaim, Director of Planning

sko/opeiu-29-afl-cio (38)

2085 3RD STREET • SAN FRANCISCO, CA 94107
TELEPHONE: (415) 355-1322 • FAX: (415) 355-1422





TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

San Francisco Travel supports Group i's planned 950-974 Market Street development. The mixed-use hospitality, housing, and retail project will enhance the local economy and transform the block of Mid-Market between 5th and 6th streets into a premier destination for conventions, meetings, events, and leisure travel.

This will bring new residents, visitors, and shoppers to Tenderloin businesses, helping them grow and improving the overall safety of the neighborhood. It will also increase pedestrian activity along Market Street between the Powell and Union Square shopping areas to Civic Center, and vice versa.

Additionally, the planned development will bring multiple benefits to the Tenderloin and Market Street communities. It will enliven the neighborhood by providing room for a wide range of activities, which include a dedicated non-profit space at the corner of Turk and Taylor, an outdoor food and beverage garden, a publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe D'Alessandro". The signature is fluid and cursive, written over a white background.

Joe D'Alessandro
President and CEO



**SAN
FRANCISCO
CHAMBER OF
COMMERCE**

May 8, 2015

Ms. Leigh Chang
Group I
500 Sansome St. Suite 750
San Francisco, CA 94111

RE: 950-974 Market Street Project

Dear Ms. Chang;

The San Francisco Chamber of Commerce, representing over 1,500 local businesses, is pleased to go on record in support of your mixed use residential/hotel project at 950-974 Market Street.

For decades the city has sought to revitalize the Mid-Market Street area. Once the entertainment and retail “spine” of the San Francisco, the area never really recovered from the disruption caused by the construction of the BART/MUNI Metro systems in the 1970’s. However, in the last five or six years, residential construction and targeted tax reductions for businesses occupying formally vacant buildings has resulted in a significant economic turnaround. New apartments and condominiums, retail, theater and office uses are occurring on every block between 5th and 11th Streets.

Your project will be an anchor for the north side of Market Street just a block from the Powell Street cable car turntable and the BART/Muni Metro station. And the mix use nature of your project will add critically needed hotel rooms near Union Square and Moscone Convention Center while continuing to add residential units which are in high demand along the Market Street corridor. While San Francisco experiences some of the lowest unemployment rates in California, job creation in the Mid-Market area with moderate levels of unemployment would be well served by the jobs this project will create.

The Chamber congratulates you for undertaking this important project and we look forward to working with you to see it to fruition.

Sincerely,

JIM LAZARUS
Sr. Vice President, Public Policy



Empowering Youth. Transforming Lives.

Joy Ou, President
Group i
500 Sansome Street, Suite 750
San Francisco, CA 94111

Dear Joy:

We are pleased to support Group i's selection of Magic Theatre as its partner for the nonprofit space at the corner of Turk and Taylor as part of their 950-974 Market Street development. Here at the Vietnamese Youth Development Center we have a rich legacy in investing in our youth's development through the arts; we believe the arts are a powerful vehicle to effect healthy human development.

We are especially pleased to see the Magic has fully embraced educational/community engagement programming, and as part of the Tenderloin arts and education community's proud tradition of welcoming and collaborating with one another, we look forward to collaborating with the Magic Theatre in advance of and after it opens its doors on Turk Street.

Best regards,

Judy Young
Executive Director

San Francisco Arts Commission September 9, 2016

Edwin M. Lee
Mayor

Tom DeCaigny
Director of Cultural Affairs

401 Van Ness Avenue, Suite 325
San Francisco, CA 94102

SFAC Galleries
401 Van Ness Avenue, Suite 126
San Francisco, CA 94102

Street Artists Licensing
401 Van Ness Avenue, Suite 124B
San Francisco, CA 94102

tel 415-252-2100
fax 415-934-1022
sfartscommission.org
facebook.com/sfartscommission
twitter.com/SFAC



City and County of San Francisco

John Rahim
Director
San Francisco Planning Commission
1650 Mission Street
San Francisco, CA 94103

RE: Group i 950-974 Market Street Project

Dear John,

I am writing on behalf of the San Francisco Arts Commission to convey our support for Group i's decision to contribute a significant portion of the Public Art Fee for the 950-974 Market Street project to the Public Art Trust.

Group i is to be commended for being the first developer to propose using the Trust to support temporary public art programming to activate public space and to contribute to the operations of local nonprofit art spaces. Both of these are important objectives of the Public Art Trust which have not been realized until now. The contribution from 950-974 Market Street will be used in a variety of ways, one of which is to support temporary public art programming on site to mitigate the impact of construction for the neighborhood. Group i's project also includes a non-profit hub at the corner of Turk and Taylor that will be utilized free of charge by a local nonprofit theatrical organization. This new space will host rehearsals, educational and community-oriented programs, and theatrical productions, all of which shall be free to the public, providing a valuable new cultural amenity for the local community. Additionally, a portion of the 1% will be distributed through the Arts Commission's granting process to support art programming in the Tenderloin.

President and CEO at Group i, Ms. Joy Ou's civic-minded use of the Trust is consistent with her life-long commitment to the arts, demonstrated by her long-time advocacy for local artists through her support of organizations such as CounterPulse, EXIT Theater, Cutting Ball Theater, Women's Audio Mission, and the Community Arts Stabilization Trust (CAST). She serves on the board of directors of the San Francisco Art Institute and the Wildflowers Institute, and is a former Trustee for the Fine Arts Museums of San Francisco.

The Planning Commission's approval of Group i's 950-974 Market Street project will enable the project to significantly contribute to enduring vibrancy of San Francisco's arts community and will set a precedent for other developers to follow.

Sincerely,

Jill Manton
Director, Public Art Trust and Special Initiatives

1182 MARKET STREET SUITE 200 SAN FRANCISCO CA 94102
TELEPHONE 415 551 2075 FACSIMILE 415 431 5052

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a Tenderloin-based business located on Taylor street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The resulting new residents, hotel visitors, and retail shoppers will bring new customers to Tenderloin businesses, including the Golden Gate Theater, and will help improve the safety of neighborhood residents and visitors.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,



Greg Holland, CEO

SHN Golden Gate Theater
1 Taylor Street
San Francisco, CA 94102



509 Cultural Center

(415) 255-5971 • www.luggagestoregallery.org

1007 Market Street, San Francisco, CA 94103

Darryl Smith and Laurie Lazer, Co-Artistic Directors

TO: San Francisco Planning Commission

RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a Tenderloin-based art gallery, we strongly support Group i's planned 950-974 Market Street development. Group i has long been a supporter of the Tenderloin arts community. Joy Ou, Group i's President and CEO, has supported organizations such as CounterPulse, EXIT Theater, Cutting Ball Theater, Women's Audio Mission, and the Community Arts Stabilization Trust (CAST). She sits on the board of directors of the San Francisco Art Institute and the Wildflowers Institute, and is a former Trustee for the Fine Arts Museums of San Francisco. Joy has served in an advisory capacity for the Luggage Store Gallery – and also provided us with a temporary exhibit space – and the Global Heritage Fund.

In addition to this proven support of the arts community, the development will bring many positive impacts to the community. It will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Darryl Smith

Co-founder, Luggage Store Gallery/509 Cultural Center

The luggage store
1007 market Street
SF CA 94103
Tel. 415 255 5971
www.luggagestoregallery.org

August 16, 2016

Joy Ou, President
Group i
500 Sansome Street
San Francisco, CA 94111

Re: 950 – 974 market Street project

Dear Ms. Ou;

I am writing on behalf of the luggage store/509 Cultural center/Tenderloin national Forest to express both our support of your project, and your choice of the magic Theater as your tenant and partner at the space at the corner of Turk and Taylor for the 950-974 market street development project.

We are moved, impressed and appreciative of your willingness and passion over these years to listen to and work thoughtfully with the needs of our very diverse (as well as diverse in its needs neighborhood... and to have chosen the magic as your partner. We value and respect your decision and this organization .

We are excited to welcome the magic Theater , and believe they will be an asset to the neighborhood. Their years of expertise and experience in the creative arts culture and non profit sector of San Francisco, speaks for itself and promises a high quality of programming as well as neighborhood relevance and inclusion in creative ways.

WE firmly believe that magic will work diligently to 'integrate' itself into the 'fabric' of the neighborhood to benefit both residents and the arts community in general. We are looking forward to working together and sharing .

Thank you on behalf of all the people who value art and creativity and for the work you are doing in the mid market Corridor.

If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized combination of the letters 'L' and 'H' or similar, representing the signatories.

Darryl Smith and Laurie Lazer
Co Directors/Founders



EXIT THEATRE • EXIT STAGE LEFT San Francisco Fringe Festival

156 EDDY STREET • SAN FRANCISCO, CA • 94102

Christina Augello • ARTISTIC DIRECTOR • 415 931-1094

Richard Livingston • MANAGING DIRECTOR • 415 673-5944

Box Office • 415 673-3844

Fax • 415 931-2699

Email • MAIL@SFFRINGERG.ORG

December 16, 2016

To Whom It May Concern:

EXIT Theatre is writing to support the proposed project of Group I commonly referred to as 950 Market Street. We particularly want to commend the scale of the proposed project.

EXIT Theatre has been on Eddy Street in the Tenderloin for 33 years and we are located just one block north of the proposed project. In the 1980s we were intimately involved with the efforts to re-zone the Tenderloin and the creation of the North of Market Special User District. A major tenet of the NMSUD was the desire to protect the mid-size scale of the Tenderloin and the NMSUD drastically reduced the allowed building height to a maximum of 120 feet.

Although Group I's proposed project is not within the NMSUD it is contiguous to it and at a proposed height of 120 feet it respects the scale of the Tenderloin and does not create a barrier isolating the neighborhood from Market Street as a taller building would.

Thank you for your consideration.

Sincerely,

Richard Livingston
Managing Director
EXIT Theatre



870 Market Street Suite 452 San Francisco, CA 415-362-2500
Carolyn@marketstreetassociation.org

November 16, 2015

TO: San Francisco Planning Commission
RE: 950-974 Market Street Project

Dear Commissioners:

The Market Street Association is dedicated to the revitalization and redevelopment of Market Street. Our mission is to create and support projects and events that will improve the overall social and economic development of our main street.

We support Group I's proposed 950 -974 Market Street project. This development, located between 5th & 6th Streets, has long been a sleeping site on Market Street waiting for a re-awakening. This mid-Market gateway project of nearly 400,000 sf will include residential units with 12% below market rate units on site, 235 hotel rooms, parking, ground floor retail, a public plaza, a pocket garden and a rooftop garden.

This development will anchor this block and begin the major revitalization of the mid-Market area. It brings much needed housing to our City, much needed retail to Market Street, and the hotel guests will bring much needed critical mass to our street. As an added benefit the plans include public spaces for all of the neighborhood to use and enjoy.

The mid-Market neighborhood has for too long been the orphaned section of Market Street. This development begins the revitalization Market Street deserves. We urge your support for this project.

Sincerely,

Carolyn Diamond

Carolyn Diamond
Executive Director



EXIT THEATRE • EXIT STAGE LEFT San Francisco Fringe Festival

156 EDDY STREET • SAN FRANCISCO, CA • 94102

Christina Augello • ARTISTIC DIRECTOR • 415 931-1094

Richard Livingston • MANAGING DIRECTOR • 415 673-5944

Box Office • 415 673-3844

Fax • 415 931-2699

Email • MAIL@SFFRIDGE.ORG

August 9, 2016

To Whom It May Concern,

EXIT Theatre is writing to support the inclusion of cultural facilities in the 950 Market Street project.

In 1988, after years of community effort, EXIT Theatre produced the Tenderloin Performing Arts Plan. The plan had four major recommendations:

1. Support Existing and Emerging Tenderloin Arts Organizations
2. Protect and Increase Tenderloin and Downtown Performing Arts Spaces
3. Study What Other Communities Are Doing To Protect and Strengthen Performing Arts Districts
4. Nurture Audiences and Artists in the Tenderloin.

In the last three decades the Tenderloin cultural community has made tremendous strides. The addition of cultural facilities in the 950 Market project will further enhance that effort.

Sincerely,

Richard Livingston
Managing Director
EXIT Theatre

September 29, 2016

Moy Eng
Executive Director
Community Arts Stabilization Trust
70 Otis Street
San Francisco, CA 94103



A Letter of Support for Magic Theatre: 950-974 Market Street Project

Community Arts Stabilization Trust is pleased to learn of Group i's selection of Magic Theatre to participate in the development of a nonprofit arts space at 950-974 Market Street. CAST is appreciative of the longstanding and impactful presence Magic Theatre has had in San Francisco, for nearly 50 years.

CAST is confident that Magic Theatre, as part of its strategic initiatives, is well poised to expand its facilities and programming. Furthermore, this opportunity for Magic Theatre's expansion will allow for a number of benefits to the Tenderloin neighborhood and its community members, including accessibility to a vibrant space, innovative performances, youth and adult educational programming, and opportunities for employment.

Best wishes on this exciting opportunity to expand your facilities and reach to the Tenderloin community and beyond.

With warm regards,

Moy Eng
Executive Director, Community Arts Stabilization Trust

THE CUTTING BALL THEATER

EXPLORE EXPERIMENTAL

Honorary Board

Oskar Eustis
Ken Melrose
Suzan-Lori Parks
Walter Wilkie
Robert Woodruff

Board of Directors

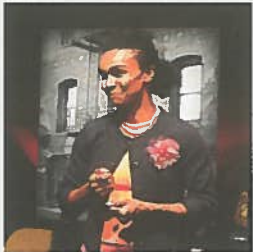
Erik Blachford
Mary Anne Cook
Amanda Felson
Darren Isom
Tom Lima
Daniel Lockwood
Laura Mason
Janet Maughan
Rob Melrose
Kate Robards
Dave Yrueta

Founding Artistic Director

Rob Melrose

Acting Artistic Director

Paige Rogers



The Cutting Ball Theater

141 Taylor Street
San Francisco, CA 94102
www.cuttingball.com
info@cuttingball.com
(415) 292-4700

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a Tenderloin-based theater, we strongly support Group i's planned 950-974 Market Street development.

Group i has long been a supporter of the Tenderloin arts community. Joy Ou, Group i's President and CEO, has supported organizations such as CounterPulse, EXIT Theater, Cutting Ball Theater, Women's Audio Mission, and the Community Arts Stabilization Trust (CAST). She sits on the board of directors of the San Francisco Art Institute and the Wildflowers Institute, and is a former Trustee for the Fine Arts Museums of San Francisco. Joy has also served in an advisory capacity for the Luggage Store Gallery and the Global Heritage Fund.

In addition to this proven support of the arts community, the development will bring many positive impacts to the community. It will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Paige Rogers, Artistic Director of the Cutting Ball Theater, 277 Taylor Street



95 Brady Street
San Francisco, CA 94103
415 541 9001
info@sfhac.org
www.sfhac.org

October 27, 2015

Mr. Steve Kuklin
Group I
100 Bush Street, Suite 1650
San Francisco, CA 94104

Ref: 950-974 Market Street – Mixed-Use Development

Dear Mr. Kuklin,

Thank you for bringing your proposed project at 950-974 Market Street to the San Francisco Housing Action Coalition (SFHAC) Project Review Committee on July 9, 2014 and July 22, 2015. Upon review and discussion, we believe your project has many merits and will contribute to the SFHAC's mission of increasing the supply of well-designed, well-located housing at all levels of affordability in San Francisco. Please review our letter, which explains how your project meets our guidelines and areas where improvements are suggested. We have attached a copy of our guidelines to the end of this letter for your reference. Also see our report card, which grades your project according to each guideline.

Project Description: Your project proposes the demolition of several underutilized commercial and vacant retail spaces and the construction of a large, mixed-use development that includes 262 homes, hotel and retail space, and a Community Hub dedicated for a kitchen incubator program. Parking would be provided underground.

Land Use: Your proposed development will transform this neighborhood in a highly beneficial way. It would not only enliven the neighborhood, but also connect the lively downtown district with the evolving Mid-Market area. The SFHAC commends you for pursuing this ambitious project, which would provide a significant amount of badly needed housing in a transit-rich location. It's unfortunate that your earlier plan to provide an art-oriented project, which our members really liked, did not come to fruition. However, we commend you for pursuing this alternative that dedicates a portion of ground floor space for a kitchen incubator program.

Density: The proposal calls for 262 new condos, 12 units short of the allowed density. The units are relatively small, averaging about 600 square feet. Although our members supported the original plan to create a Special Use District (SUD) that would have provided significantly more homes, we understand the circumstances that prevent this from being realized and encourage you to move forward with your revised scheme.

Affordability: The SFHAC commends your decision to provide the below-market-rate (BMR) units on-site. This equates to 31 homes, or 12 percent of the total units. The units are also relatively small, which will make them affordable to a wider range of incomes.

We encourage you to explore ways to improve the project's affordability. Two possibilities might include using the "Inclusionary Dial" to provide more BMRs at a greater range of affordability or using the local density bonus ordinance, known as the Affordable Housing Bonus Program.



San Francisco Housing Action Coalition (SFHAC) Project Report Card

Address: 950-974 Market Street

Project Sponsor: Group i

Date of SFHAC Review: July 9, 2014 and July 22, 2015

Grading Scale:

1 = Fails to meet project review guideline criteria

2 = Meets some project review guideline criteria

3 = Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond of what is required

Criteria for SFHAC Endorsement:

1. The project must have been presented to the SFHAC Project Review Committee;
2. The project must score a minimum of 3/5 on any given guideline.

<i>Guideline</i>	<i>Comments</i>	<i>Grade</i>
Land Use	The project would replace several underutilized commercial buildings with 262 homes, as well as hotel and retail space.	5
Density	The project takes advantage of the building envelope and provides relatively small homes, averaging about 600 square feet.	5
Affordability	The below-market-rate homes will be provided on-site, totaling 31 homes, or 12 percent of the total units. We encourage the project sponsor to look into the "dial" and density bonus program.	3
Parking and Alternative Transportation	The site is well served by numerous transit options and is within walking distance of much employment. We support the bike-parking plan but encourage less car parking.	4
Preservation	The project sponsor has chosen to honor the Old Crow Bar with a plaque in the building's lobby and has a consulted a preservation architect during the process.	5
Urban Design	The project would improve the ground floor experience and provide several creative open spaces that could be gathering destinations for residents.	5
Environmental Features	The project would most likely utilize a grey-water recycling system. We encourage the project sponsor to exceed LEED Silver for the residential building.	4
Community Input	The project sponsor has thoroughly engaged the community and made a significant effort to employ local residents for the ground floor uses. Local union labor would be used as well.	5
Additional Comments	The SF Housing Action Coalition thanks the project sponsor for presenting the revised plans to our members.	N/A
Final Comments	The SF Housing Action Coalition endorses the project without reservation.	4.5/5

Please see attached letter for further explanation.

Mr. Steve Kuklin
October 27, 2015
Page Two

Legislation for both policies should be introduced by the end of the year.

Parking and Alternative Transportation: The project is located in a transit-rich area. The Powell Street BART and Muni Station, several Muni bus lines and the excellent Market Street bicycle corridor are all adjacent to the site. Residents would also be within walking distance of numerous job centers and neighborhood amenities.

The project would provide 96 car parking spaces, 85 of which are designated for the residential units, equating to a ratio of about 0.3 spaces for home. We believe this low ratio is appropriate, but would support even fewer spaces, considering all of the other available transit options. The project also includes two car share spaces. We thank you for responding to our feedback and are pleased that the project will now include one bike parking space per unit. We consistently hear from our developer members that they frequently underestimate their need for bike parking and overestimate their need for car parking.

You mentioned that you will undertake a Transportation Demand Management (TDM) program analysis and have moved the primary drop-off zone to Turk Street.

Preservation: There are no structures of significant historic merit on the site. However, your project is at the location of “The Old Crow” bar, the longest operating gay bar in San Francisco from 1934 to 1980. We support your proposal to memorialize this culturally historic use by displaying a plaque in the public lobby. Your team engaged Page & Turnbull to prepare a formal Historic Resource Evaluation as part of the environmental review process. The SFHAC supports this effort.

Urban Design: Our members agreed that this project is “exciting” from an urban design standpoint. It would create a new destination for residents with the addition of ground floor retail and the incorporation of a pocket park, a plaza along Turk Street, and an alley running between Crazy Horse and your building. These plans will significantly improve the pedestrian experience and better connect Market Street to the Tenderloin.

We commend your efforts to program a portion of the ground floor space for a kitchen incubator program whose goal is to hire from the Tenderloin.

Open space will also be provided on the roof deck. Numerous streetscape improvements are proposed that would enhance the pedestrian experience.

Environmental Features: You stated that you are targeting LEED Silver for the residential portion of the building and would install a grey-water recycling system. You mentioned exploring ways to improve the ecology on Market Street by providing opportunities for urban food production and composting. Finally, your team is considering using the available NRG steam service for the buildings’ hot water and mechanical heating systems. These are all excellent measures to green the project and conserve water. However, we still encourage you to exceed LEED Silver for the residential portion of the development.

Community Input: You’ve accomplished a significant amount of community outreach for this project, having engaged with numerous community groups, local residents and Supervisor Jane

Mr. Steve Kuklin
October 27, 2015
Page Three

Kim. You also created a plan for the ground floor that could employ nearby residents and committed to union labor that will employ local workers, offer prevailing wages and create an apprenticeship program.

Thank you for presenting your plans for 950-974 Market Street to our Project Review Committee. We are pleased to endorse this excellent project. Please keep us abreast of any changes and let us know how we may be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Colen", with a long horizontal flourish extending to the right.

Tim Colen
Executive Director

SFHAC Project Review Guidelines

Land Use: Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

Density: The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

Affordability: The need for affordable housing, including middle income (120-150 of Area Median Income) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

Parking and Alternative Transportation: SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

Preservation: If there are structures of significant historic or cultural merit on the site, their retention and/or incorporation into the project consistent with historic preservation standards is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

Urban Design: The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent streetscape and existing neighborhood character while at the same time utilizing allowable unit density; pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided.

Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

Mr. Steve Kuklin
October 27, 2015
Page Five

Environmental Features: SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

Community Input: Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.

Community Coming Together
A Letter in Support of Magic Labs, Turk and Taylor

We, the undersigned, are pleased to support Group i's selection of Magic Theatre as its partner for the nonprofit space at the corner of Turk and Taylor as part of their 950-974 Market Street development. The theater will bring a number of benefits to the community including youth and adult programming, performances that are accessible to community residents, and new job opportunities.

Magic Theater is developing a newly-curated curriculum for Tenderloin youth called Magic Labs, which during construction will offer one 10-week session each year of tuition-free after school programs for youth-focused nonprofits such as the Vietnamese Youth Development Center and the Boys and Girls Club of San Francisco. Once the building is completed, Magic Lab will provide two 10-week classes each year plus additional six weeks of full-time, multi-generational summer play program.


The nonprofit is also developing a program for adult Tenderloin residents called Magic Playwright, which will provide free continuing education seminars and brown-bag lunches through partnerships with organizations such as 826 Valencia. After the completion of construction, adults will also be invited to participate in the six-week multi-generational summer programming.

Additionally, in collaboration with local workforce development and community service organizations, Magic Theatre will recruit local community members for paid positions such as facility manager, teaching artists, teaching assistants, non-union acting roles, and front of house staff. Once the theater has moved into its new space, it has pledged to hire at least one third of new hires of non-professional staff directly from the Tenderloin community. And finally, the nonprofit will offer free tickets – as well as travel vouchers – for community members to attend theater performances in Fort Mason.

Not only does Magic have the experience and expertise to create a vibrant and engaging program, it has the ability to create a sustainable entity, one which provides both daytime and evening uses, to engage passersby and activate this key intersection. We also note that the project includes a café space which will be run by another local entity (operator TBD) in order to ensure ongoing activity and public access to the space. Magic will work closely with its future neighbors to further evolve the program during project construction in order to ensure it fully meets the needs of the local community. Much work remains to be done and we have confidence that Magic has the resources necessary to make this lofty vision a reality.

Mid-Market and the Tenderloin have a strong tradition of local arts and theater and it is imperative that this tradition live on. The arts provide a venue for community-building, job training, education and inspiration. The arts are a force for cultural enrichment and economic opportunity. The city has identified the Mid-Market corridor as having a pressing need for low cost art space, and we applaud Group i's efforts to ensure that community-centered arts and education can continue to call this neighborhood home.

Sincerely,


J Landini
SAFEhouse Arts

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a San Francisco-based theatre that has been cultivating **bold** new playwrights and plays in the City for almost 50 years, we are proud to support Group i's **proposed** 950-974 Market Street development.

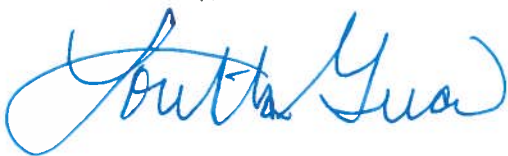
Joy Ou, President and CEO at Group i, has demonstrated a **life**-long commitment to the arts. She is a long-time advocate for local artists through her support of organizations such as CounterPulse, EXIT Theater, Cutting Ball Theater, Women's Audio Mission, and the Community Arts Stabilization Trust (CAST). She sits on the board of **directors** of the San Francisco Art Institute and the Wildflowers Institute, and is a former **Trustee** for the Fine Arts Museums of San Francisco.

In line with this commitment, Group i has donated the use of its new 2,000 SF nonprofit space at the corner of Turk and Taylor to our theatre, which allows **us** to add to the rich artistic culture and history of the neighborhood. Out of this space we will **offer** free after-school programming for Tenderloin youth, continuing education and brown bag seminars for Tenderloin adults, local hiring through partnerships with job training organizations, and community accessible entertainment. Additionally, by offering both daytime and **evening** programming, we are bringing renewed vitality and activity to this area of the **neighborhood**.

This donation by Group i's is substantial. The combined **donation** value of the shell construction and rent comes to more than \$3.5 million. Group i has also **pledged** to donate an additional 12.5% of the 1% arts fee to Magic Theatre for community **programming**, which comes to an estimated \$150,000.

Due to this demonstrated commitment to the Tenderloin **arts** community, we strongly encourage you to approve Group i's 950-974 Market Street **project**.

Sincerely,



Magic Theatre
Fort Mason Center
2 Marina Boulevard, Building D
San Francisco, CA 94123

Loretta Greco

Artistic Director

Fort Mason Center
2 Marina Boulevard, Building D
2nd Floor
San Francisco, CA 94123

lorettag@magictheatre.org
917.553.4377

San Francisco

Magic Theatre



UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW

DAVID N. SEWARD
Chief Financial Officer

December 14, 2015

City of San Francisco
Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Group i 950-974
Market Street Project

Dear Commissioners:

As Chief Financial Officer of the University of California Hastings College of Law and Treasurer of the Tenderloin/North of Market Community Benefit District board, I strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

I strongly encourage you to approve Group i's 950-974 Market Street Project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Seward", is written over the printed name "David Seward".

David Seward



May 1, 2016

To Whom It May Concern:

We are writing in support of the Group I 950 Market project as an asset to the Tenderloin community. As many developers are eyeing this neighborhood, it is important for us to bring in businesses that are responsible and will give back to the community in ways that define they are as a company. We hope to see this with Group-I and offer our partnership.

The Tenderloin is home to an estimated 3,500 children who must navigate their way to and from school, and other activities while confronting the many dangers in the Tenderloin.

To address the numerous safety challenges, Tenderloin Safe Passage was started in 2008 when a group of mothers came together to find new ways to keep their children safe. Today, we are a coalition of dedicated mothers, youth, seniors, volunteers and service providers who are building a culture of safety in the Tenderloin. We work to help people feel safe and be safe through visibility, preparedness, and involvement.

We will continue to work with Group I to build a culture of safety.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Robinson", with a long horizontal flourish extending to the right.

Kate Robinson

Program Director | Tenderloin Safe Passage
246 Eddy St San Francisco, CA 94102
(415) 292-2328

farmerbrown

FARM-FRESH SOUL FOOD

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

March 2, 2016

Dear Planning Commissioners,

As the owners of farmerbrown, a Tenderloin-based restaurant located at the corner of Turk and Mason streets, we strongly support Group i's planned 950-974 Market Street development.

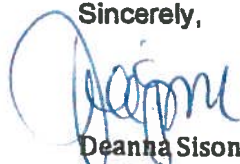
The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The resulting new residents, hotel visitors, and retail shoppers will bring new customers to Tenderloin businesses, including to farmerbrown, and will help improve the safety of neighborhood residents and visitors.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring many benefits to both the Tenderloin and Market Street communities.

Sincerely,



Deanna Sison Foster & Jay Foster
Owners



Farmerbrown Restaurant | 25 Mason Street | San Francisco, CA 94102

25 Mason st., San Francisco, CA 94102 415-409-farm, farmerbrownsf.net



**Women's
Audio
Mission**

changing the face of sound

542-544 Natoma Street, #C-1

San Francisco, CA 94103

415.558.9200

Contact: Terri Winston, Executive Director
twinston@womensaudiomission.org

September 20, 2016

To Whom It May Concern:

As a Mid-Market Arts Organization that trains over 1,200 women and girls in music production and the recording arts we are happy to see the 950-974 Market Street Development move along and bring Magic Theatre to the neighborhood as Group I's partner for the nonprofit space. It's a great partnership and both organizations have a long history of success in building community and creating beautiful things that will inspire the neighborhood. We are looking forward to the increased vitality and many benefits this will bring and welcome the 950-974 Market development and Magic Theatre to the neighborhood.

Sincerely,

Terri Winston

Executive Director, Women's Audio Mission



TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a Tenderloin-based business located at 34 Mason Street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The resulting new residents, hotel visitors, and retail shoppers will bring new customers to Tenderloin businesses, including Mikkeller Bar, and will help improve the safety of neighborhood residents and visitors.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob DeMoisey", is written over a horizontal line.

Bob DeMoisey, General Manager
Mikkeller Bar
34 Mason Street
San Francisco, CA 94102

WALTER & ELISE HAAS FUND

September 21, 2016

San Francisco Planning Commission
c/o San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Commissioners:

I am pleased to have the opportunity to write in support of Group i's selection of the Magic Theatre as its partner for a nonprofit space in their 950-974 Market Street development at the corner of Turk and Taylor.

The Magic Theatre has a long and important history of fostering new plays by local, national, and international writers. It is widely-known for its role in launching Sam Shepard's career and presenting his Pulitzer Prize winning play *Buried Child*; but it also is recognized for its partnerships with diverse artists – particularly under the leadership of its current artistic director Loretta Greco. Greco produced a groundbreaking season of all female playwrights last year.

Beyond its quality and risk-taking productions, the Magic Theatre is committed to involving a broad constituency of residents and visitors in the theater. It managed a long-running playwriting program for at-risk teens; and it has been meeting with Central Market and Tenderloin neighborhood residents and agencies about hosting classes, productions, and community conversations to benefit the neighborhood. I'm particularly impressed that they are devising this outreach program in response to neighborhood needs, not with a set of pre-designed offerings.

Artists and arts programs flourish and communities benefit when theaters and galleries are clustered together. Such clusters foster exchanges of ideas, sharing resources, revitalizing street life, and providing more opportunities for neighbors. I see the addition of the Magic Theatre to 950-974 Market Street as a great public benefit to the Central Market community and to Group i's plans.

Sincerely,



Frances Phillips

Program Director, Arts and the Creative Work Fund

Pamela H. David, *Executive Director*



January 14, 2016

To Whom It May Concern:

This letter is to express that the Mid Market Business Association (MMBA) supports 950-974 Market Street Project.

The mission of the Mid Market Business Association is to create an engaged, vibrant, and livable corridor for businesses and residents in San Francisco's Mid Market neighborhood. The MMBA focus:

- Safety and security for those who live, work and visit Mid Market
- Quality of life for children, families, and those who work or visit Mid Market
- Vibrant art scene e.g. music and culture

Based off of this mission, the MMBA supports Group i's 950 Market Street Project and welcomes this project into the neighborhood.

Sincerely,

Tiffany Apczynski
President, Mid Market Business Association
tapczynski@zendesk.com



1011 Market Street, 2nd Floor, San Francisco, CA 94103, p.415.487.1011 f.415.487.1010

September 20, 2016

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

Dear Planning Commissioners,

I am writing this letter in support of Group I's planned 950-974 Market Street development

SF Camerawork is a non-profit arts organization dedicated to emerging artists and new photography in the Bay Area. We have been in the South of Market neighborhood since 1974. We are now located on Market between 6th and 7th streets and diagonally across the intersection from Group I's proposed project.

We believe that this development will bring many positive and much needed benefits to our neighborhood as well as for the greater community. SF Camerawork is one of the many arts groups anchoring the cultural offerings of this area and to whom the 950-974 Market project will bring new audience and resources.

Group I has already demonstrated their community engagement and their CEO Joy Ou has a proven and very active track record of supporting arts and culture in our neighborhood. They know the neighborhood and its needs, and they are already working with many community groups to ensure that this project had the maximum benefit to all concerned.

We strongly encourage you to approve Group I's Market Street project, please let me know if we can provide any further support or endorsement.

Thank you for your consideration,

Heather Snider
Executive Director
SF Camerawork

RAINTREE

PARTNERS

25 Taylor Street
San Francisco, CA 94102

December 15th, 2015

City of San Francisco
Planning Commission

RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a local commercial real estate investment company with an office near the subject property and *owner of property in the 900 block of Market Street*, The Wilson Building (973 Market Street), we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

We are pleased with the building's design and overall character. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community and we strongly encourage you to approve Group i's 950-974 Market Street project.

Sincerely,



Jason Check
Managing Director

Raintree Partners
25 Taylor Street
San Francisco, CA 94102



TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a Senior Associate at a San Francisco-based real estate company and Project Manager for a proposed housing development at 1066 Market Street / 99 Golden Gate, I strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

I strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Julie Burdick
Senior Associate, Shorenstein Properties LLC
Shorenstein Properties LLC
235 Market Street, 16th Floor
San Francisco, CA 94104



TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a property owner with properties on both Taylor and Turk streets, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The building's design is especially impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Neveo Mosser, Co-Founder and Principal

Mosser Capital Management
308 Jessie Street
San Francisco, CA 94103



CYPRESS

March 16, 2016

TO: San Francisco Planning Commission

RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

I am writing to express my support for 950-974 Market Street housing, hotel and retail project. As the owners of Market Street Place, it is critical for projects like this to help build the community in the mid-market area. We are excited that other investment and building groups have taken the initiative to help create a community and neighborhood within the heart of the city. We are also excited that the 950-974 Market project is located directly across the street from our project.

Cypress Equities are the owners of Market Street Place which is a 250,000sf ground up development which consists of all retail. We are investing \$200 million into the project and also are supporting better Market Street as well as the future of Stevenson Street (ally). When we met with Group i at many different community meetings for their 950-974 Market project, we were thrilled with Group i's level of commitment of making the area better community and walkable neighborhood. We look forward to having a neighbor that shares the same values as us while creating a vibrant and safe neighborhood and community in which the locals, past and present, can share together and be proud of.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Mid-Market communities.

Best regards,

Chris Maguire
CEO
Cypress Equities



TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a San Francisco-based commercial real estate brokerage firm with property in the 900 block of Market Street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The building's design is especially impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Robert Dumas, Principal

Patrick Hubbard, Principal

Sansome Street Advisors
114 Sansome Street, Suite 225
San Francisco, CA 94104



LONG MARKET PROPERTY PARTNERS

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a San Francisco-based real estate company with property in the 900 block of Market Street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop. Projects like 950-974 Market will play an important role in the Mid-Market and Tenderloin areas by bringing much needed foot traffic that will increase safety and provide a sense of community.

In addition, the building's design is especially impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community, including the dedicated space at the corner of Turk and Taylor as a nonprofit community-serving space. The success of this project and many others like it are critical to realizing the transformation and re-birth of the Mid-Market area.

We strongly encourage you to approve Group i's 950-974 Market Street project.

Sincerely,

Justin Shapiro
Partner
Long Market Property Partners

cc: Danny Goldberg, Partner, Long Market Property Partners

PANDORA

K A R A O K E & B A R

September 20, 2016

San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street | Suite 400
San Francisco, CA 94103

Re: Group I 950-974 Market Street Project

To Whom It May Concern:

My name is Jeff Ng and I am the owner of Pandora Karaoke located at 177 Eddy Street. I have been in business in the Tenderloin for 7 years and have every intention of remaining present in the Tenderloin for many years to come.

I am writing this letter in support of Group I and their efforts to develop 950-974 Market Street and enhance quality of life in the Tenderloin District. The project will be extremely beneficial to all residents, businesses, and tourists who frequent the neighborhood and will contribute to one of the toughest neighborhoods to live and work in. Group I is unlike other groups who attempt to construct and sell their developments for profit in that they genuinely care about the community and want to better the lives of those who live in and around the proposed project.

This project will bring jobs, consumers, professionals, and businesses to an otherwise struggling area of the city. It would be a great asset to the Tenderloin district and I urge you to take this into consideration as you make your design to allow the project to proceed. I strongly support Group I's interest and know that their addition to the neighborhood will be beneficial for everyone.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jeff Ng', with a stylized flourish at the end.

Jeff Ng
Owner

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As real estate developers and owners with property in the Tenderloin, as well as in other San Francisco neighborhoods, we strongly support Group i's planned 950-974 Market Street development.


The project will thoughtfully transform the block of Market St. between 5th and 6th streets into a community anchor with hospitality, housing, and much-needed street level retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The building's design is impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated its high level of commitment to community engagement both through outreach for this project and its ongoing involvement with the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families. This specialist has already begun to engage in a deep level in neighborhood safety meetings, which are of utmost importance to us. We also appreciate that Group i is exploring ways to contribute to the arts in the neighborhood through supporting local projects, such as a proposed art piece at the corner of Turk and Taylor.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,



Craig Young, Managing Principal

Tidewater Capital
25 Taylor Street
San Francisco, CA 94102

Waystone

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

We are writing to express our support for Group i's proposed mixed use development at 950-974 Market Street. As a small business owner in the Mid-Market district, I strongly urge you to accept the proposal for development in this area, we all know it is needed to help turn this area around.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer has committed to working with our firm to ensure electrical/plumbing/ jobs required for the construction of the project are dedicated to be sourced from our electrical/plumbing trade union. In that light, we urge you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to the electrical/plumbing trade union, as well as future employment of many service and hospitality staff at the future location.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Patella', with a long horizontal line extending to the right.

4-30-16

Tom Patella
Owner
Waystone

UNION PROPERTY CAPITAL, LLC

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a San Francisco-based property manager in the 900 block of Market Street, we strongly support Group i's planned 950-974 Market Street development.

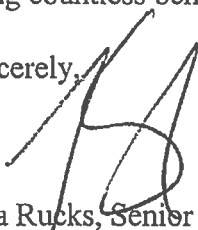
The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The building's design is especially impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,



Lisa Rucks, Senior Property Manager
Todd Christman, Managing Director
Sandy Miyashiro, Property Manager

Union Property Capital
235 Montgomery Street, Suite 620
San Francisco, CA 94101



TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As an offender rehabilitation center located at 111 Taylor Street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

A neighbor of the proposed development, the Geo Group's 111 Taylor Street Apartments help offenders transition into their communities after incarceration. We provide temporary gender-specific housing, monitoring, and transitional services to adult female and male offenders. Group i has presented plans that make it clear that our residents will continue to be welcome in community right alongside new residents, visitors, and shoppers.

We were impressed by Group i's high level of community engagement, both through its outreach for the project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Daiane Winston", written over a horizontal line.

Facility Director
The Geo Group
111 Taylor Street Apartments
San Francisco, CA 94102



KAY WEBER ART STUDIO

September 24, 2016

San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

I am a Tenderloin Artist living and working in this neighborhood since 1994. I am freelanced artist as well as Art Director with the Boys & Girls Club of San Francisco Tenderloin Clubhouse. My involvement in many citywide art organizations and projects, like ArtSpan, The Luggage Store, A.C.T., Lines Dance Center, SFAC, Tenderloin Museum, Wildflowers Institute, etc., gives me a good inside in the cultural changes of our city.

For many years I felt I was the only living/working artist in the neighborhood. Then a few years ago I starting to find some more colleges, allies and art organizations on the Mid-Market area and the Tenderloin District to work and collaborate together.

With Group i's involvement in the neighborhood I am expecting a vitalization of the Tenderloin in terms of new stores and businesses, jobs for local residents, more opportunity for art and artists.

I don't reject the idea of getting the The Magical Theater in the Turk/Taylor space, if they are involving their neighbors. I do work already with A.C.T. and The Cutting Ball Theater, both are amazing community partners and collaborators offering many opportunities for local youth and TL residents. If The Magic Theater shows the same kind of enthusiasm about the Tenderloin, it would only add to our diversity. After all, we are a Theater District.

We all moved here at one point or the other and were newcomers.

I feel strongly, that we have to move on to make our Tenderloin more safe & fun, but keep it affordable and culturally relevant at the same time.

Group i seem to play a positive part in these changes.

Sincerely,

Kay Weber, Artist and Art Director at BGCSF



1282 Folsom St. · San Francisco, CA 94103
Phone 415.552.1622 · Fax 415.861.4257
Since 1896 · CA Lic #3779

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

We are writing to express our support for Group i's proposed mixed use development at 950-974 Market Street. Group I has committed to use Union Signatory General Contractor Lendlease for the construction of its new Mid-Market project. This project will create hundreds of local union jobs with living wages, health and retirement benefits. In addition, Group I's project will be a gateway for local workers to enter into union apprenticeship and training programs for a sustainable career in the construction industry.

950-974 Market will provide approximately 242 units of middle income housing in the heart of the Market Street transit corridor, helping to relieve the current housing crisis in San Francisco. Complementing the residential development will be a boutique hotel and 13,500 square feet of ground floor retail space. This development will also be supplying non-profit space free of charge to Magic Lab, a community-focused off shoot of the renowned Magic Theater, which will be focused on providing arts education opportunities to Tenderloin youth.

We encourage you to support Group I's project to ease San Francisco's housing crisis and create a friendly and accessible environment between Mid-Market and the Tenderloin. Decker Electric is the oldest electrical contractor in San Francisco, first starting work back in 1896. In that light, we urge you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to the community.

Respectfully Submitted:
Decker Electric Co. Inc.;

Keith D. Burrows
President Decker Electric



TO: San Francisco Planning Commission

RE: Group I 950-974 Market Street Project

Dear Planning Commissioners,

We are writing to express our support for Group I's proposed mixed use development at 950-974 Market Street. Group I has committed to use Union Signatory General Contractor Lendlease for the construction of its new Mid-Market project. This project will create hundreds of local union jobs with living wages, health and retirement benefits. In addition, Group I's project will be a gateway for local workers to enter into union apprenticeship and training programs for a sustainable career in the construction industry.

950-974 Market will provide approximately 242 units of middle income housing in the heart of the Market Street transit corridor, helping to relieve the current housing crisis in San Francisco. Complementing the residential development will be a boutique hotel and 13,500 square feet of ground floor retail space. This development will also be supplying non-profit space free of charge to Magic Lab, a community-focused off shoot of the renowned Magic Theater, which will be focused on providing arts education opportunities to Tenderloin youth.

We encourage you to support Group I's project to ease San Francisco's housing crisis and create a friendly and accessible environment between Mid-Market and the Tenderloin.

Respectfully,

Pamela Bertoldi, President

2016-08-02

To whom it may concern

I'm a five plus year renter at 1067 Market St which is a block away from the potential development at 950-974 Market. The plans posted online look very exciting and would bring major benefits to the area. The few businesses in the rundown strip are mostly national franchises and in no way reflect San Francisco's character.

This area is quite near Union Square shopping and the Powell Street & Market Cable Car turnaround and has many visitors from around the world. I see many of them walking to the various Broadway performances at the Golden Gate and Orpheum theatres. It's way past time to improve the offerings in this area on Market Street, San Francisco's major artery.

Please move forward in appropriate city analysis of this effort.

Sincerely,

Kimo Crossman
1067 Market St Apt 4003
San Francisco, CA 94103
kimo@webnetic.net

(I received no compensation for this letter and I have no known relationship with any entity or person involved in this project).

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

I am writing to you today to express my strong support for Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

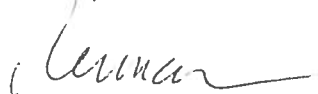
The resulting new residents, hotel visitors, and retail shoppers will bring new customers to Tenderloin businesses, and will help improve the safety of neighborhood residents and visitors.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with local nonprofits to ensure the hiring and training of local Tenderloin residents; has dedicated a nonprofit space at the corner of Turk and Taylor that will house Magic Theater, an organization that will provide free arts programming to local youth and adults; and is providing land and funding for a dedicated affordable housing building in the Tenderloin.

Because of this, nearly 100 individuals and organizations have written in support of the project.

I strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Terman", with a long, sweeping horizontal stroke at the end.

Peter Terman
Resident of El Cerrito and 5 full days a week in San Francisco downtown

June 14, 2016

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

RE: 950-974 Market Street Development

Dear Planning Commissioners:

The Central Market Community Benefit District (CMCBD) has been informed of a proposed development at 950-974 Market Street by developer Group i. While not located within our District's boundaries, the parcel in question is immediately adjacent and therefore of interest to CMCBD.

The aspects of this development that directly support the mission of the CMCBD and serve to enhance neighborhood cleaning, safety and economic development efforts include their plans to implement:

- ✓ 24 hour building operation including: security, front desk, valet and hotel facilities staff
- ✓ Active ground floor retail including: transparent storefronts and job creating, businesses
- ✓ Pedestrian-scale sidewalk lighting during dark hours
- ✓ High-definition interior and exterior security cameras
- ✓ Creation and activation of public open space on both Market Street and Turk Street sides, including an exterior food & beverage garden
- ✓ Design of a Market Street promenade
- ✓ Sidewalk expansion and bulb-outs on Turk Street to enhance pedestrian safety
- ✓ Public Art program

In addition, the developer has pledged to provide a 2,000 SF retail space for non-profit use, and will work with job developers in the area to create a recruitment strategy for hiring of local residents.

The developer has also pledged to maintain the site once under construction with artful construction barricades and nighttime security and lighting to enhance the public right of ways and promote pedestrian safety.

Sincerely,



Tracy Everwine
Executive Director

TO: San Francisco Planning Commission
RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

We are writing to express our support for Group i's proposed mixed use development at 950-974 Market Street.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer has committed to working with our firm to ensure electrical/plumbing/etc jobs required for the construction of the project are dedicated to be sourced from our electrical/plumbing trade union. In that light, we urge you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to the electrical/plumbing etc trade union.

Sincerely,

A handwritten signature in black ink, appearing to read 'CW', is positioned above the typed name.

Charlie Withers
Commercial Real Estate Broker



466 Green Street, Suite #203
San Francisco, CA 94133
Phone (415) 781-7700
Fax (415) 781-7701
www.derosappelbaum.com

March 21, 2016

San Francisco Planning Commission
1650 Mission St #400
San Francisco, CA 94103

RE: 950-974 Market Street Project (Group I – Developer)

Dear Planning Commissioners,

I am the managing member of Turk BD LLC, a partial owner of property directly across the street from the 950-974 Market Street project, namely 116-118 Taylor Street and 94-98 Turk Street. **This letter is to confirm our strong support for Group i's planned 950-974 Market Street development.**

We believe that the project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. We are impressed by its design and believe that it conforms with the surrounding buildings on Market Street as well as those on Turk and Taylor. We are pleased with the added open space made possible by the building's design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. We have been told that the developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a community-serving space; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that we believe will benefit both the Tenderloin and Market Street communities.

Sincerely,

A handwritten signature in black ink, appearing to be 'Santino DeRose', written over a horizontal line.

Santino DeRose
Managing Member TURK BD, LLC
President, DeRose & Appelbaum Inc.
Office (415) 781-7700
sd@deroseappelbaum.com



Private Real Estate
Investment Capital

465 First Street West
Second Floor
Sonoma, California 95476-6660

Phone 707.935.3700
Fax 707.935.3707

January 11, 2016

San Francisco Planning Commission

Re: **Group i 950-974 Market Street Project**

Dear Planning Commissioners:

As the property owner of the Warfield Theater located at 982 Market Street, we strongly support Group i's planned 950-974 Market Street development.

The project will transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, publicly accessible open space along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The resulting new residents, hotel visitors, and retail shoppers will bring new customers to Tenderloin theaters and other arts spaces, including the Warfield Theater, and will help improve the safety of neighborhood residents and visitors.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. We strongly encourage you to approve Group i's 950-974 Market Street project.

Sincerely,

ACV WARFIELD, LLC

By: 

Peter W. Wohlfeiler
Vice President



TO: San Francisco Planning Commission

RE: Group i 950-974 Market Street Project

Dear Planning Commissioners,

As a real estate investment management firm with property in the 900 block of Market Street, we strongly support Group i's planned 950-974 Market Street development.

The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will enliven the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

The building's design is especially impressive. The façade, a modern interpretation of the San Francisco bay window that has evolved to reflect the scale of the adjoining buildings on each frontage, will add to the aesthetic beauty of the neighborhood. We were especially pleased with the added open spaces made possible by the building's unique design, which provides inclusive gathering areas for both local and visiting communities.

Group i has demonstrated a high level of community engagement both through its outreach for this project and its ongoing commitment to the community. The developer is working closely with Mission Hiring Hall to ensure the hiring and training of local Tenderloin residents; has dedicated a space at the corner of Turk and Taylor as a nonprofit community-serving space; has developed a proposed construction mitigation plan that will minimize construction impacts on residents and surrounding businesses; and has hired a dedicated community relations specialist that will maintain close ties with Tenderloin neighbors and families.

We strongly encourage you to approve Group i's 950-974 Market Street project, one that will bring countless benefits to both the Tenderloin and Market Street communities.

Sincerely,

Laura Forton
Vice President
ASB Real Estate Investments

Mark Geisreiter
Senior Vice President
Lic. 00889721

CBRE, Inc.
Brokerage Services
Broker. Lic. 00409987

CBRE

101 California Street
44th Floor
San Francisco, CA 94111

415 291 8429 Tel
415 772 0459 Fax

mark.geisreiter@cbre.com
www.cbre.com

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

RE: Group i
950-974 Market Street Project

Dear Planning Commissioners,

I am writing to express my support for Group i's proposed mixed use development at 950-974 Market Street.

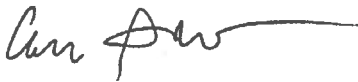
The project will thoughtfully transform the block of Mid-Market between 5th and 6th streets into a community anchor with hospitality, housing, and retail space. It will activate the neighborhood by providing room for a wide range of activities, including a dedicated non-profit space at the corner of Turk and Taylor, outdoor food and beverage garden, event space, publicly accessible areas along Turk and Market Streets, a selection of retailers, and a landscaped rooftop.

I know the team at Group i very well. They have done extensive community outreach for this project which is typical of their organization. They are one of the most civic-minded developers in San Francisco and this project will deliver much needed affordable housing, hotel rooms and retail space to Mid-Market.

I strongly encourage you to approve Group i's 950-974 Market Street project. Thank you.

Sincerely,

CB Richard Ellis, INC.



Mark Geisreiter
Senior Vice President

950-974 Market Street

San Francisco, California

CONDITIONAL USE APPLICATION - UPDATE

October 7, 2016

GROUP i | HANDEL ARCHITECTS LLP

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- C.4 View From Intersection of Market, Turk and Mason Streets

PROJECT DESCRIPTION

ZONING INFORMATION

[illegible]

PROJECT AREAS

LEVEL	FL. TO FL.	F.F. LVL.
M.R. / 14		
Roof / 13		120'-0"
12	11'-11"	108'-4"
11	9'-8"	98'-8"
10	9'-6"	89'-2"
9	9'-6"	79'-8"
8	9'-6"	70'-2"
7	9'-6"	60'-8"
6	9'-4"	51'-4"
5	9'-4"	42'-0"
4	9'-4"	32'-8"
3	9'-4"	23'-4"
2	9'-4"	14'-0"
1	16'-0"	-2'-0"
B0	12'-2"	-14'-2"
B1	12'-9"	-26'-11"
SUB-TOTALS		

GSF (PER PLANNING CODE SEC. 102.9)							
RESIDENTIAL		HOTEL		SUBTOTAL	RETAIL	PARKING / MECH	TOTAL GROSS BUILDABLE AREA
NET	COMMON	NET	COMMON				
	2,710		2,595	5,305			5,305
13,502	3,868	6,189	2,814	26,373		349	26,722
13,525	3,595	7,085	3,188	27,393		349	27,742
13,502	3,868	7,042	3,231	27,643		349	27,992
13,525	3,595	7,042	3,231	27,393		349	27,742
13,502	3,868	7,042	3,231	27,643		349	27,992
13,525	3,595	7,042	3,231	27,393		349	27,742
13,502	3,868	7,042	3,231	27,643		349	27,992
13,525	3,595	7,042	3,231	27,393		349	27,742
13,502	3,868	7,042	3,231	27,643		349	27,992
13,525	3,595	7,042	3,231	27,393		349	27,742
13,502	3,868	7,042	3,231	27,643		349	27,992
13,525	3,595	7,042	3,231	27,393		349	27,742
13,337	4,033	3,245	7,028	27,643		349	27,992
	1,512		4,196	5,708	13,869	9,251	28,828
	2,055		10,995	13,050	2,233	19,405	34,688
	1,717		4,928	6,645		27,484	34,129
148,472	49,342	72,855	61,592	332,261	16,102	59,979	408,342

EXEMPTED SF (PER PLANNING CODE SECTION 102.9), GROSS DEFINITION, ITEMS (b) (1), (3), (4), (7), (8), (11), (13), (14)					GROSS FLOOR AREA PER SEC 102.9
PARKING	RETAIL	BIKE PARKING	MECHANICAL, UTILITY, OTHER	EXEMPTED SUBTOTAL	
			3,388	3,388	1,917
			349	349	26,373
			349	349	27,393
			349	349	27,643
			349	349	27,393
			349	349	27,643
			349	349	27,393
			349	349	27,643
			349	349	27,393
			349	349	27,643
			349	349	27,393
			349	349	27,643
			349	349	27,393
			349	349	27,643
1,082	13,869		8,943	23,894	4,934
7,024			12,381	19,405	15,283
20,379		1,227	7,595	29,201	4,928
28,485	13,869	1,227	36,146	79,727	328,615

BMR EXEMPT GFA PER ORDINANCE AGREEMENT
26,572

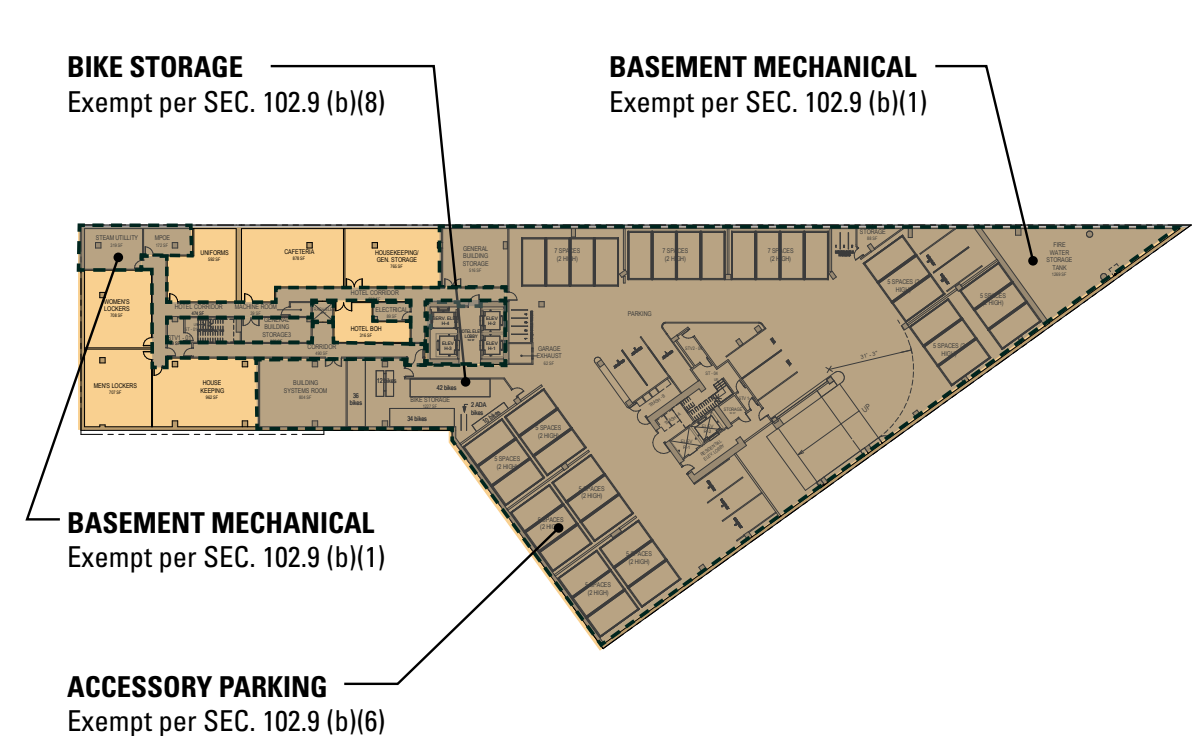
TOTALS

NET RESI	GROSS RESI	NET HOTEL	GROSS HOTEL	RETAIL	PARKING / MECH	TOTAL GSF	TOTAL GFA
148,472	197,814	72,855	134,447	16,102	59,979	408,342	302,043

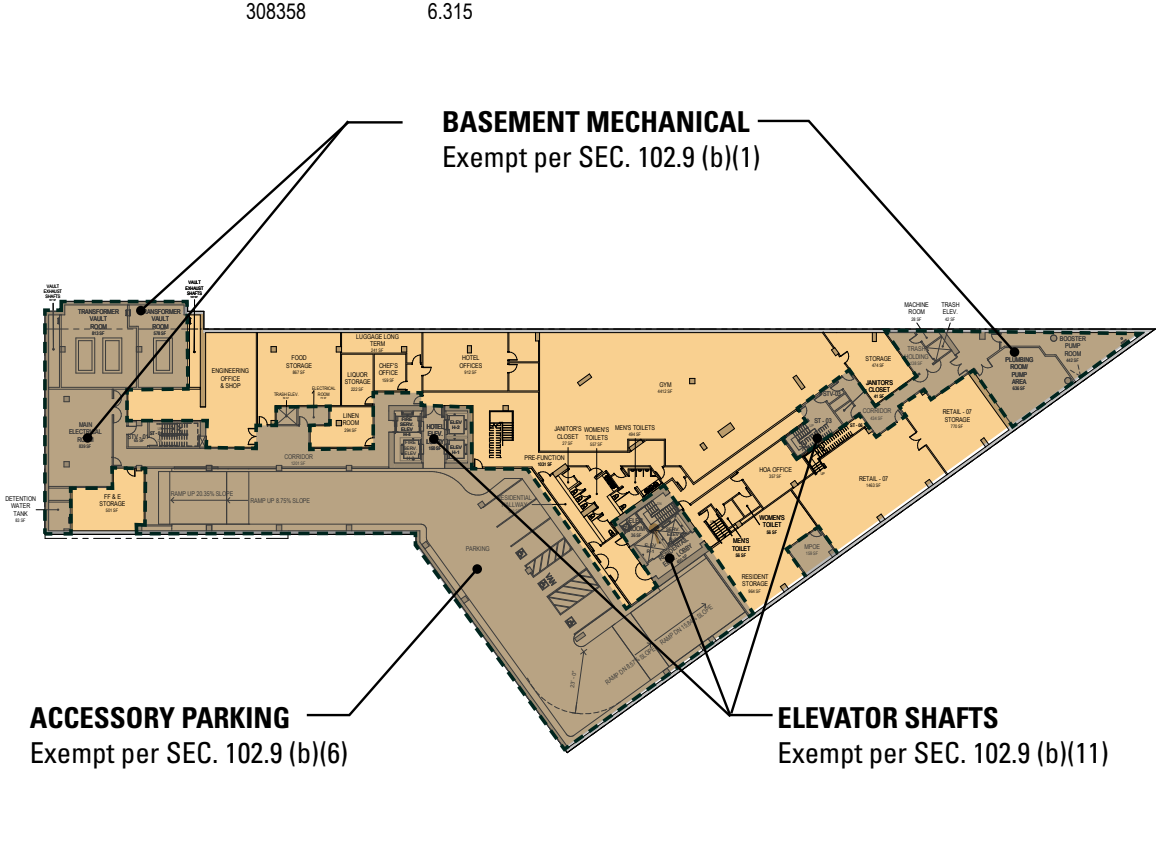
302,043	GFA /	34,262	SITE AREA =	8.8	FAR ²
---------	-------	--------	-------------	-----	------------------

GFA	=	302,043
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- NOTES:
- 1. EXTERIOR BALCONIES, TERRACES, AND ROOF DECKS ARE EXCLUDED
 - 2. SF PLANNING CODE SECTION 102 FLOOR AREA RATIO DEFINITION



BASEMENT FLOOR PLAN



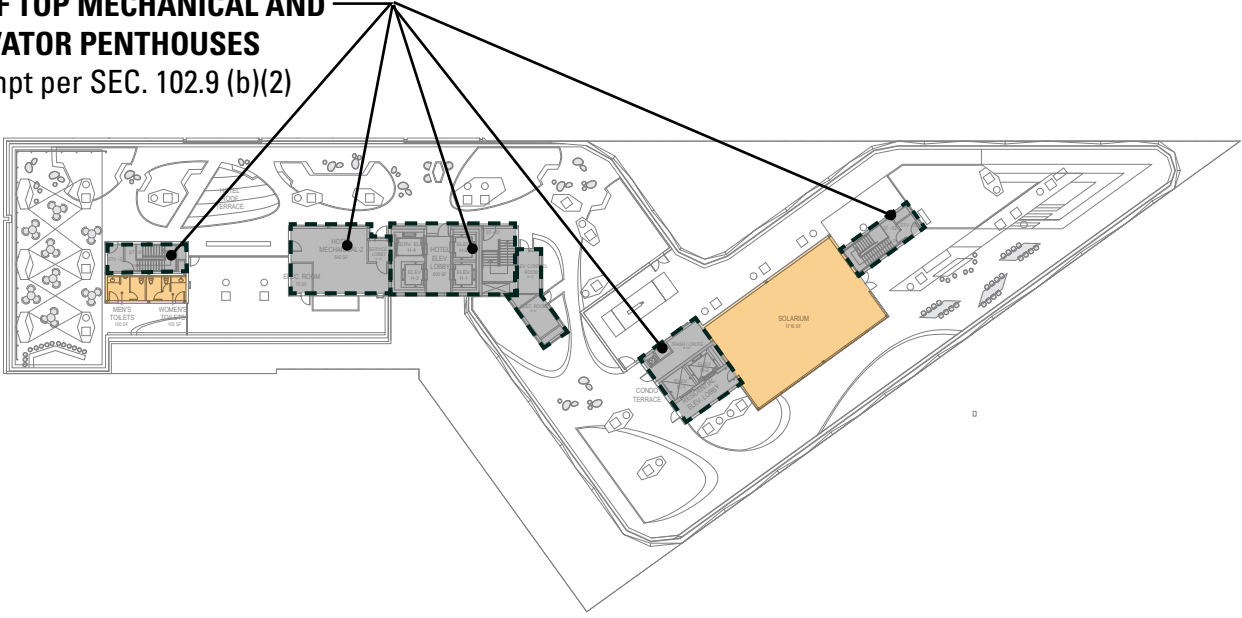
BASEMENT MEZZANINE PLAN

GROSS FLOOR AREA DIAGRAMS



LEVEL 12 FLOOR PLAN

ROOF TOP MECHANICAL AND
ELEVATOR PENTHOUSES
Exempt per SEC. 102.9 (b)(2)



ROOF PLAN

GROUND FLOOR RETAIL
Exempt per SEC. 102.9 (b)(14)

BIKE PARKING
Exempt per SEC. 102.9 (b)(8)

LOADING
Exempt per SEC. 102.9 (A)(8)

THRU-BLOCK PROMENADE
Exempt per SEC. 102.9 (b)(13)

GROUND FLOOR RETAIL
Exempt per SEC. 102.9 (b)(14)

RESIDENTIAL LOBBY
Exempt per SEC. 102.9 (b)(13)



GROUND FLOOR PLAN



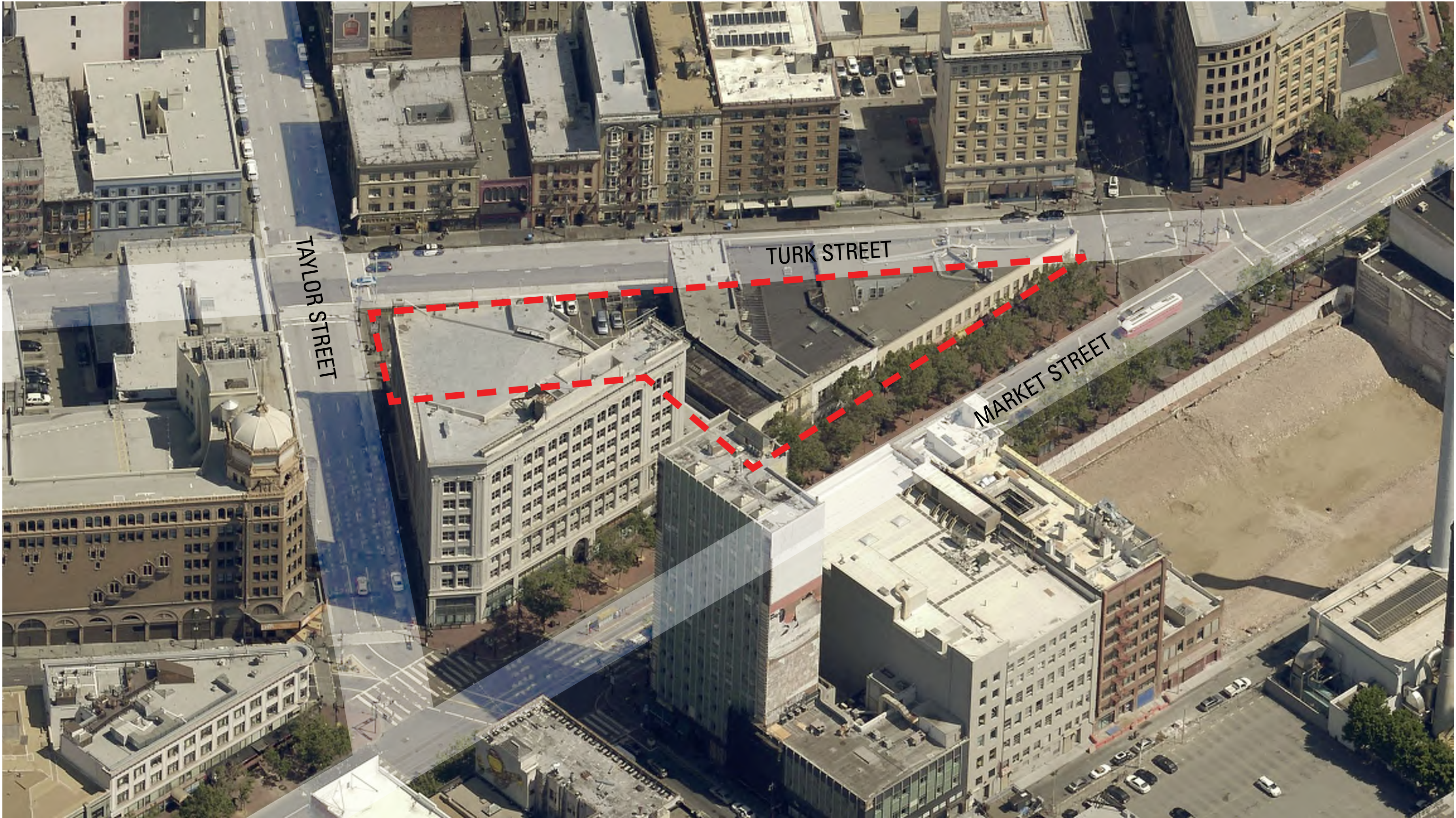
LEVEL 02 FLOOR PLAN
(LEVEL 03-11 SIMILAR)

PROJECT UNIT MIX AND COUNT

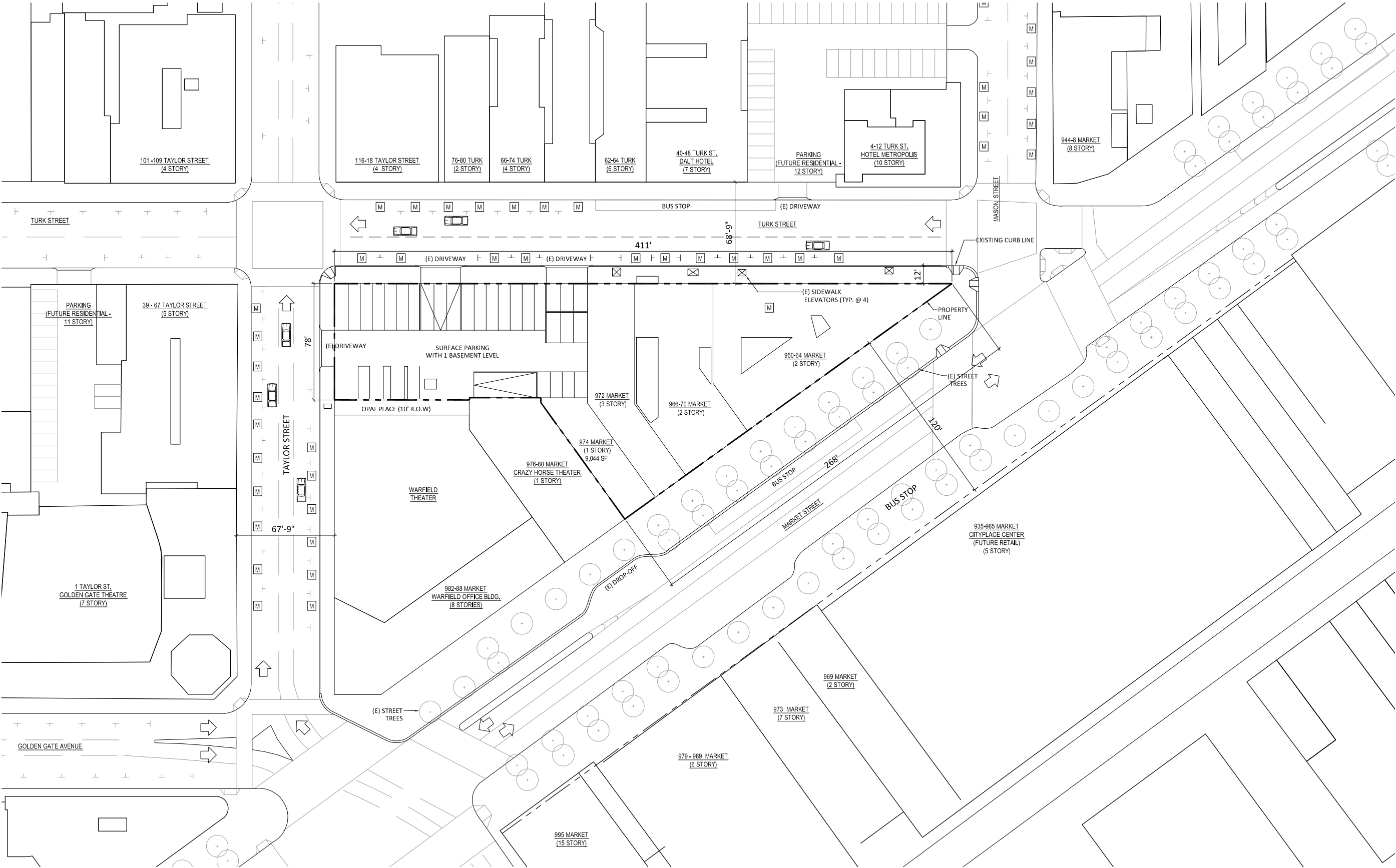
LEVEL	FL. TO FL.	F.F. LVL.	RESIDENTIAL / HOTEL UNIT TABULATION										
			RESIDENTIAL					HOTEL					
			STUDIO	STUDIO+	1BR	2BR	TOTAL UNITS	MINI	STAND	DELUXE	SUITE	DUPLEX	TOTAL UNITS
M.R. / 14													
Roof / 13		120'-0"											
12	11'-8"	108'-4"	5	7	6	4	22	7	7	1	2		17
11	9'-8"	98'-8"	5	7	6	4	22	7	7	1	2	2	19
10	9'-6"	89'-2"	5	7	6	4	22	9	11	3			23
9	9'-6"	79'-8"	5	7	6	4	22	9	11	3			23
8	9'-6"	70'-2"	5	7	6	4	22	9	11	3			23
7	9'-6"	60'-8"	5	7	6	4	22	9	11	3			23
6	9'-4"	51'-4"	5	7	6	4	22	9	11	3			23
5	9'-4"	42'-0"	5	7	6	4	22	9	11	3			23
4	9'-4"	32'-8"	5	7	6	4	22	9	11	3			23
3	9'-4"	23'-4"	5	7	6	4	22	9	11	3			23
2	9'-4"	14'-0"	6	6	6	4	22	5	4	1	2		12
1	16'-0"	-2'-0"											
B1	12'-2"	-14'-2"											
B2	12'-9"	-26'-11"											
SUB- TOTALS			56	76	66	44	242	91	106	27	6	2	232
%			23%	31%	27%	18%		39%	46%	12%	3%	1%	

* CBC 202 DEFINITION: "HABITABLE SPACE: A SPACE IN A BUILDING FOR LIVING, SLEEPING, EATING OR COOKING. BATHROOMS, TOILET ROOMS, CLOSETS, HALLS, STORAGE OR UTILITY SPACES AND SIMILAR AREAS ARE NOT CONSIDERED HABITABLE SPACES. COMMON AREAS ARE NOT INCLUDED IN THIS DEFINITION.

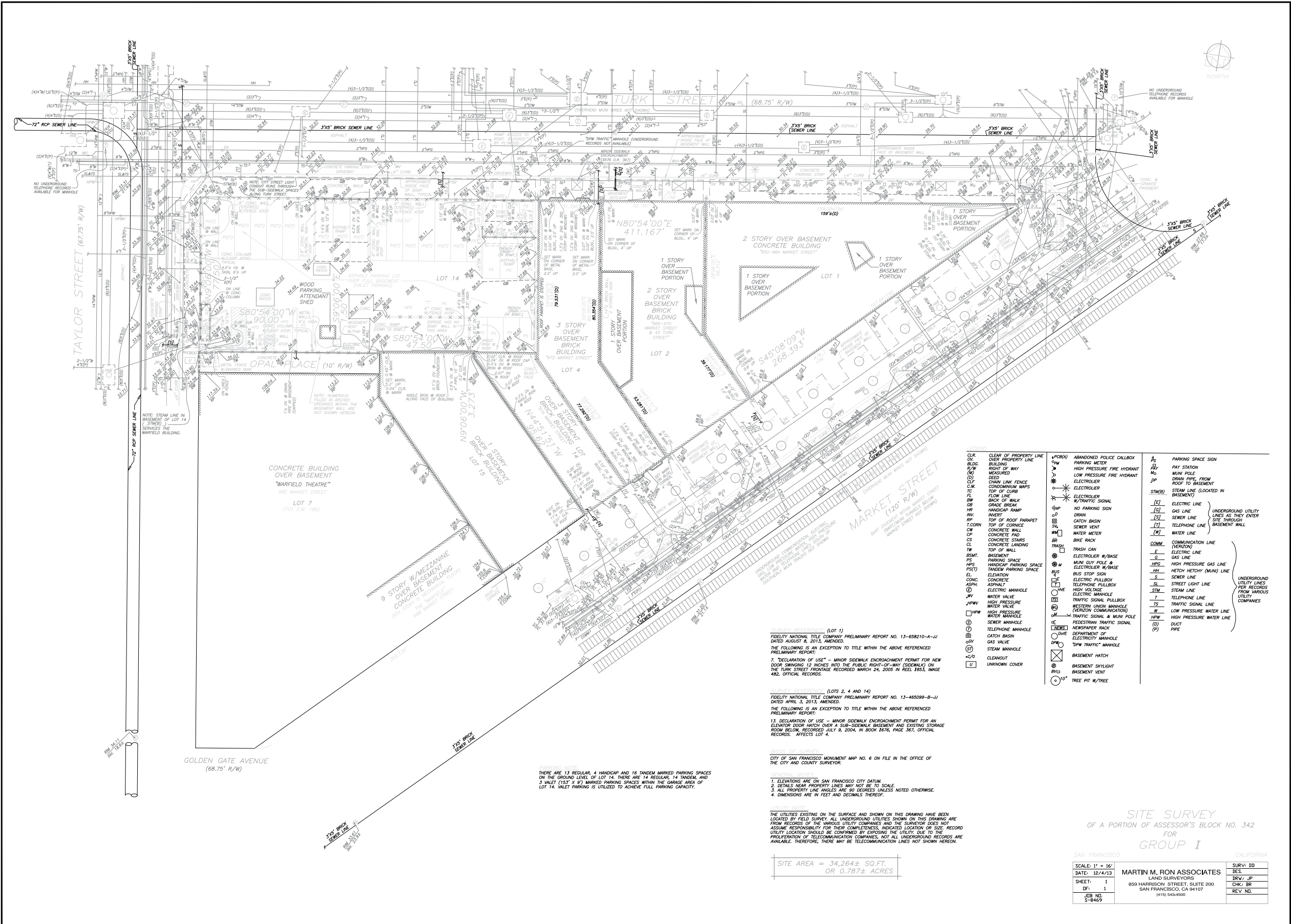
SITE CONTEXT



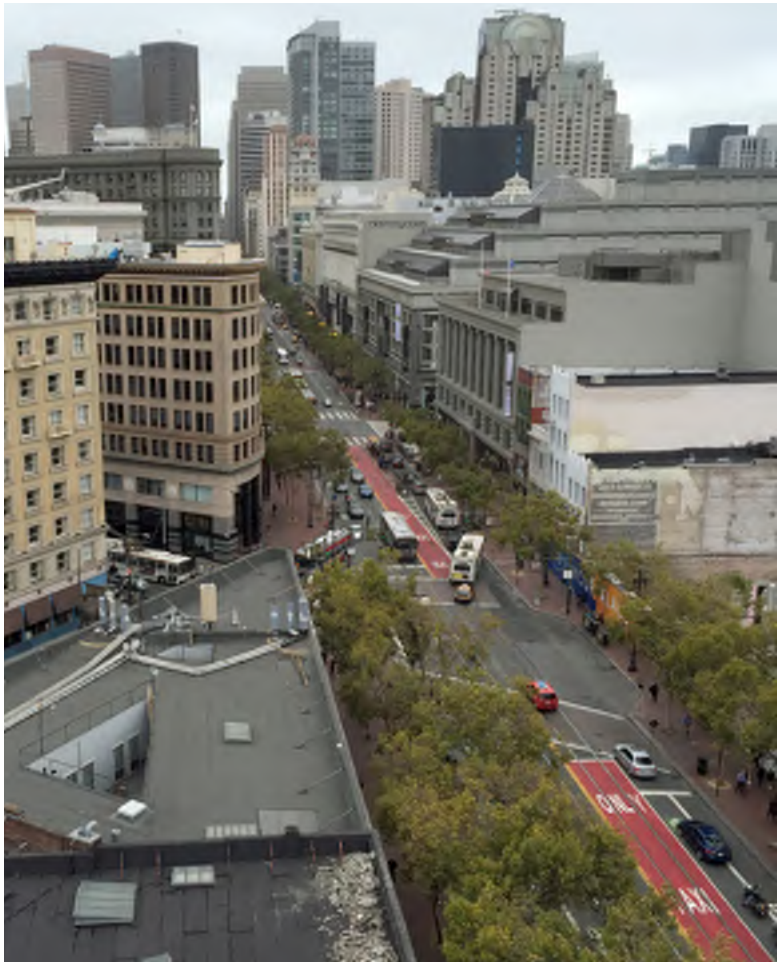
EXISTING SITE PLAN



EXISTING SITE SURVEY



SITE PHOTOGRAPHS



1. View down Market St - East



2. Market Street



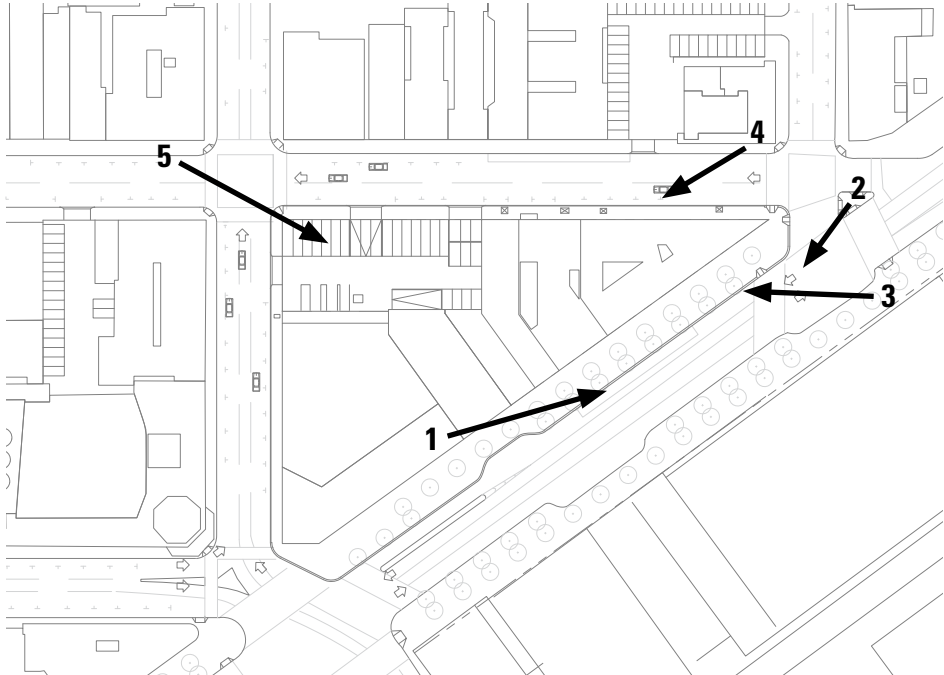
3. Market Street



4. Turk Street



5. Turk Street and Taylor Street



SITE PHOTOGRAPHS - NEIGHBORING BUILDINGS



1. 944-8 Market Street - Office



2. 25 Mason Street - Hotel Metropolis



3. 980 Market St - Crazy Horse Gentlemen's Club



4. 982 Market Street - Warfield Theater



5. 57 Taylor Street - Residential



6. 111 Taylor Street - Residential



7. Turk Street



NEIGHBORING DEVELOPMENTS



1. Market Street Place - Retail



2. 19 Mason Street - Residential



4. Better Market Street Project - Streetscape improvements



3. 105 Turk Street - Residential/mixed-use



PROJECT DESIGN

SITE AERIAL - PROPOSED



PROPOSED SITE PLAN

116-18 TAYLOR STREET
(4 STORY)

76-80 TURK
(2 STORY)

66-74 TURK
(4 STORY)

62-64 TURK
(6 STORY)

40-48 TURK ST.
DALI HOTEL
(7 STORY)

PARKING
(FUTURE RESIDENTIAL -
12 STORY)

4-12 TURK ST.
HOTEL METROPOLIS
(10 STORY)

MASON STREET

BUS STOP

TURK STREET

APPROXIMATE EXTENTS OF
(E) BUS STOP

PARKING

TAYLOR STREET

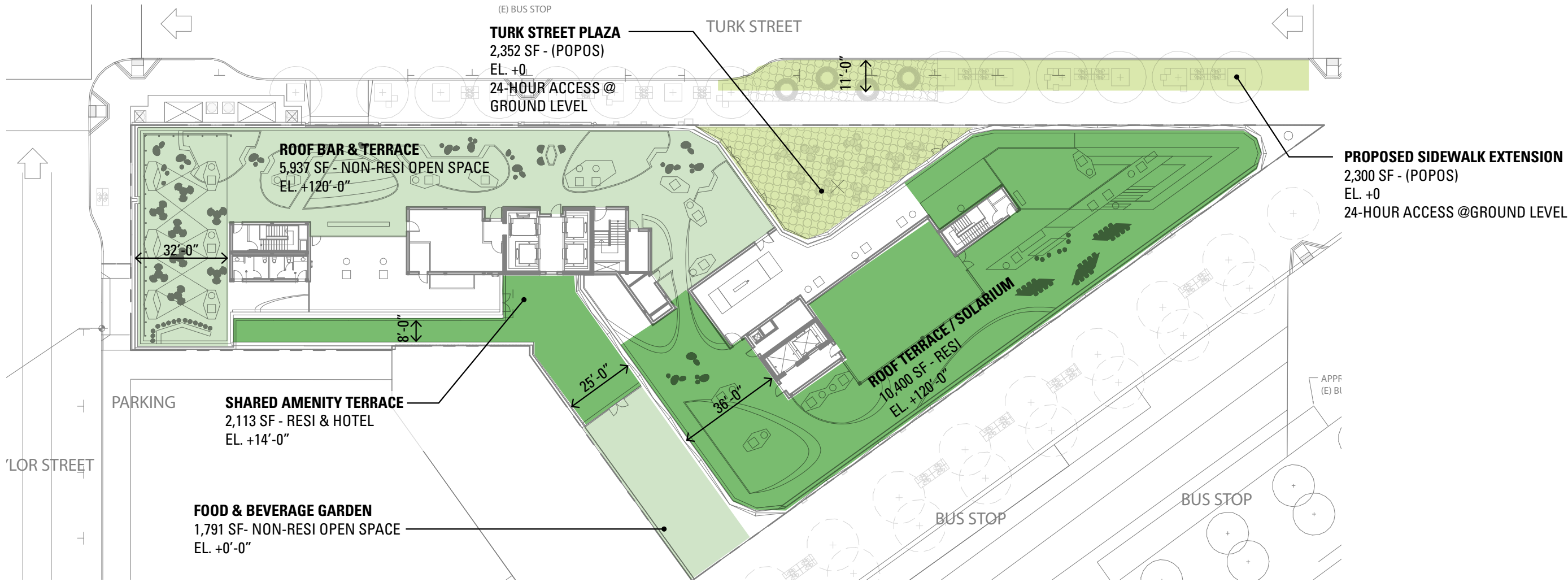
BUS STOP

BUS STOP

APPROXIMATE EXTENTS OF
(E) BUS STOP

1' 8' 16' 32' 64'

OPEN SPACE DIAGRAM



OPEN SPACE CALCULATION

COMMON RESIDENTIAL OPEN SPACE REQUIRED (PER PLANNING CODE SEC. 135)						
TOTAL RESIDENTIAL UNITS IN PROJECT	UNITS W/ PRIVATE USABLE OPEN SPACE ¹	UNITS W/O PRIVATE USABLE OPEN SPACE	SF OF PRIVATE OPEN SPACE REQD. PER UNIT ²	SF OF PRIVATE OPEN SPACE REQUIRED	RATIO OF COMMON USABLE OPEN SPACE THAT MAY BE SUBSTITUTED FOR PRIVATE ²	REQD. SF OF COMMON USABLE OPEN SPACE
242	0	242	36	8,712	1.333	11,613

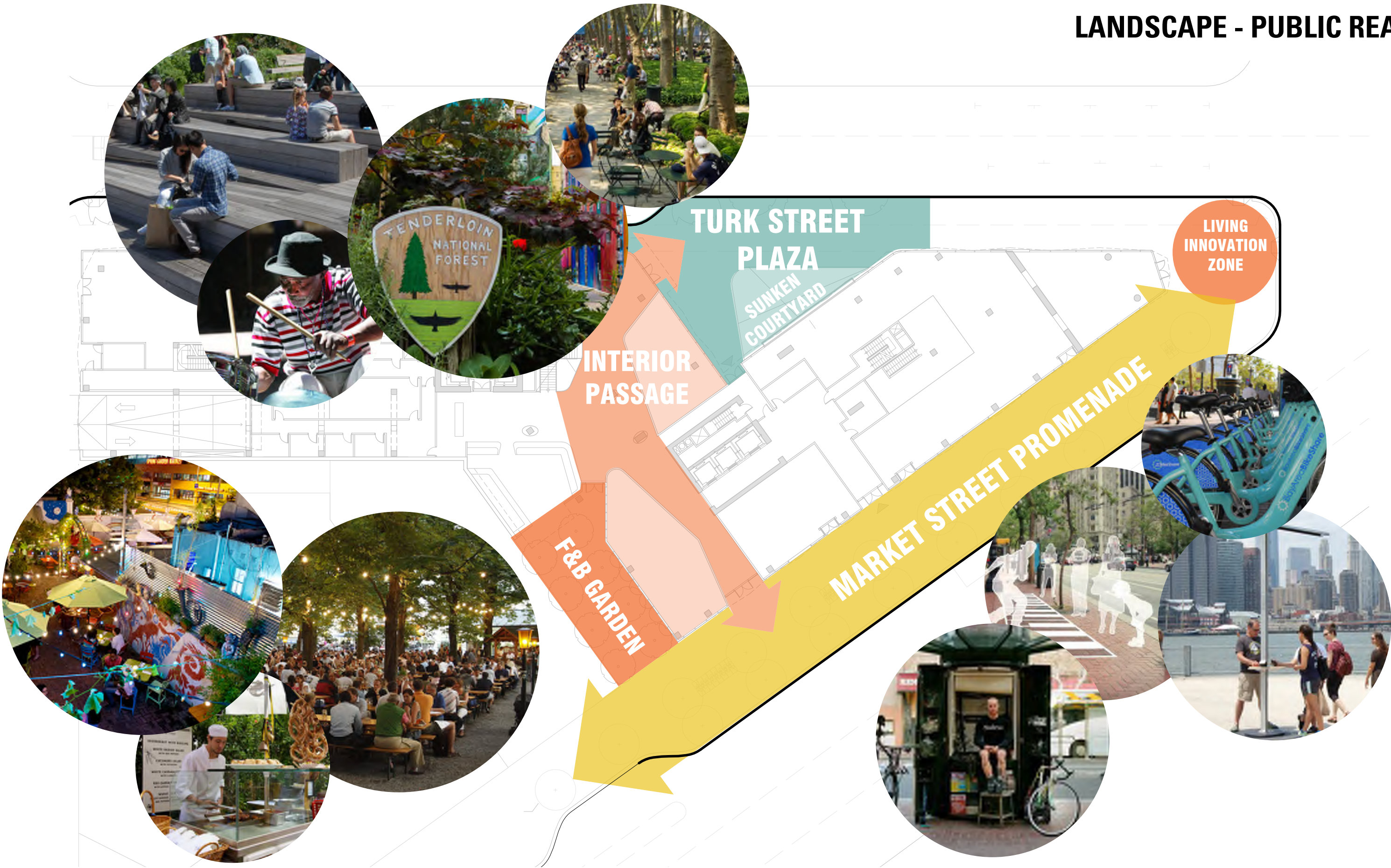
COMMON USABLE OPEN SPACE PROVIDED ³	
LEVEL	AREA, SF
ROOF TERRACE.	10,400
TURK STREET PLAZA*	2,352
TOTAL	12,752

*NOTE: Public Open Space can also double as required Common Usable Residential Open Space per Sec. 138(g)

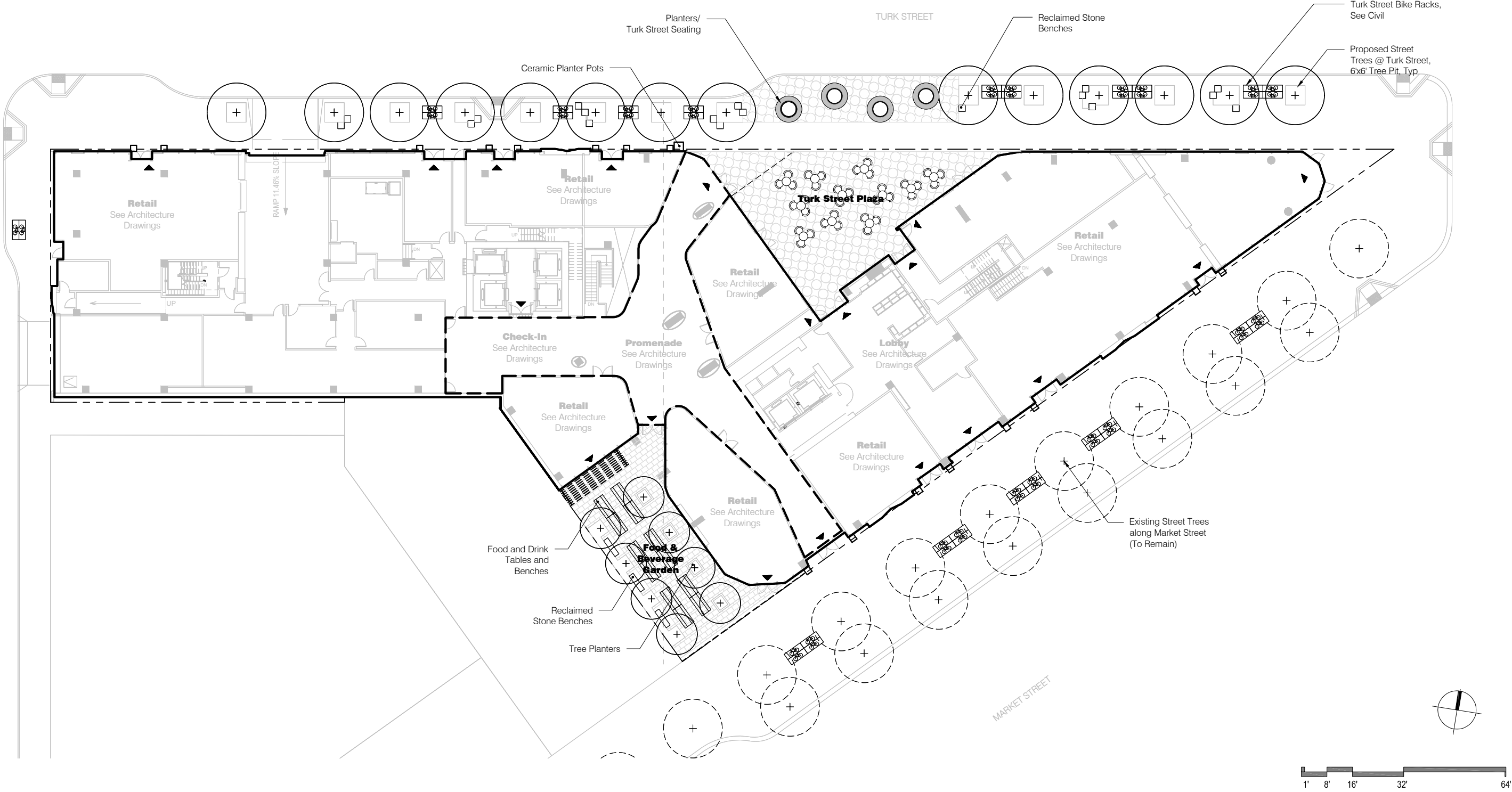
PRIVATELY-OWNED PUBLIC OPEN SPACE REQUIREMENT (PER PLANNING CODE SEC. 138)		
TOTAL NON-RESIDENTIAL SF	Gsf OPEN SPACE REQ'D PER SF OF NON-RESIDENTIAL	REQ'D SF OF NON-RESIDENTIAL OPEN SPACE
218,639	50	4373

POPOS PROVIDED	
LEVEL	AREA
1 - PLAZA / SIDEWALK	4,652
TOTAL	4,652

- NOTES:
- 1. PRIVATE BALCONIES / TERRACES COMPLIANT WITH SF PLANNING CODE SECTION 135(f)
 - 2. PER SF PLANNING CODE TABLE 135A, C-3 DISTRICT
 - 3. AREA COMPLIANT WITH SF PLANNING CODE SECTIONS 135(g), 136



LANDSCAPE PLAN - GROUND FLOOR



SURFACEDESIGN, INC.

BASEMENT PLAN



77 PARKING SPACES
2 VAN LOADING SPACES
(68 PUZZLE LIFTS STALLS AND 9
CONVENTIONAL STALLS)



BASEMENT MEZZANINE PLAN



5 PARKING SPACES
(3 ACCESSIBLE AND 2 CAR SHARE STALLS)



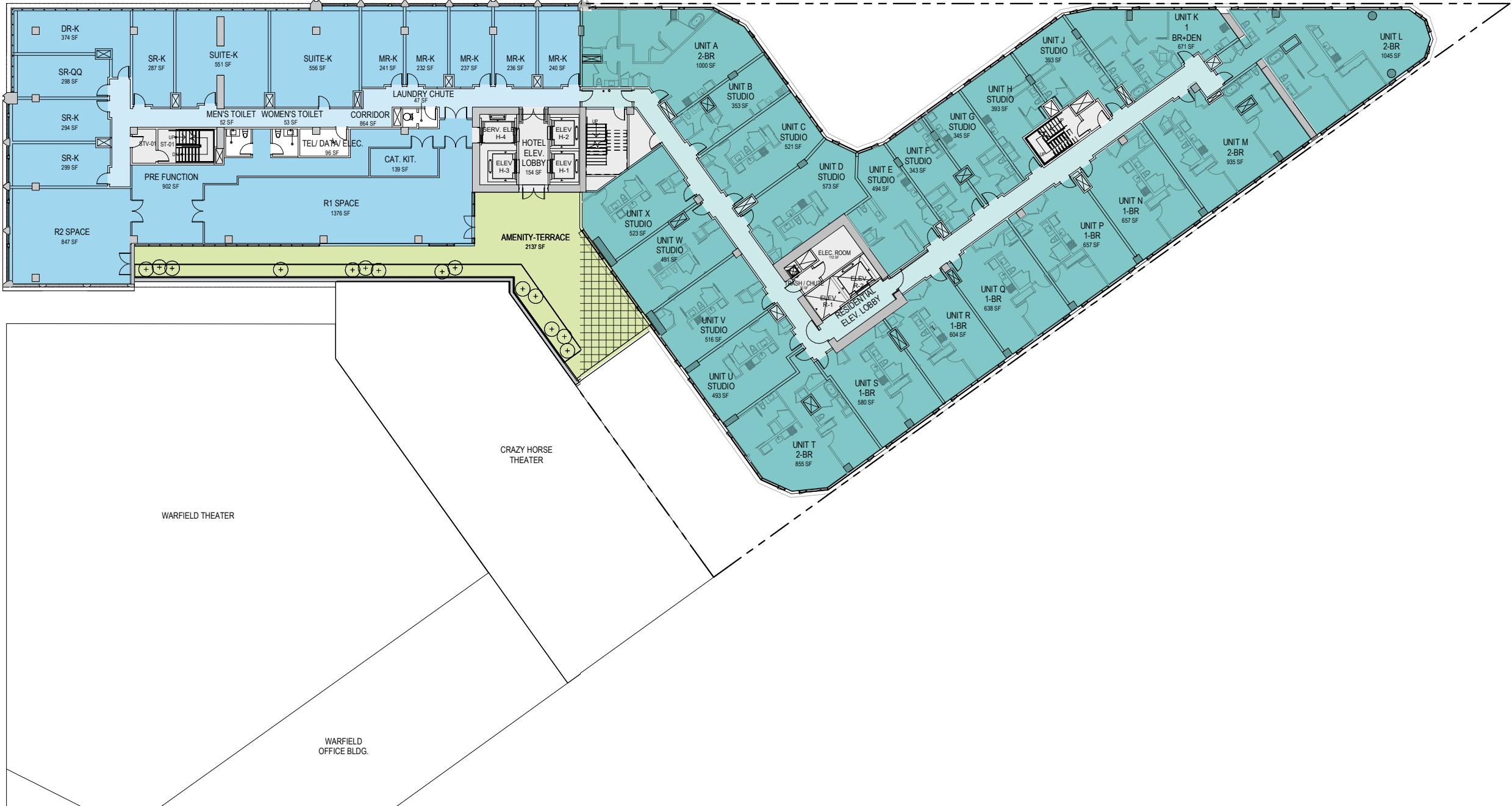
GROUND FLOOR PLAN



LEVEL 02 PLAN



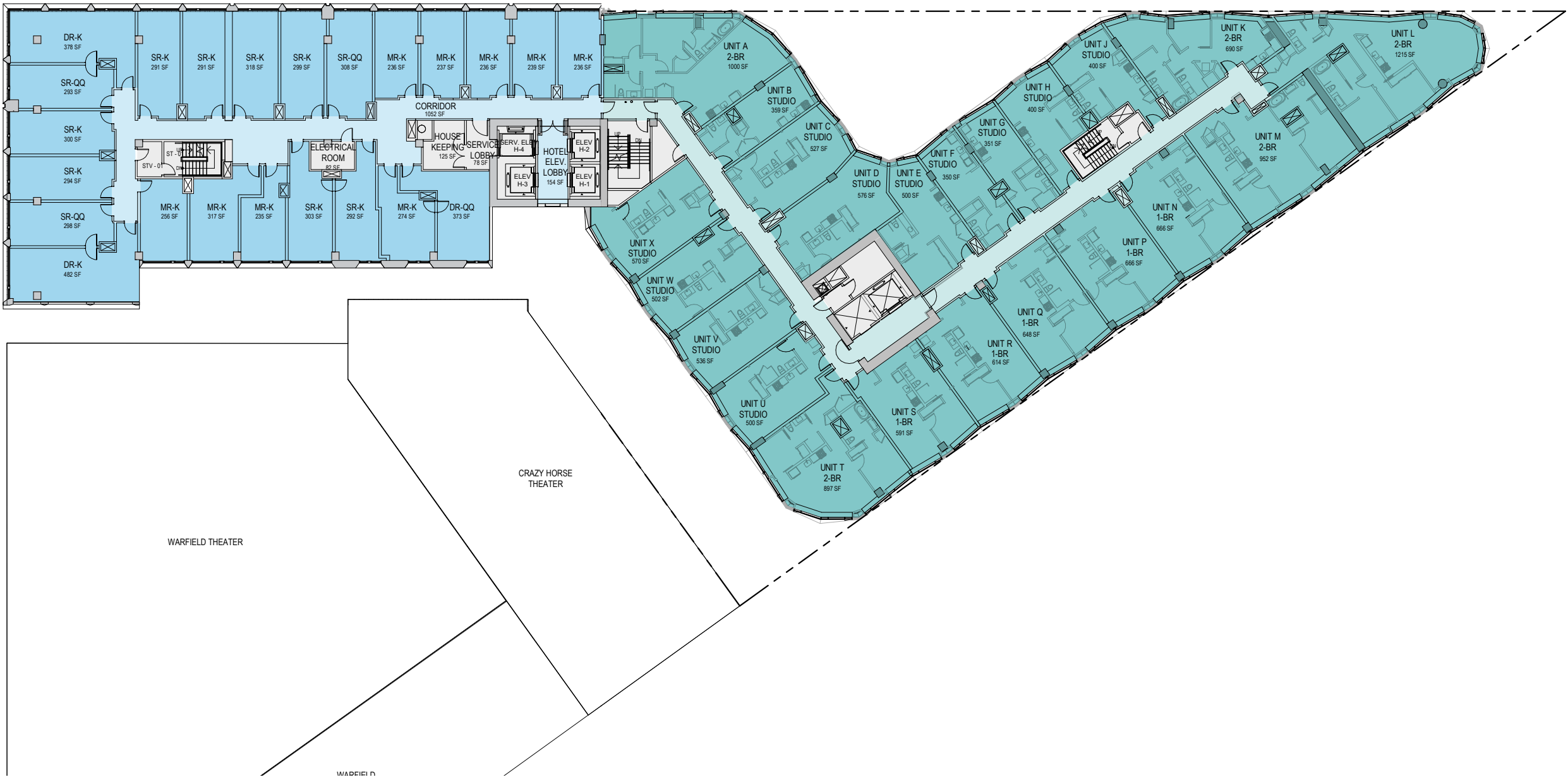
14 HOTEL KEYS
22 RESIDENTIAL UNITS



TYPICAL FLOOR PLAN



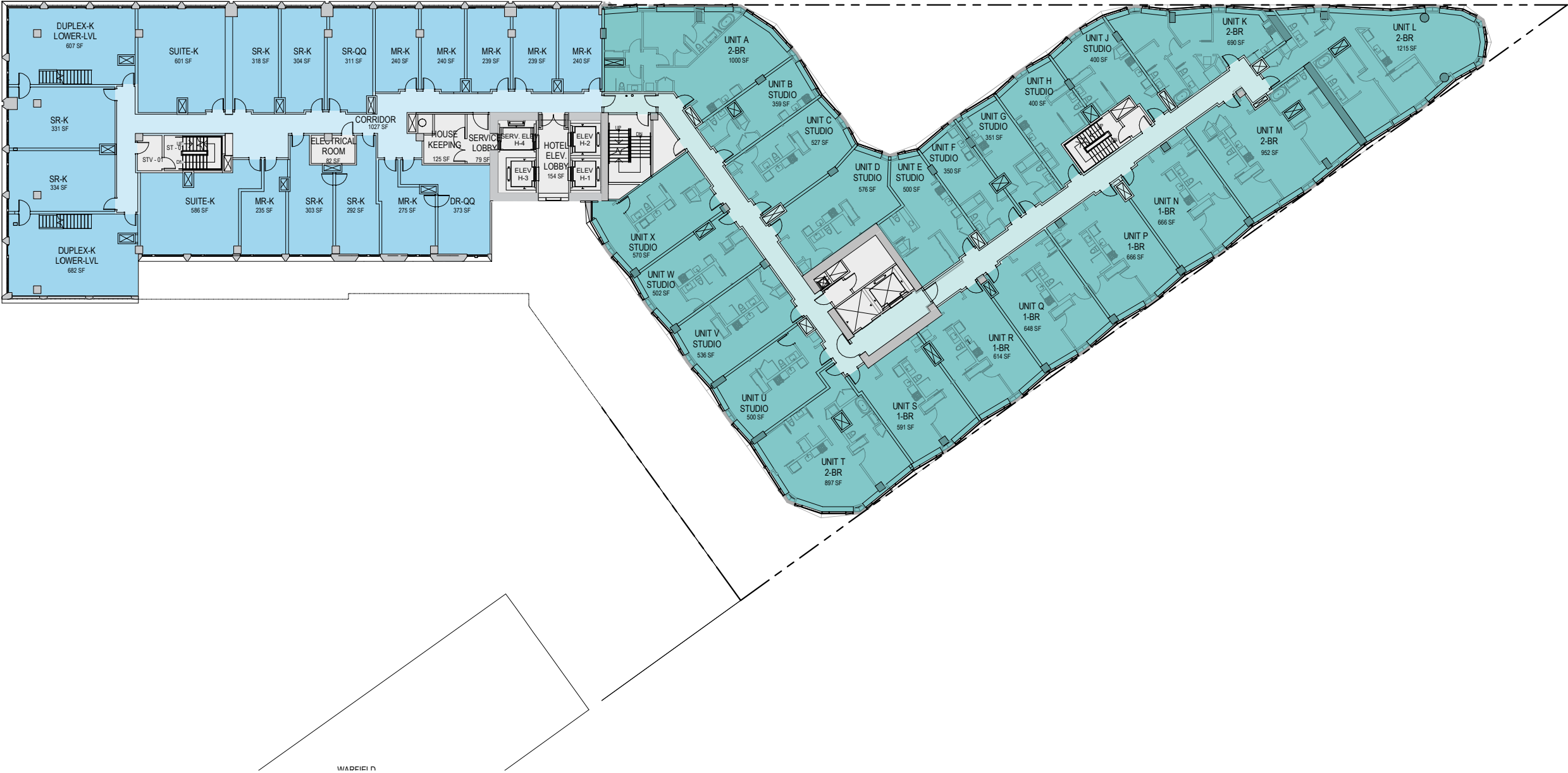
23 HOTEL KEYS
22 RESIDENTIAL UNITS



LEVEL 11 FLOOR PLAN



19 HOTEL KEYS
22 RESIDENTIAL UNITS



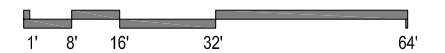
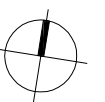
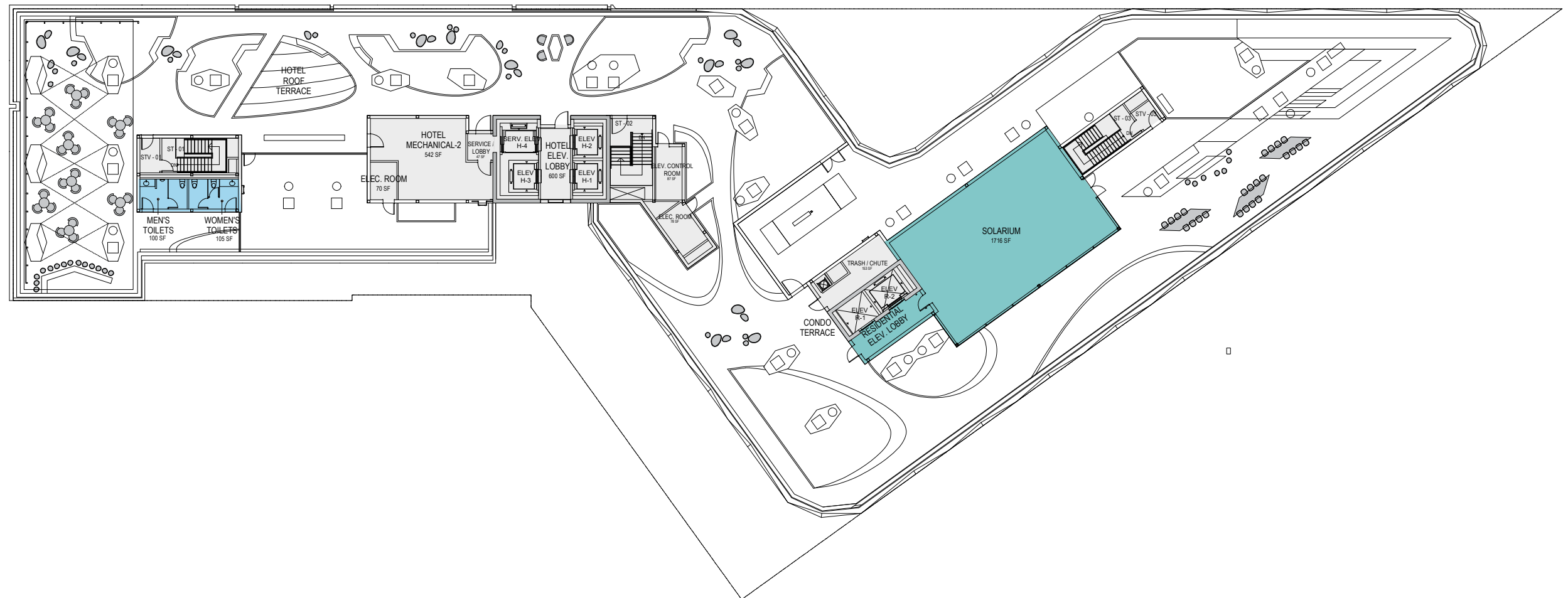
LEVEL 12 FLOOR PLAN



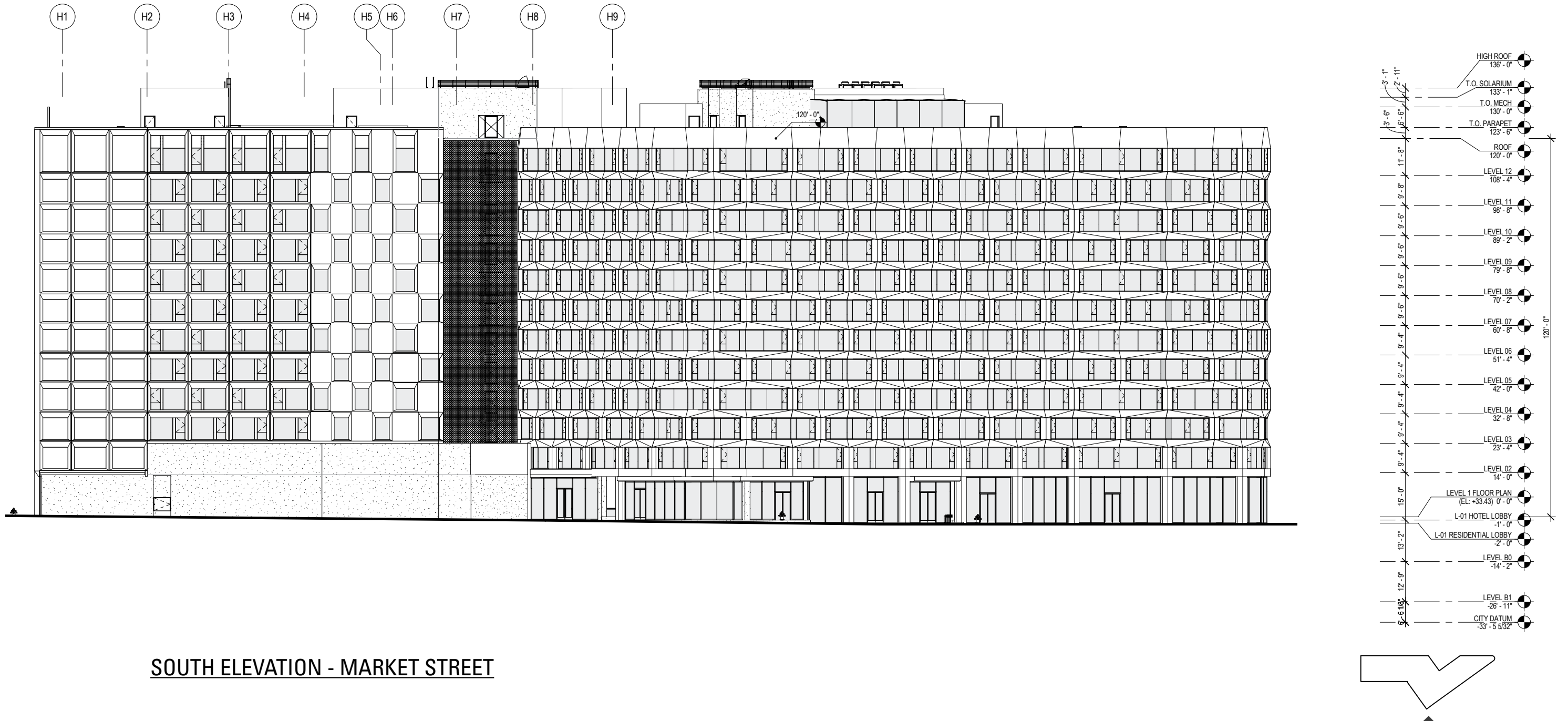
15 HOTEL KEYS
22 RESIDENTIAL UNITS



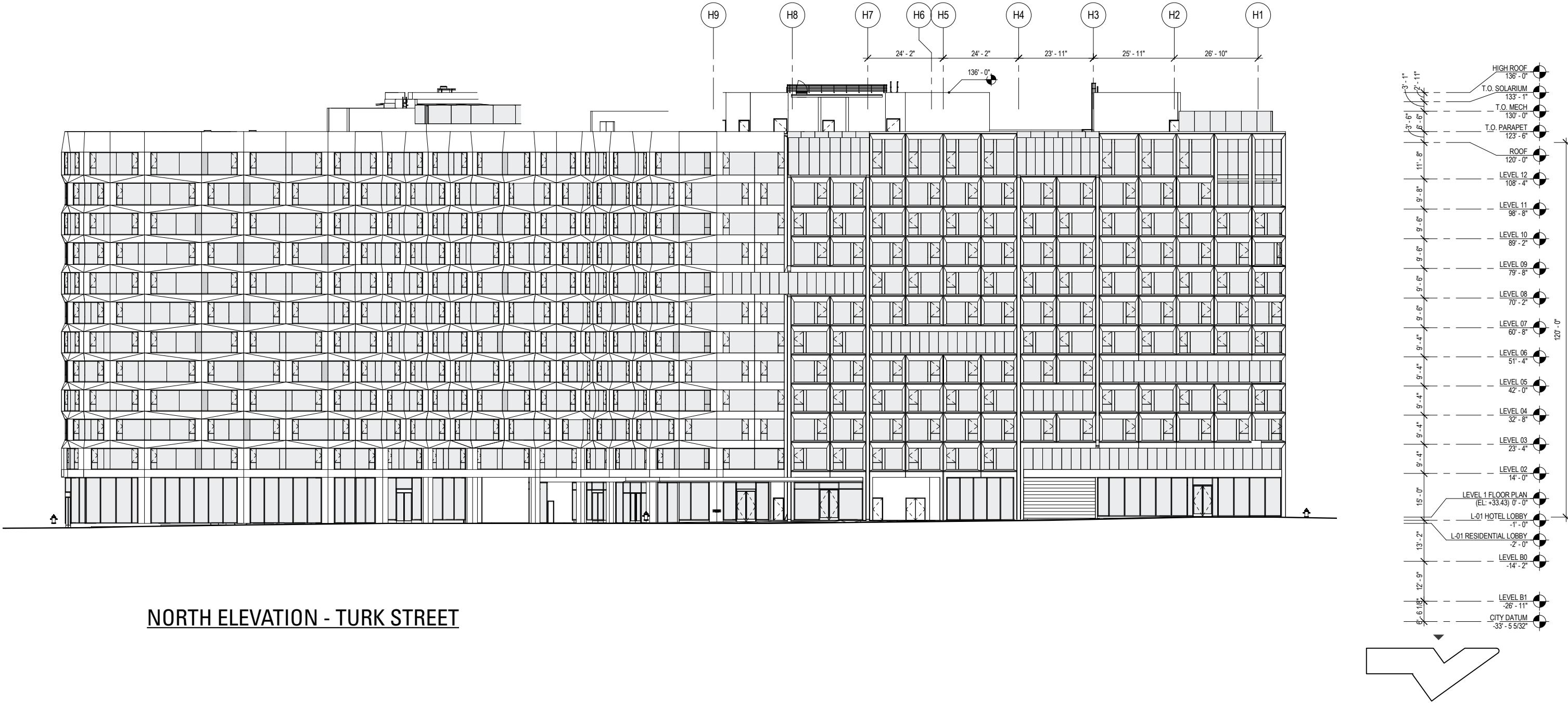
ROOF TERRACE PLAN



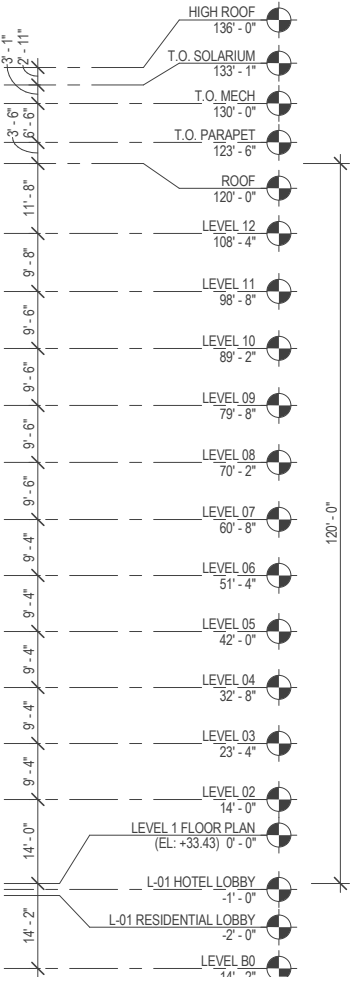
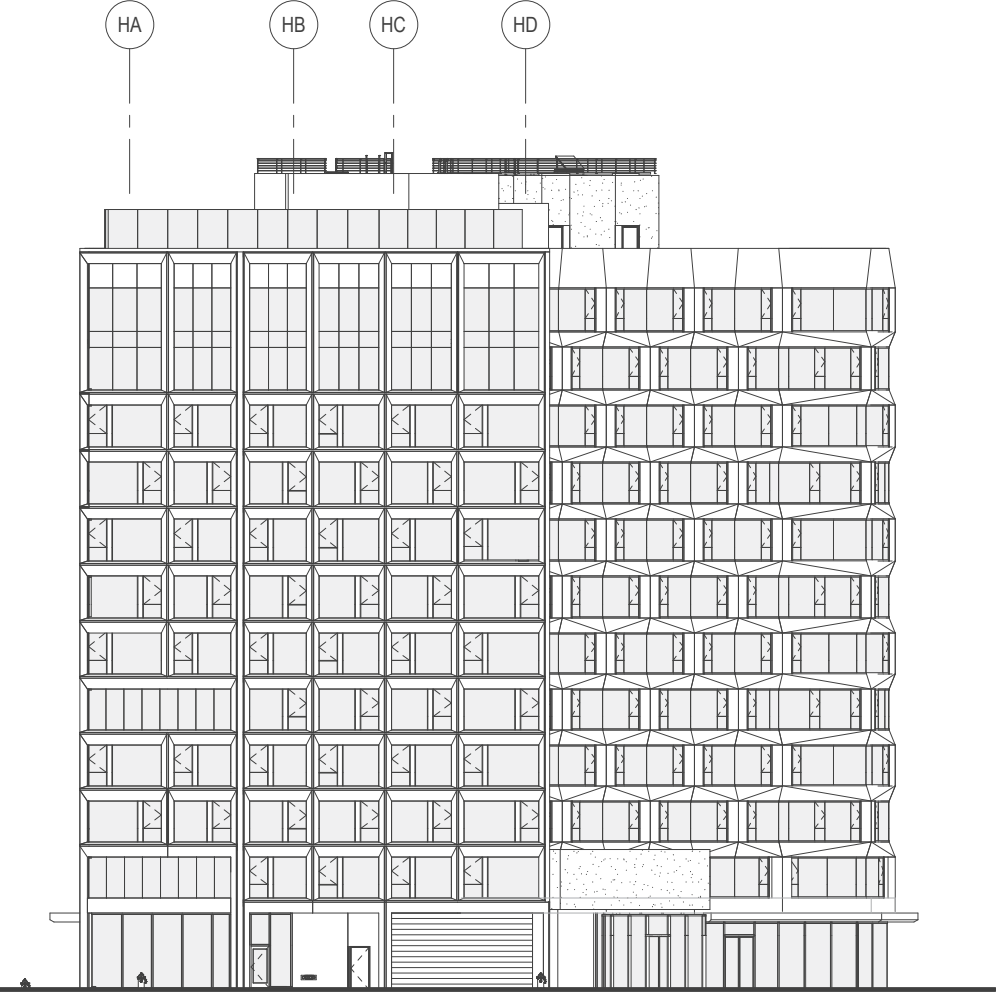
EXTERIOR ELEVATIONS



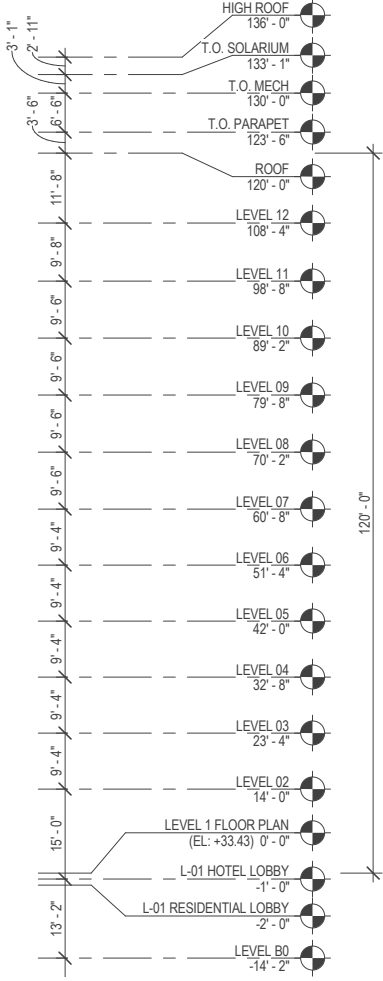
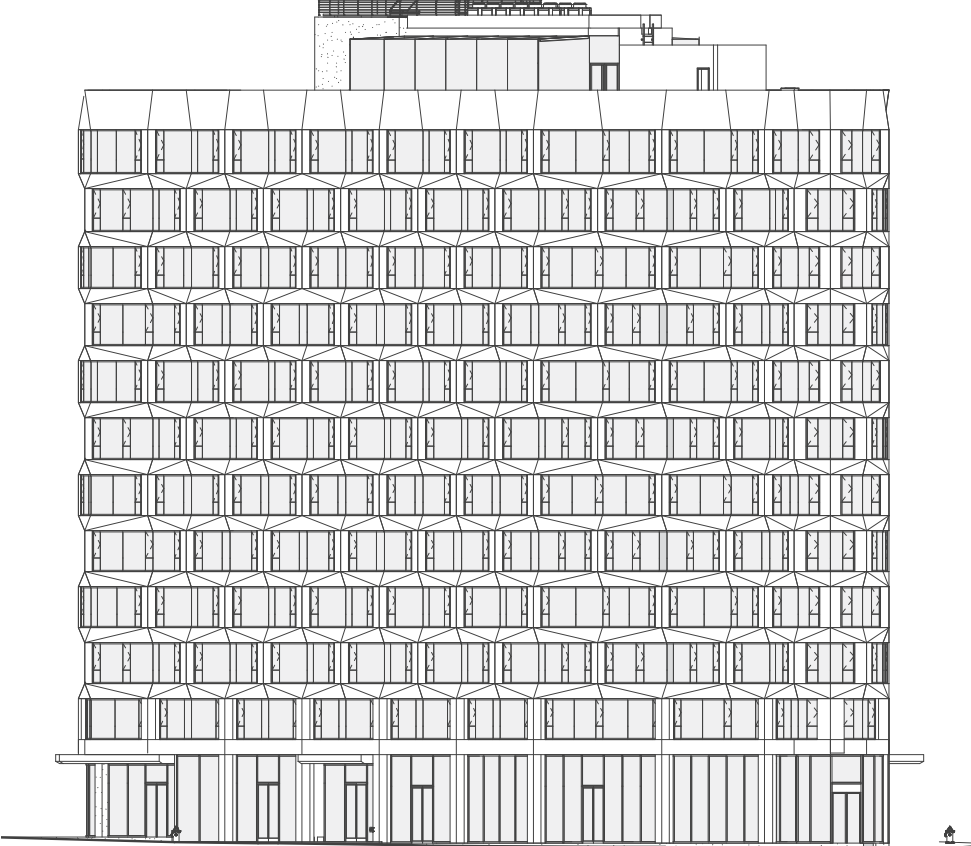
EXTERIOR ELEVATIONS



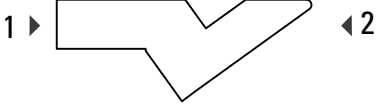
EXTERIOR ELEVATIONS



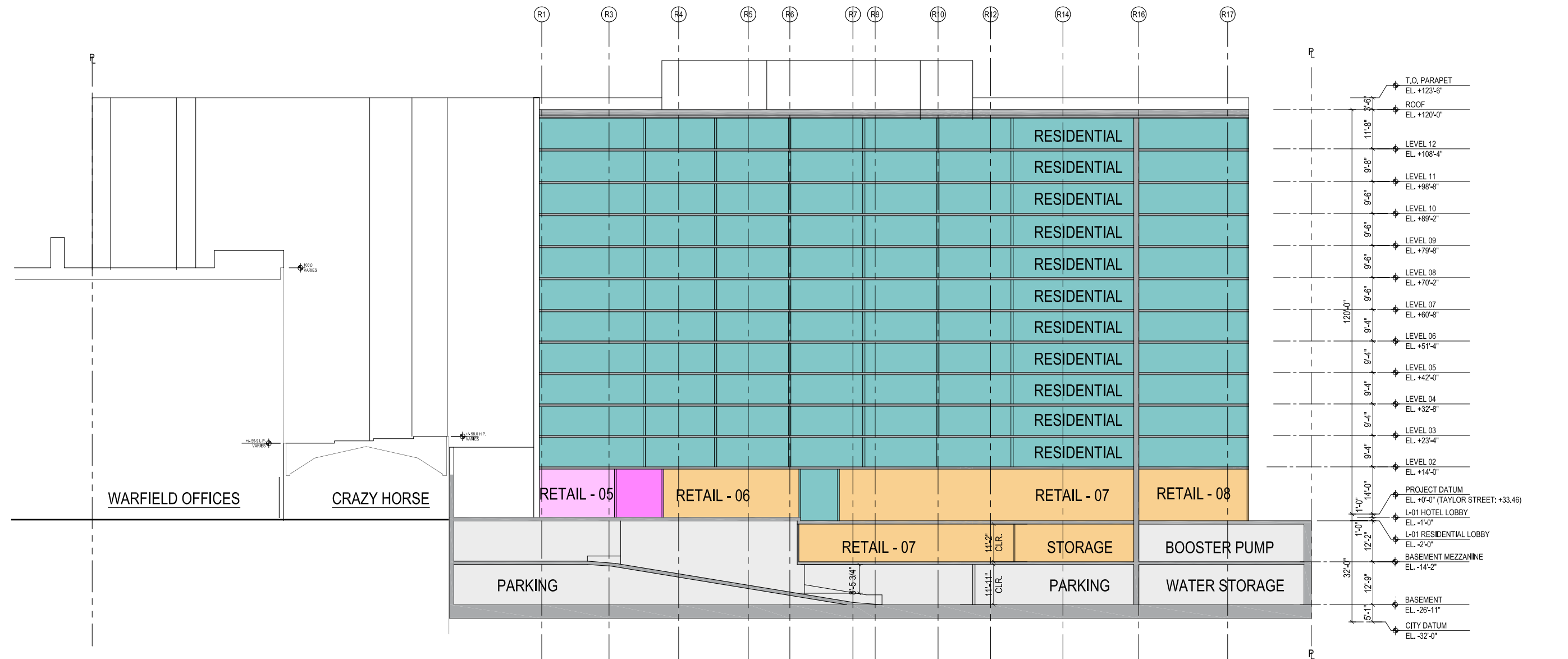
1. WEST ELEVATION - TAYLOR STREET



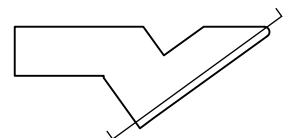
2. EAST ELEVATION



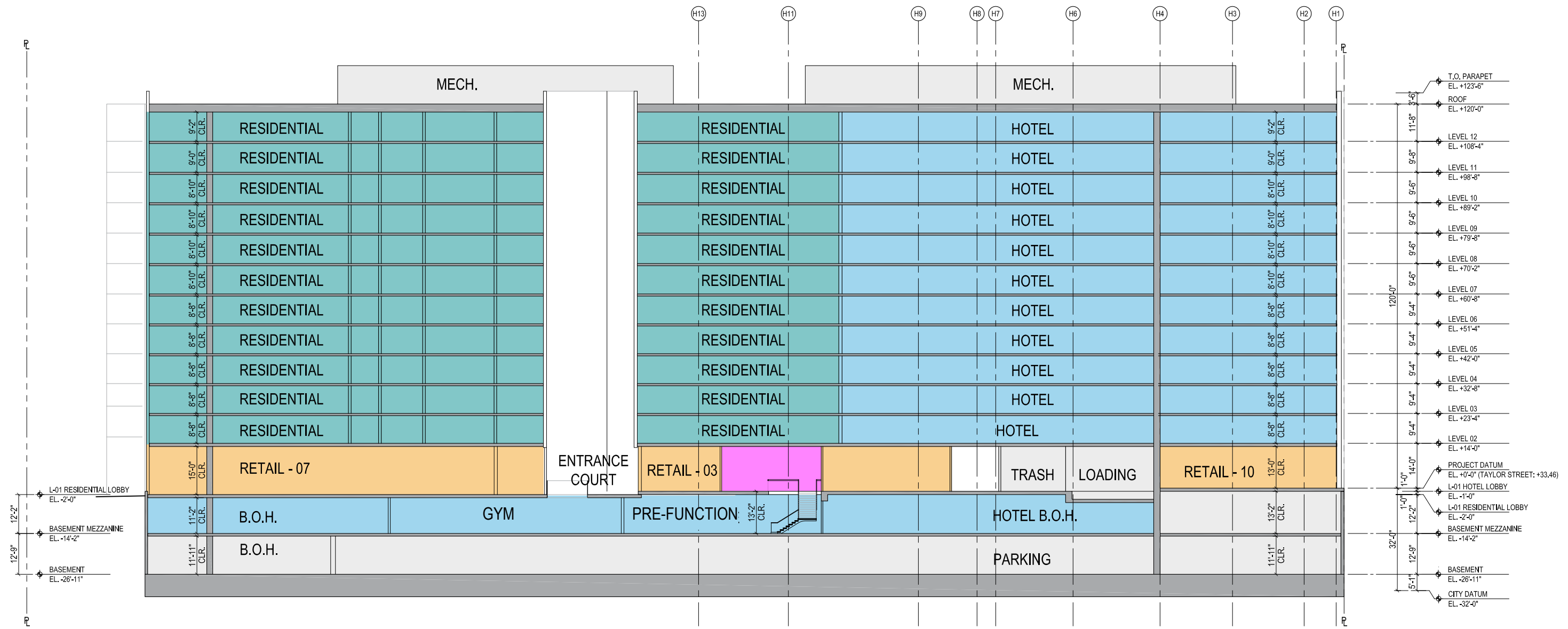
LONGITUDINAL SECTIONS



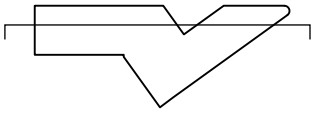
LONGITUDINAL SECTION - WEST-EAST



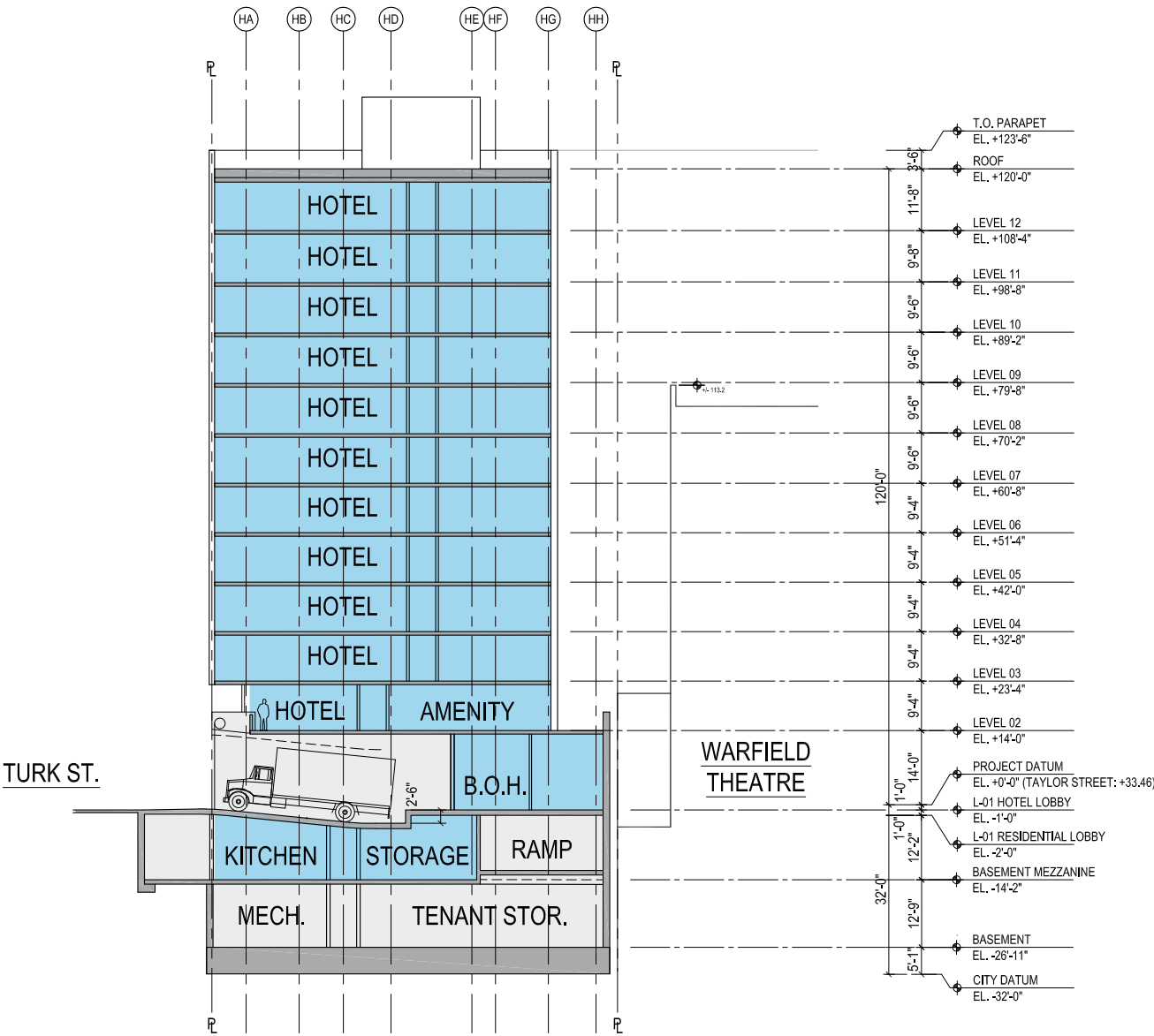
LONGITUDINAL SECTIONS



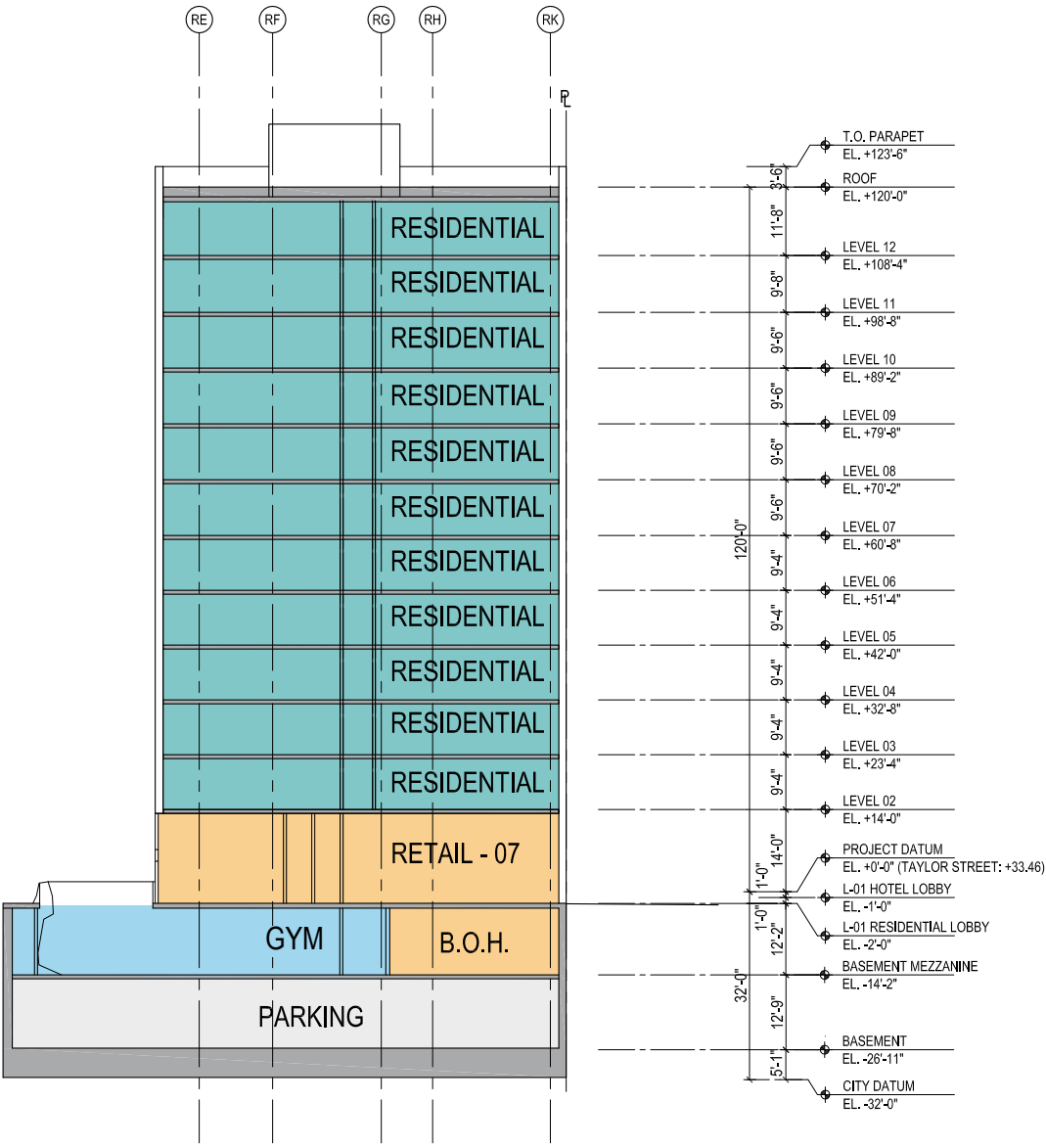
LONGITUDINAL SECTION - EAST-WEST



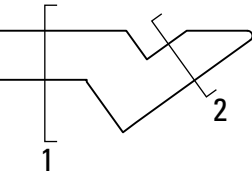
CROSS SECTIONS



1. CROSS SECTION - NORTH-SOUTH



2. CROSS SECTION - NORTH-SOUTH



RENDERINGS

VIEW LOOKING WEST ALONG TURK STREET



VIEW FROM THE CORNER OF TURK AND TAYLOR STREETS





VIEW FROM INTERSECTION OF MARKET, TURK AND MASON STREETS

