

INFORMATIONAL PRESENTATION

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Planning Dept. & Dept. of Building Inspection/ 6, 20, 2019 / Joint Informational Hearing



San Francisco
Planning

Outline of Presentation

I. Background

II. Noticing & Permit Submittal

III. Demolitions, Mergers & Conversions in the Planning & Building Codes

IV. Major Expansions

V. Fines & Penalties

VI. Ordinance Timeline

Background Goals

Goal One

Develop a straightforward permitting process for residential projects.

Goal Two

Eliminate loopholes that result in illegal demolitions.

Goal Three

Promote density while discouraging the creation of “monster homes”.

Background Timeline

Dec 11, 2018

Supervisor Peskin introduced amendments to the Planning & Building Codes

Dec 2018 - present

Collaboration between Sup. Peskin's, Sup. Mandelman's Offices, & the Planning Dept. regarding amendments to the introduced Ordinance

May 7, 2019

Ordinance is reintroduced with some of Planning's recommended modifications included

DBI's Mission

- ▶ DBI Purpose: “To serve the City and County of San Francisco and the general public by ensuring that life and property within the City and County are safeguarded.”
- ▶ We do this through the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Plumbing, Electrical, and Mechanical Codes.
- ▶ These codes are updated every three years as we learn more about safety hazards and new building techniques, materials, and technologies are developed.
- ▶ *DBI wants owners to do everything in their power to upgrade their buildings to make them safer, healthier, more efficient, and more accessible.*

Aging Housing Stock

- ▶ Housing stock in San Francisco is aging, with the vast majority of residential buildings built prior to 1950.
- ▶ Because of this building inspectors often see obsolete and unsafe components or conditions in residential buildings.
 - ▶ Damage due dry rot, pests, or water intrusion.
 - ▶ Old and unsafe wiring.
 - ▶ Old and ineffective plumbing.

Unsafe Electrical Systems



Knob and Tube Wiring

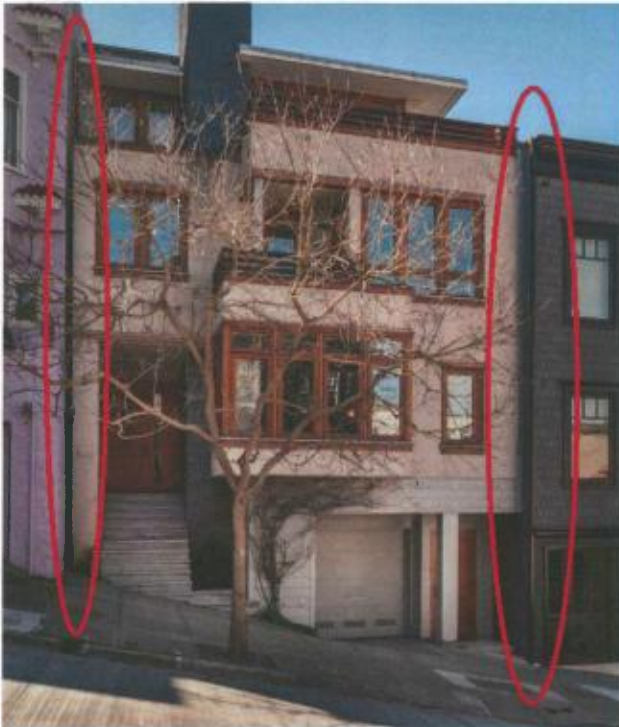
This is an example of deteriorated knob and tube wiring, which poses a fire hazard and is often unable to cope with modern electrical demands.

Outdated Plumbing



Above are sections of old plumbing that are in need of replacement. Problems include old lead and oakum joints that are leaking and are not properly supported. You can see rust which is a sign of leakage around the joints.

Blind Walls



- ▶ Blind walls are property-line walls where little to no space is left between neighboring buildings.
- ▶ They present a very specific set of challenges to property owners and building professionals.
- ▶ Because of their location, work to bring them up to code requires significant alteration or temporary removal.
- ▶ In vertical additions they often need to be reinforced or replaced to safely hold the increased weight.

Blind Walls (cont.)



Frequent Problems

- Lack of proper fire protection
- Prone to leaks
- Poorly insulated
- Susceptible to pest infestation
- When code compliant insulation and drywall is added to the interior of the blind wall, but the original exterior remains, it can create significant mold problems.
- Upgrades to the exterior of the wall for fire safety and weatherization are impossible without temporary removal of existing wall.
- Impossible to add continuous or overlapping building paper at exterior face of wall without temporary removal of the existing wall.

Blind Walls (cont.)



Benefits to Blind Wall Upgrades

- Homes are healthier, more energy efficient, and safer.
 - New walls better able to support greater loads.
 - New walls required to have at least a 1 hour fire rating, allowing more time for firefighters to stop the spread and residents to escape.



NOTICING & PERMIT SUBMITTAL

Sec. 311

Neighborhood Notice Existing and Proposed

The Way It Is:

- Neighborhood Notice required for most expansions and for specific land uses in many zoning districts. Small features are exempt from notification requirements.
- Removal of Dwelling Units also requires an on-site poster during the 30-day notification period.

The Way It Would Be:

- Neighborhood Notice additionally required for garages, roof decks, certain lightwell in-fills, Health Service uses, and any change in occupancy.
- Removal of Dwelling Units requires an on-site poster about the removal within 5 days of submitting the permit to DBI.

Neighborhood Notice Existing and Proposed (cont.)

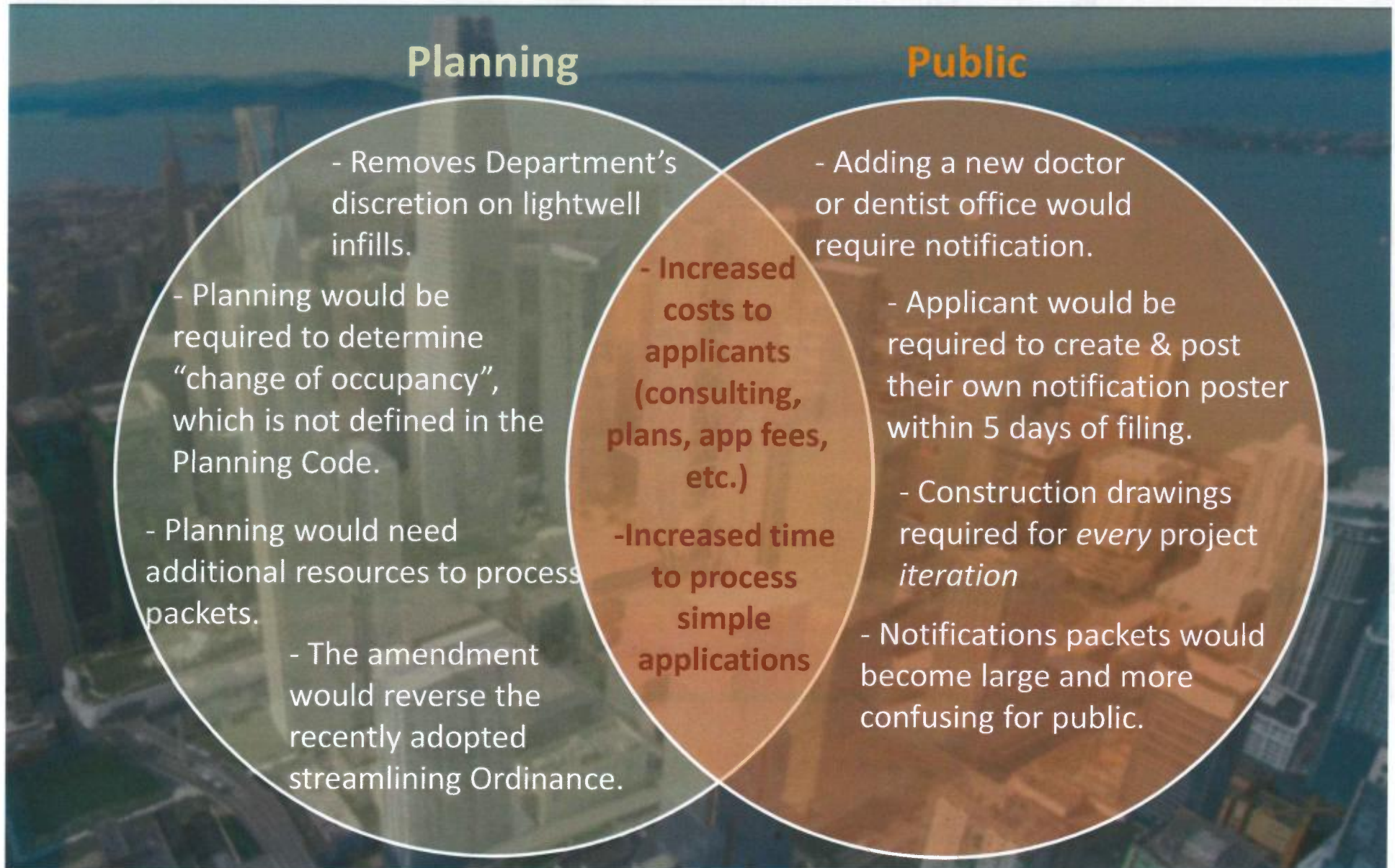
The Way It Is:

- Notification Packets include at a minimum:
 - the address and block/lot numbers of the subject project;
 - the Planning Department case number or Building Permit Application number;
 - the basic details of the project comparing the existing and proposed conditions;
 - instructions on how to access digital and paper copies of the plan sets for the project.

The Way It Would Be:

- Notices Packets would be expanded to include:
 - renderings;
 - engineering calculations;
 - construction drawings;
 - rental compliance documentation; and
 - a listing of ALL previous permits for property from the last 5 years.

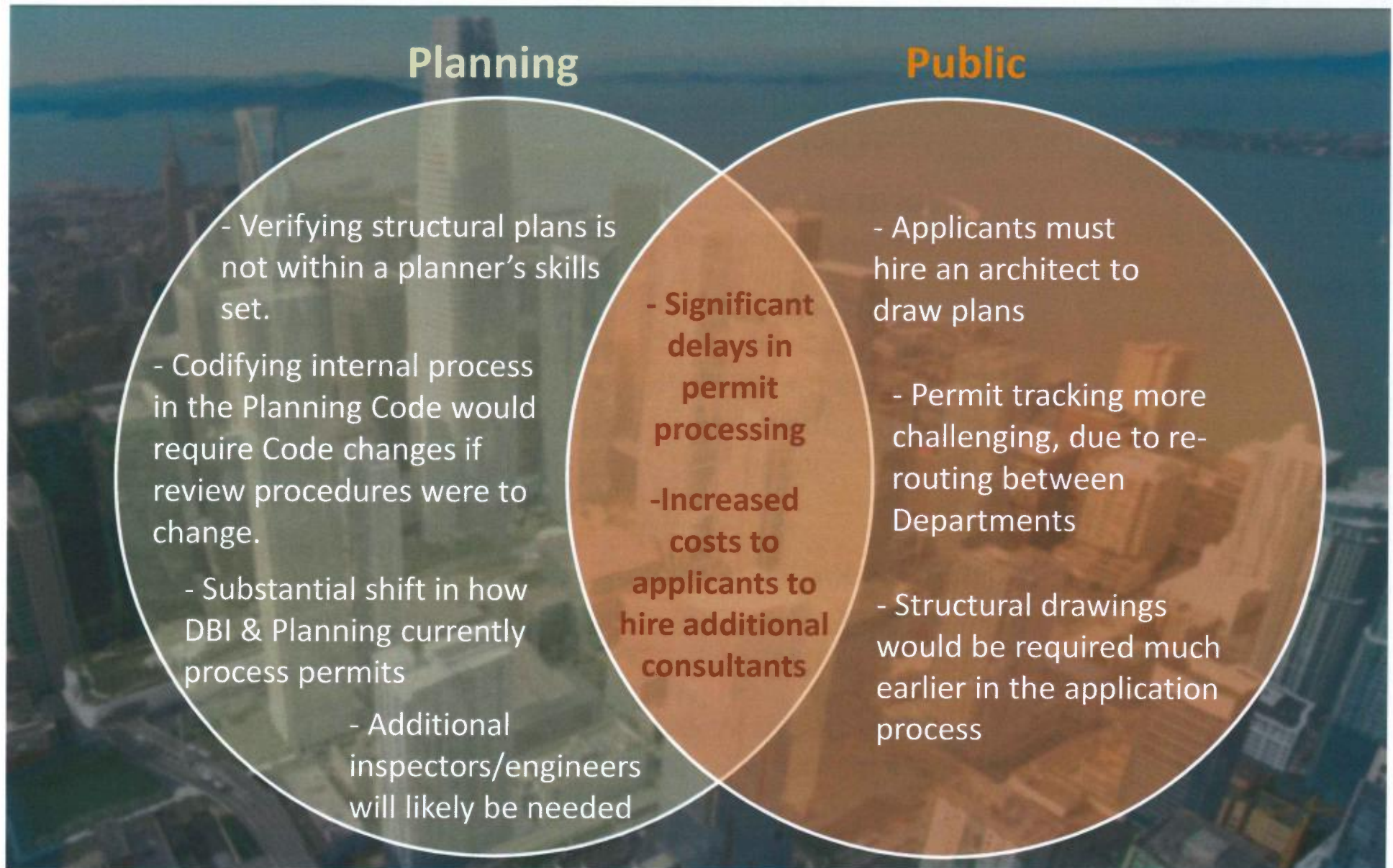
Neighborhood Notice **Anticipated Impacts & Concerns**



Permit Submittal and Review **Existing and Proposed**

The Way It Is:	The Way It Would Be:
<ul style="list-style-type: none"> • <u>Internal review procedures</u> are not codified in the Planning Code. • Planners <u>verify the accuracy</u> of de facto demolition calculations, as described in the Planning Code. • <u>Plan submittal requirements</u> are determined by the Department of Building Inspection. • <u>A licensed “designer”, engineer, or architect</u> can submit plans for any project. • Projects in R Districts must comply with the current version of the <u>Residential Design Guidelines</u>, <i>as periodically amended by the Planning Commission.</i> 	<ul style="list-style-type: none"> • <u>Internal review procedures would</u> be codified in the Planning Code, including when and how planners review project. • Planners would be required to <u>verify the accuracy</u> of DBI’s demolition calculations and conduct site visits in conjunction with DBI. • <u>Plan Submittal requirements</u> would now be in the Planning Code • <u>Only a licensed architect</u> may submit plans for projects subject to Section 311. Includes all changes of use, expansions, demolitions and significant interior alterations. • All projects must comply with the <u>Residential Design Guideline</u> <i>as they existed on the date this ordinance became effective.</i>

Permit Submittal & Review **Anticipated Impacts & Concerns**



Permit Application

The way it is:

- ▶ To obtain a permit for alteration, demolition, or construction of a residential building, an applicant must fill out application form which details proposed project.
- ▶ Only architectural plan is required for the site permit and entitlement phase.

The way it would be:

- ▶ Application would also include sworn declarations attesting to:
 - ▶ Accuracy of the submitted plans, demo calculations, and stated impacts on tenants.
 - ▶ Construction means and methods
- ▶ In addition to architectural plans, structural plans and calculations would be needed for site permit.

Permit Issuance

The way it is:

- ▶ When DBI determines work beyond the scope of a permit has been performed:
 - ▶ A Notice of Violation (NOV) for exceeding the scope of a permit is issued (2x the permit issuance fee).
 - ▶ Project sponsor must obtain an additional permit to document the work performed without the original permit.
- ▶ When DBI determines work has been done *without* a permit, an NOV is issued (9x the permit issuance fee).

The way it would be:

- ▶ DBI would no longer be able to issue permits “after-the-fact”
- ▶ Before a permit authorizing such work may be issued, the project sponsor would have to file and obtain a permit to remove the illegal work and return the building to its pre-existing condition.
 - ▶ Pre-existing condition is not defined



BREAK FOR COMMISSIONER COMMENTS & QUESTIONS

Noticing & Permit
Submittal



MERGERS, CONVERSIONS & DEMOLITIONS

Sec. 317

Defining Removal **Existing and Proposed**

The Way It Is:

- **"Removal"** means, when referring to a wall, roof or floor of a structure, the dismantling, relocation, or alteration of the exterior function by construction of a new building element.
- Removal of **Unauthorized Dwelling Units** are required to obtain a CUA, unless the ZA determines the unit could not be legalized due to Building Code issues.
- **Removal of Dwelling Units** requires a CU unless in an RH-1 district and demonstrably not affordable or financially accessible.

The Way It Would Be:

- **"Removal"** will additionally be applied to internal walls, partitions, floors or ceilings of a structure, or the internal structural framework, interior bearing element or floor place, its temporary or permanent dismantling relocation alteration and/or replacement by construction of a new building element.
- Removal of all **Unauthorized Dwelling Units** would require a CU, regardless of feasibility of legalization.
- Exemption only for exterior repair so long as approved and replaced "in-kind".
- Removal of all **Dwelling Units** regardless of value/affordability would require a CU.

General CU Criteria **All Mergers Demos and Conversions**

Proposed Criteria

- No loss or removal of any rent controlled housing or affordable housing as defined in Section 401; and
- No tenant may have occupied the space within the last 7 years, unless through an Ellis Act Eviction.

Implementation Impacts

- Prohibits the demolition of rent-controlled housing even to increase density and when the rent controlled units are replaced.
- A project defined as a merger, conversion, or demolition constitutes a “removal,” which disqualifies most projects from meeting the criteria to not remove affordable or rent controlled housing.
- Makes any building with a tenant in the last 7 years ineligible, even if the tenant left voluntarily. Planning/the City does not have tenant history information to implement this.

Residential Merger **Existing and Proposed**

The Way It Is:

- Merger is defined as merging two or more units or reducing the size of one unit by at least 25% to make another unit larger.
- Commission has adopted a Removal of Residential Flats Policy (not codified)

The Way It Would Be:

- Mergers would be defined as merging two or more units or by reducing the size of one unit by at least 10% to make another unit larger.
- Codifies a version of the Commission's Removal of Residential Flats Policy

Residential Merger Existing and Proposed

The Way It Is:

Mergers require CU Authorization. For the CU criteria the Commission must evaluate whether:

- the property would remove owner-occupied housing;
- whether the new unit is intended for owner-occupancy;
- if affordable/rent controlled units are removed whether the replacement will be similar;
- how recently the unit was occupied by tenants;
- Increase in the bedroom count;
- if the merger is to correct a design flaw;
- and the value of the least expensive unit proposed for merger

The Way It Would Be:

Mergers would continue to require Conditional Use Authorization, unless any of the following conditions are met, in which case a merger would be prohibited:

- any involved unit would exceed the lesser of 1,200 sq. ft. or the average size of existing units within 300'; or
- any unit would have less exposure to open areas; or
- a unit that is (1) Below Market Rate, (2) subject to rent-control, or (3) has been tenant-occupied within the last 7 years would be eliminated.

Residential Conversion Existing and Proposed

The Way It Is:

- Changing a residential use to a non-residential use requires a CU.
- The replacement use can be principally permitted or be a use that requires a Conditional Use Authorization.
- The Planning Commission can consider the owner's personal financial hardship among other factors.

The Way It Would Be:

- Changing a residential use to a non-residential use would still require a CU.
- The replacement use must be principally permitted; a new use requiring a CU would not be permitted.
- Financial hardship could not be considered when reviewing the removal of existing illegal dwelling units.

Residential Merger/Conversion **Anticipated Impacts & Concerns**

Planning

- The Commission has no discretion, negating the purpose of a CU hearing
- Prohibits “mergers” of rent-controlled housing
- Data on neighbors’ unit sizes unknown, therefore unable to assess if proposed project is a “removal” based on neighbors’ unit sizes.

Public

- **Significant delays in permit processing**
- **Increased costs to applicants**
- **Additional hearings required**

- Would prohibit Planned Unit Developments, Hospitals, Colleges, Religious Institutions, & School from replacing any housing in any RH District

Unauthorized Dwelling Unit Removal **Existing and Proposed**

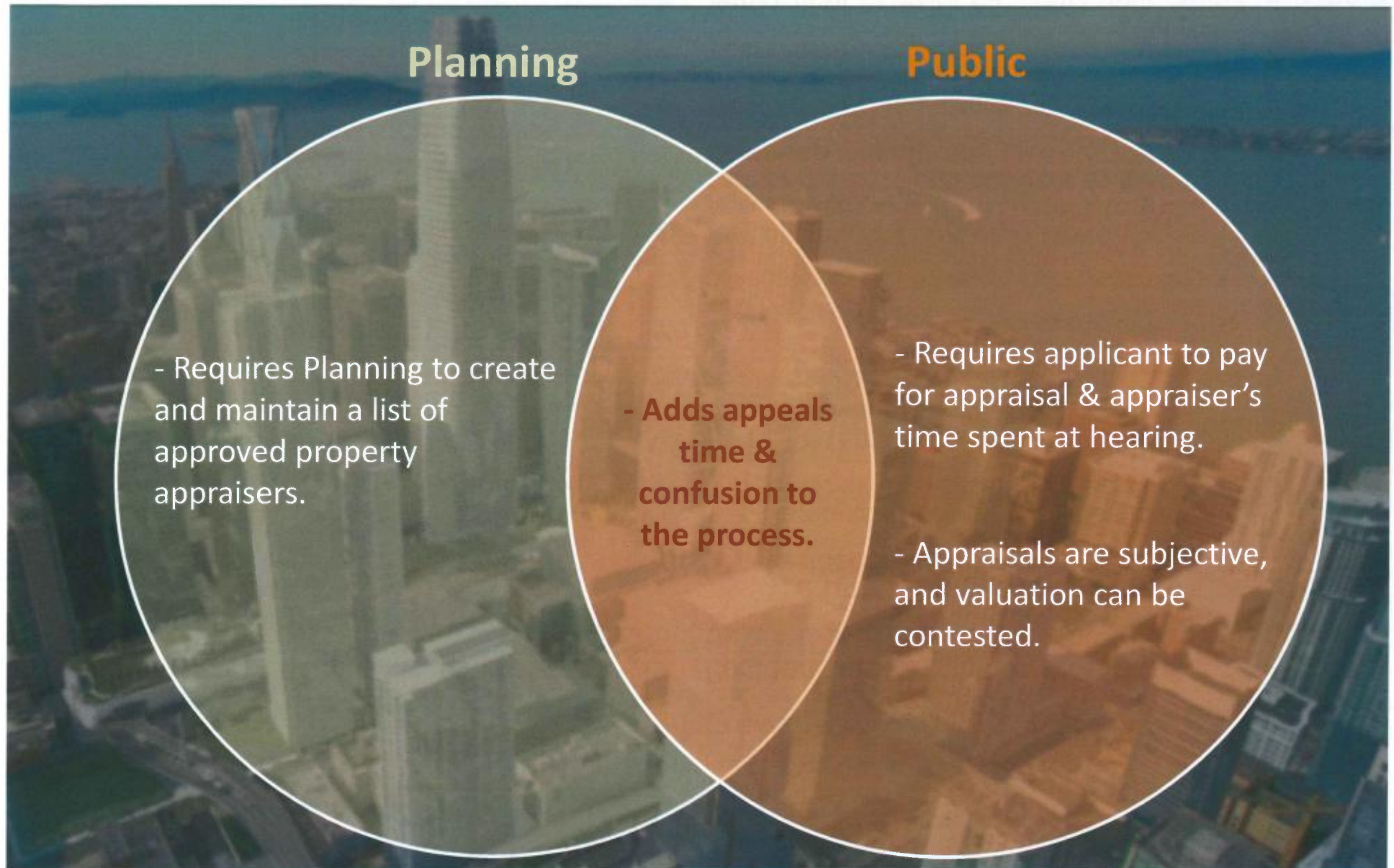
The Way It Is:

- In addition to the CU criteria for Residential conversions/mergers, criteria for removal of an unauthorized dwelling units (UDU) are as follows:
 1. If legalization cost is reasonable based on comparison to the average cost of legalization per unit;
 2. Financially feasibility to legalize the UDU;
 3. If no City funds are available, whether the cost would constitute a financial hardship.

The Way It Would Be:

- In addition to the standard and new, general CU criteria :
 1. If the cost to legalize the UDU is **more than 15% higher** than the average cost of legalization per unit;
 2. Whether it is financially feasible to legalize the UDU **based on a appraisal; appraiser must present to the Commission on the cost**

Unauthorized Dwelling Unit Removal **Anticipated Impacts & Concerns**



Residential Demolition Definition

The way it is:

- ▶ Residential Demolition is defined in the Building Code as:
 - ▶ The total tearing down or destruction of a building containing one or more residential units, or any alteration which destroys or removes, principal portions of an existing structure containing one or more residential units.
 - ▶ Principal Portion - construction which determines the shape and size of the building envelope which alters two-thirds or more of the interior elements.

The way it would be:

- ▶ Residential Demolition would be defined in the Building Code as:
 - ▶ The total tearing down of an existing Residential Building; or
 - ▶ Removal of one or more Residential Units or Unauthorized Units; or
 - ▶ **The temporary or permanent removal of more than:**
 - ▶ 50% of exterior elements; or
 - ▶ 25% of the street facing surface; or
 - ▶ 75% of interior walls and/or floors
 - ▶ Any project that exceeds these percentages would be subject to the same processes and controls as a complete demolition.
 - ▶ Demolition calculations would have to include any work permitted in the past 5 years for the building.
 - ▶ Removal of exterior elements done **solely** for the purposes of repair is exempt from removal calculations, provided damage or decay is verified.

Dry Rot Removal

The way it is:

- ▶ Dry rot removal and repair is subject to the standard building permit process.
- ▶ For vertical additions, contractors are encouraged to notify DBI when dry-rot is encountered unexpectedly, so that a building inspector can field-verify and issue a Notice of Correction if warranted.


The way it would be:

- ▶ No permit to remove dry rot will be issued without an inspection to confirm site conditions.
- ▶ As written, any removal of dry rot would require a Demolition Permit, which would require a Conditional Use Authorization.
 - ▶ This appears to conflict with the provision exempting removal for repair from the demolition calculations.


Demolition Definition Existing and Proposed

The Way It Is:	The Way It Would Be:
<p>Residential Demolition is defined as the removal of either:</p> <ul style="list-style-type: none">○ Total tearing down of a residential building; or○ Removal of one or more Residential Units or Unauthorized Units; or○ 2/3 of a building's foundation; or○ the majority of a building's walls and floors.	<p>Residential Demolition would be defined as the permanent or temporary removal of any of the following (whether associated with an expansion or with ordinary maintenance) within five years of filing an application:</p> <ul style="list-style-type: none">○ Total tearing down of a residential building; or○ Removal of one or more Residential Units or Unauthorized Units; or○ 50% of exterior elements; or○ 25% of the street facing surface; or○ 75% of interior walls and/or floors

Case Study: Façade Re-Cladding (*Planning Dept*)

Property's Details:	Hypothetical Project:
<ul style="list-style-type: none"> • Two-story, single-family home • RH-1 Zoning District • Located in Outer Sunset 	<ul style="list-style-type: none"> • Remove PermaStone façade • Restore building with stucco
	
Under Current Rules:	Under Proposed Rules:
<ul style="list-style-type: none"> • Not considered a Demolition • 1 day process of over-the-counter permits 	<ul style="list-style-type: none"> • Considered a Demolition • 9-12 month total process • Requires a Conditional Use authorization • Project not approvable for the CU authorization

Case Study: Façade Re-Cladding (*DBI*)

Property's Details:	Hypothetical Project:
<ul style="list-style-type: none"> • Two-story, single-family home • RH-1 Zoning District • Located in Outer Sunset 	<ul style="list-style-type: none"> • Remove PermaStone façade • Restore building with stucco
	
Under Current Rules:	Under Proposed Rules:
<ul style="list-style-type: none"> • Not considered a Demolition • Same day issuance, over-the-counter NO PLANS permit 	<ul style="list-style-type: none"> • 9-12 month total process • Building Permit Application ALONG with architectural drawings & demolition calculations required. • Submit for internal review

Demolition Criteria **Existing and Proposed**

The Way It Is:	The Way It Would Be:
<p>Excepting unsound or unaffordable single-family homes, Demolition requires Conditional Use authorization. The Commission must evaluate whether:</p> <ul style="list-style-type: none"> • (1) the property has any Code violations, (2) if it has been maintained, (3) if it is a “historic resource”, (4) if there will be negative CEQA impacts, (5) if rental/rent controlled/affordable housing will be reduced, (6) if the proposed project preserves neighborhood character, affordability, increases density, family or supportive housing, (7) if the project is of superior design, and (8) whether the project replaces the original units with similar size and numbers of bedrooms. 	<ul style="list-style-type: none"> • Demolition would be prohibited unless <u>all</u> of the following conditions were present, in which case Conditional Use Authorization would be required: • The new building would (1) be at least as affordable as the existing building, (2) add at least one dwelling unit, (3) not contain a garage, (4) resemble the height, scale and architecture of surrounding buildings; and (5) would not require a Variance from the Planning Code; and



Demolition Criteria Existing and Proposed (cont.)

The Way It Is:

The Way It Would Be:

- **The new units** (1) do not exceed the lesser of 1,200 sq. ft. or the average size of existing units within 300', (2) are of comparable size to one another, and (3) have substantially the same front and rear exposure to one another; and
- **The existing building** (1) may not have any outstanding Code violations, (2) is not a historic resource, (3) is not within a historic district or potential historic district, (4) does not resemble the height, scale and architecture of surrounding buildings, or (5) does not contain a Below Market Rate unit, a rent-controlled unit, or a unit that was occupied by a tenant within the last 7 years.

Case Study: Demo & New Construction (*Planning Dept*)

Property's Details:	Approved Project:
<ul style="list-style-type: none"> • Two-story, 1,686sf single-family home • RH-2 Zoning District • Located in Noe Valley 	<ul style="list-style-type: none"> • CU for demo/new construction 02/19 • Maximized density, equitable unit sizes, full floor flats
	
Under Current Rules:	Under Proposed Rules:
<ul style="list-style-type: none"> • CU approved for demo and new construction of 2 unit building • Planning Commission applauded project and approved unanimously 	<ul style="list-style-type: none"> • Subject to 317 “demo” <u>and</u> 319 “major expansion” CU • Project <u>could not be approved</u> based on CU criteria for both

Case Study: Demo & New Construction (DBI)

Property's Details:

- Two-story, 1,686sf single-family home
- RH-2 Zoning District
- Located in Noe Valley

Approved Project:

- Permit issued by DBI in conformity with Planning Commission CU approval.



Under Current Rules:

- Site permit only; structural plans/calcs not required until Planning approval.
- Multiple design revisions reviewed solely by Planning.

Under Proposed Rules:

- Structural plans/calcs provided at submittal and for every revision.
- CU not approvable: review of design/calcs is moot.



BREAK FOR COMMISSIONER COMMENTS & QUESTIONS

Mergers, Conversions,
& Demolitions



MAJOR EXPANSIONS

Sec. 319

Major Expansion **Proposed Controls**

- A new control would be added to the Planning Code called “Major Expansion.”
- Major Expansion would be defined as “any work that would increase the building's FAR to exceed the FAR threshold, or for buildings already over the threshold, would be an expansion greater than a "minor expansion"”.
- Any project deemed to be a “Major Expansion” would be subject to a Conditional Use authorization.

PROPOSED FAR THRESHOLDS

	RH-1(D)	RH-1	RH-2	RH-3
1 UNIT	0.5	0.6	0.6	0.6
2 UNIT			1.2	1.2
3 UNIT				1.8



Major Expansion CU Criteria Existing and Proposed

The Way It Is:	The Way It Would Be:
<ul style="list-style-type: none"><li data-bbox="184 488 617 529">• N/A: NEW SECTION	<p data-bbox="1077 488 1776 529">CU Criteria for a "Major Expansion":</p> <ol style="list-style-type: none"><li data-bbox="1077 558 1919 659">1. Project adds density & affordable equal to or greater than the existing structure<li data-bbox="1077 672 1839 773">2. No Planning Code amendments are required<li data-bbox="1077 786 1650 834">3. No new garage or parking<li data-bbox="1077 847 1934 948">4. Significant architectural features are not being removed<li data-bbox="1077 961 1923 1127">5. If existing building is a potential historic resource or in a historic district that it complies with Sec. of Interior standards<li data-bbox="1077 1140 1908 1240">6. No loss of affordable or rent controlled housing.<li data-bbox="1077 1253 1877 1354">7. Hasn't been a no-fault eviction at the property within the last 7 years.

Case Study: Vertical Addition (*Planning Dept*)

Property's Details:	Approved Project:
<ul style="list-style-type: none"> • Historic, two-story, single-family home • RH-2 Zoning District • Located in Noe Valley 	<ul style="list-style-type: none"> • 1-story vertical, 2-story horizontal rear addition • Increase from 2,079sf to 2,978sf
	
Under Current Rules:	Under Proposed Rules:
<ul style="list-style-type: none"> • Not considered a Demolition • Met all design guidelines & Sec. of Interior standards • Neighborhood Notice (<i>completed with no DR</i>) 	<ul style="list-style-type: none"> • Considered a Demolition • 9-12 month process • If reduced, would still trigger "major expansion" • Project not approvable for CU authorization

Case Study: Vertical Addition (*DBI*)

Property's Details:	Approved Project:
<ul style="list-style-type: none"> • Historic, two-story, single-family home • RH-2 Zoning District • Located in Noe Valley 	<ul style="list-style-type: none"> • 1-story vertical, 2-story horizontal addition • Increase from 2,079sf to 2,978sf
	
Under Current Rules:	Under Proposed Rules:
<ul style="list-style-type: none"> • Site permit only; structural plans/calcs not required until Planning approval. • Multiple design revisions reviewed solely by Planning. 	<ul style="list-style-type: none"> • Structural plans/calcs provided at submittal and for every revision. • CU not approvable: review of design/calcs is moot



BREAK FOR COMMISSIONER COMMENTS & QUESTIONS

Major Expansions



FINES & PENALTIES

Sec. 176, Sec. 317 & Sec. 319

Fines and Penalties **Illegal Major Expansion & Illegal Demolition**

The Way It Is:	The Way It Would Be:
<ul style="list-style-type: none"><li data-bbox="174 532 606 570">• N/A: NEW SECTION	<p data-bbox="1066 532 1850 686">In addition to being subject to standard fines, illegal demolitions/expansions will also be subject to:</p> <ol style="list-style-type: none"><li data-bbox="1066 764 1919 919">1. A fine equal to any increase in the value of the property resulting from the illegal work<li data-bbox="1066 935 1856 1089">2. No permits may be issued for 5 years unless to revert back to the original building<li data-bbox="1066 1105 1898 1211">3. No permits to legalize the work may be issued (a CU may be filed)<li data-bbox="1066 1227 1856 1382">4. All penalties (except time & material) collected will go to the SF Small Sites Fund.

Fines and Penalties **Illegal Alteration of Historic Buildings**

The Way It Is:	The Way It Would Be:
<ul style="list-style-type: none"><li data-bbox="191 513 625 553">• N/A: NEW SECTION	<p data-bbox="1087 513 1850 610">In addition to being subject to standard fines, also be subject to:</p> <ol style="list-style-type: none"><li data-bbox="1087 683 1927 951">1. ZA penalty of up to \$500,000. ZA may waive all or part if illegal work is restored back to original condition, or if permits are obtained to legalize the work<li data-bbox="1087 967 1881 1130">2. No permits may be issued for 5 years unless to revert back to the original building<li data-bbox="1087 1146 1881 1308">3. All penalties (except time & material) collected will go to the SF Historic Preservation Fund

Fines and Penalties **Illegal Merger/Conversion**

The Way It Is:

- N/A: NEW SECTION

The Way It Would Be:

In addition to being subject to standard fines, illegal mergers/conversions would also be subject to:

1. Fine of up to \$50,000
2. Merged units must be restored to their exact previous condition, including FAR, & square footage
3. No permits may be issued for 5 years unless to revert back to the original building
4. All penalties (except time & material) collected will go to the SF Small Sites Fund

Fines for Violations of Sec. 317 & 319 **Anticipated Impacts & Concerns**

Planning

- Active Code violations affect appraisal "value" of a property
- BBN to be placed on property with no indication of "who" should be notified
- Non-contributor buildings are considered "historic" for purpose of fines
- "potentially historic district" is not a tangible measure
 - "Restoring" to original may be difficult as original FAR/sq.ft. of unit may be unknown.
- Penalties diverted from Code Enf. Fund prevents Dept. from recouping enforcement operating costs

Public

- Appraisals are subjective and easy to challenge
- **Dilapidated housing stock**
- **Subjective fine amounts via appraisal discrepancies lead to appeals**
- **Lack of funding to enforce violations**
- No permits for 5 years means no updates to building
- Non-historic buildings located in historic/ "potential historic" districts are considered "historic"

All Violations of the Planning Code (Sec. 176) **Fines & Penalties**

The Way It Is:

- Maximum daily fine of *up to* \$250 (ZA has discretion)
- Civil penalties are no less than \$200/day
- Sec. 176.1 allows “minor” Code violations to be subject to lower fines
- Board of Appeals may reduce fines to no less than \$100/day

The Way It Would Be:

- Daily fine of \$1,000 (no discretion)
- Civil penalties are no less than \$1,000/day
- Sec. 176.1 will be deleted
- Board of Appeals may reduce fines to no less than \$500/day

Implementation Impacts

- Increasing the penalty amounts under section 176 to exactly \$1,000 can create unbalanced penalties for less serious violations.

New Inspection Requirements

The way it is:

- ▶ Individuals found to have purposefully misrepresented information on permit applications or plans can be referred to the City Attorney's Office for legal actions or professional licensing agencies for disciplinary action.

The way it would be:

- ▶ Requires a building inspector to conduct a pre-inspection before a permit is issued for any work on a residential building if anyone associated with the building or project has a prior violation for doing work without a permit or work exceeding the scope of a permit.
 - ▶ This includes “any person, property owner, contractor or permit expediter, or a firm, corporation or other legal entity.”

Overall Procedural Impacts

- ▶ Many more projects are going to be considered demolitions.
- ▶ Customers will have to include structural drawings and plans with their site plan application for DBI review.
 - ▶ DBI staff would likely have to review multiple iterations of structural drawings for the same project.
- ▶ Many projects that are currently over the counter (otc) will likely no longer qualify.
 - ▶ Many otc-eligible projects would now be considered residential demolitions.
 - ▶ Determining demolition calculations based on the past 5 years of permit history would likely require more review than can be accomplished in a few hours.

Next Steps **Timeline**

July 2019

Informational Hearing at the Historic Preservation Commission

Late Summer 2019

Adoption Hearing at the Planning Commission

Beginning of BoS Fall Legislative Session

Ordinance is heard at the Land Use Committee, then the Full Board of Supervisors



BREAK FOR COMMISSIONER COMMENTS & QUESTIONS

Fines & Penalties

THANK YOU



San Francisco
Planning

Audrey Merlone
Senior Planner
San Francisco Planning

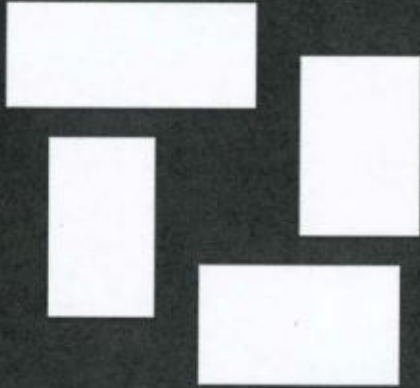
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Received at CPC Hearing 6/20/19
L. Hoagland



655 4TH ST

4TH & TOWNSEND
SOMA, SAN FRANCISCO

PLANNING COMMISSION

06-20-2019



VIEW TOWARDS BAY



Handwritten notes in blue ink, possibly a signature or initials, located in the bottom right corner of the page.

CONTEXT PLAN



THE RIGHT KIND OF HOUSING, IN THE RIGHT PLACE: CREATING HIGH DENSITY HOUSING IN ONE OF THE CITY'S MOST TRANSIT-SERVED, WALKABLE AND BIKABLE LOCATIONS.

- **PROJECT SITE**

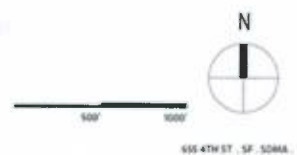
- **TRANSIT**
 - CAL TRAIN STATION
 - NEW CENTRAL SUBWAY

- ◆ **NEIGHBORHOOD**
 - MISSION BAY PUBLIC LIBRARY
 - GROCERY STORE
 - GENE FRIEND RECREATION CENTER

- ◆ **SCHOOLS**
 - PRE-SCHOOLS
 - NEW MISSION BAY ELEMENTRY SCHOOL
 - BESSIE CARMICHAEL

- ▲ **PARKS & RECREATION**
 - SOUTH PARK
 - 598 BRANNAN ST PARK
 - SOUTH BEACH PARK
 - MISSION BEACH PARK
 - VICTORIA MANALO DRAVES PARK

- 5 MIN WALK**



CONTEXT PLAN



■ PROJECT SITE

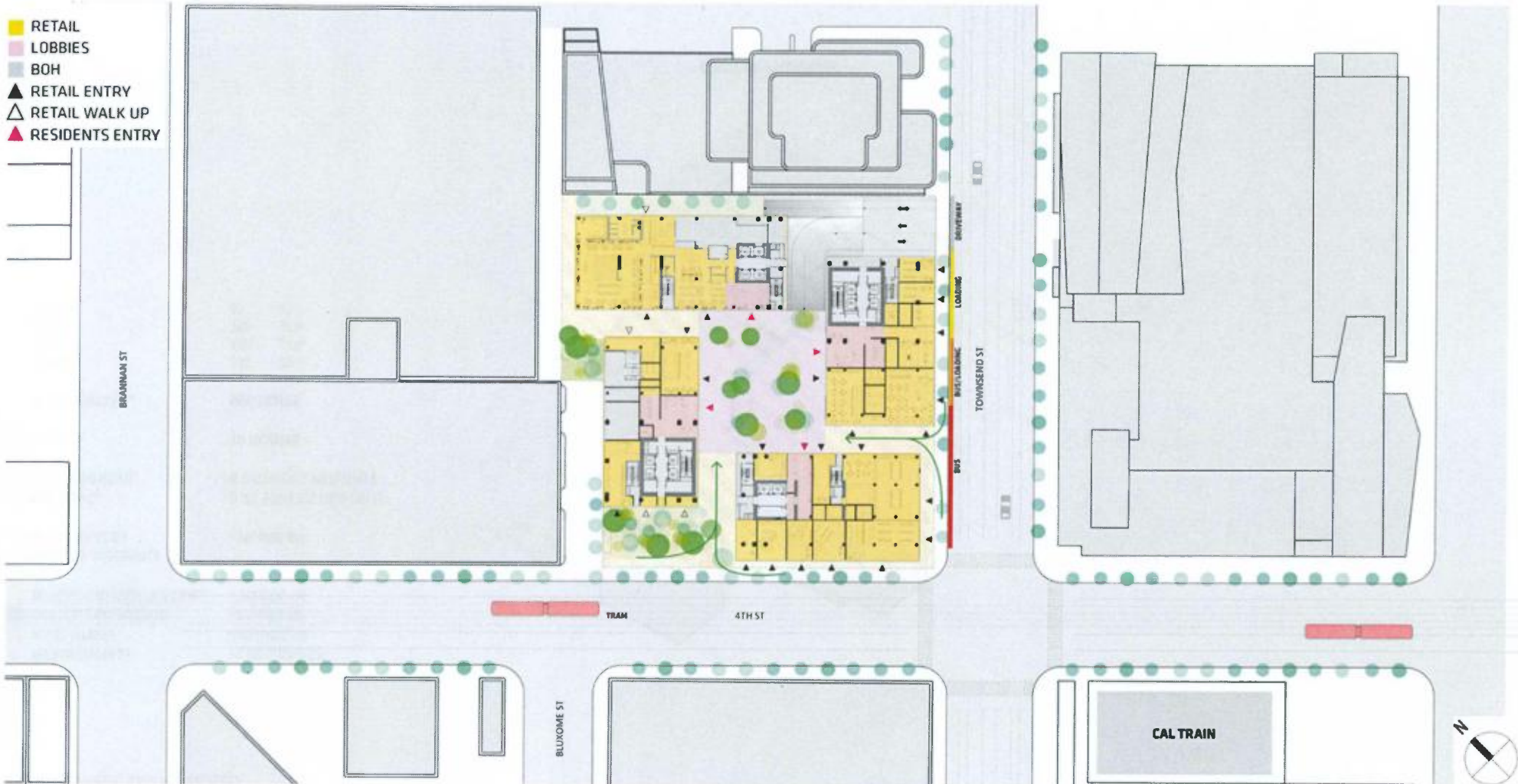
● CITY OWNED / DEVELOPER DEDICATED SITES
Affordable housing: In-lieu fee will support as many as 300 units in the Central SOMA Plan

5 MIN WALK



SITE PLAN

- RETAIL
- LOBBIES
- BOH
- RETAIL ENTRY
- RETAIL WALK UP
- RESIDENTS ENTRY



PROJECT INFO

655 4TH STREET, SAN FRANCISCO

- RESIDENTIAL: ~1,000,000 SF
- AMENITIES: ~50,000 SF
- OFFICE / CO-WORK: ~20,000 SF
- NEIGHBORHOOD RETAIL: ~20,000 SF

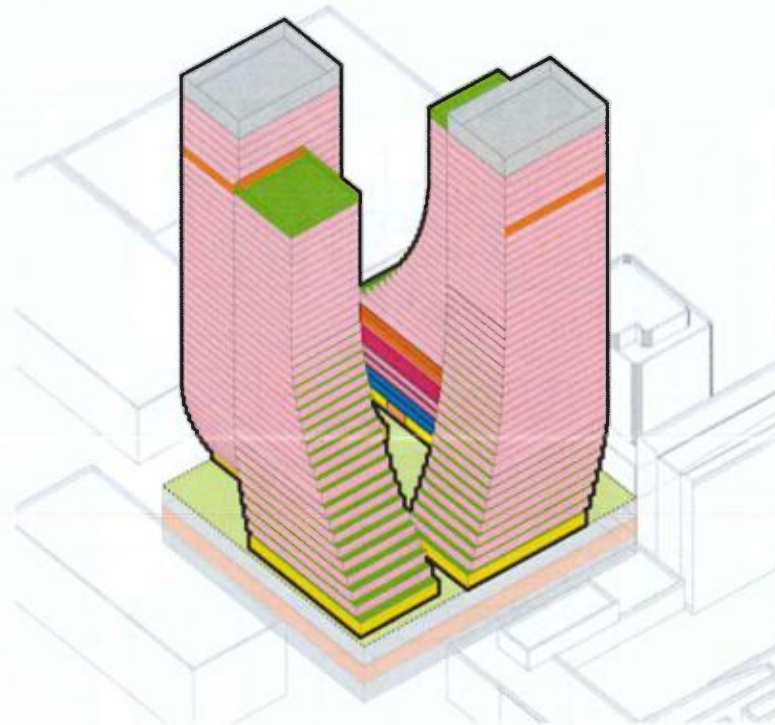
- PUBLICLY ACCESSIBLE**
- OPEN SPACE : ~25,000 SF

- PARKING: 0.25 SPACES PER UNIT
- BIKE PARKING: 0.6 SPACES PER UNIT

- HOTEL: 38 ROOMS

RESIDENTIAL : 960 UNITS

STUDIO	242	25%
1BED	330	34%
2BED	351	37%
3BED	37	4%



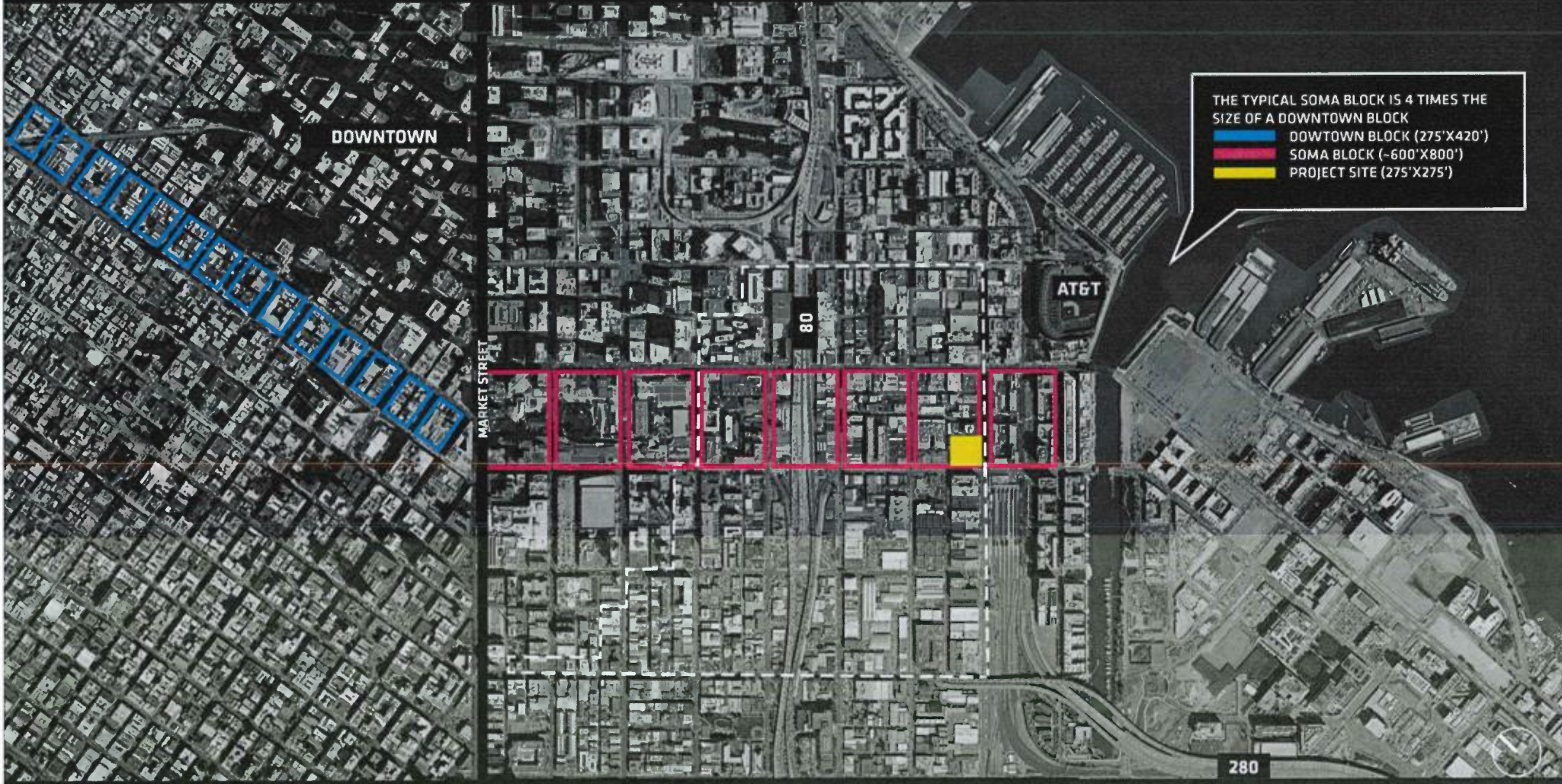
A MIX OF PROGRAM

4TH STREET



4TH & TOWNSEND, SF, SOMA

URBAN CONTEXT

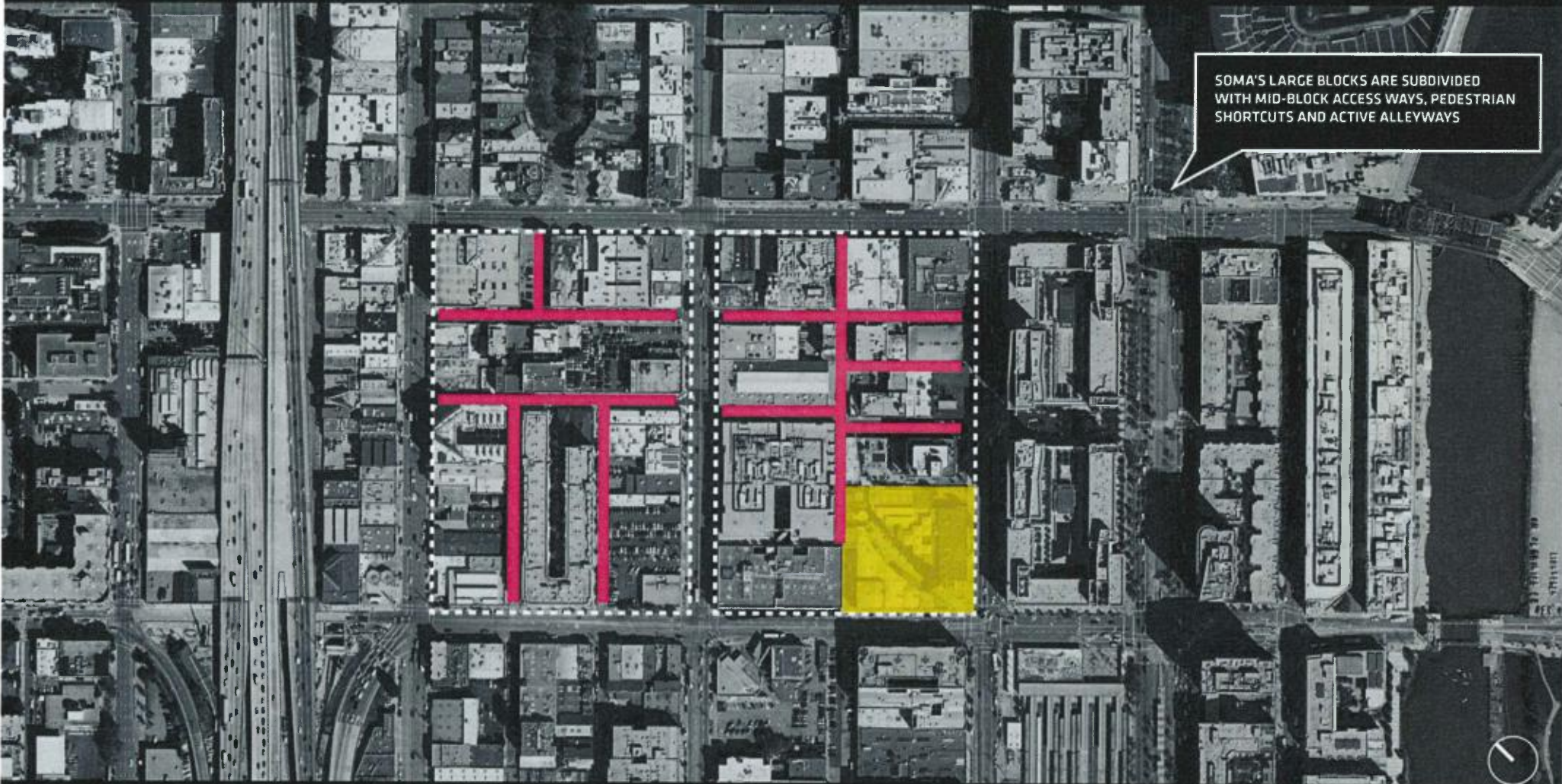


THE TYPICAL SOMA BLOCK IS 4 TIMES THE SIZE OF A DOWNTOWN BLOCK

- DOWNTOWN BLOCK (275'X420')
- SOMA BLOCK (~600'X800')
- PROJECT SITE (275'X275')

SF DOWNTOWN VS. SOMA BLOCKS

URBAN CONTEXT



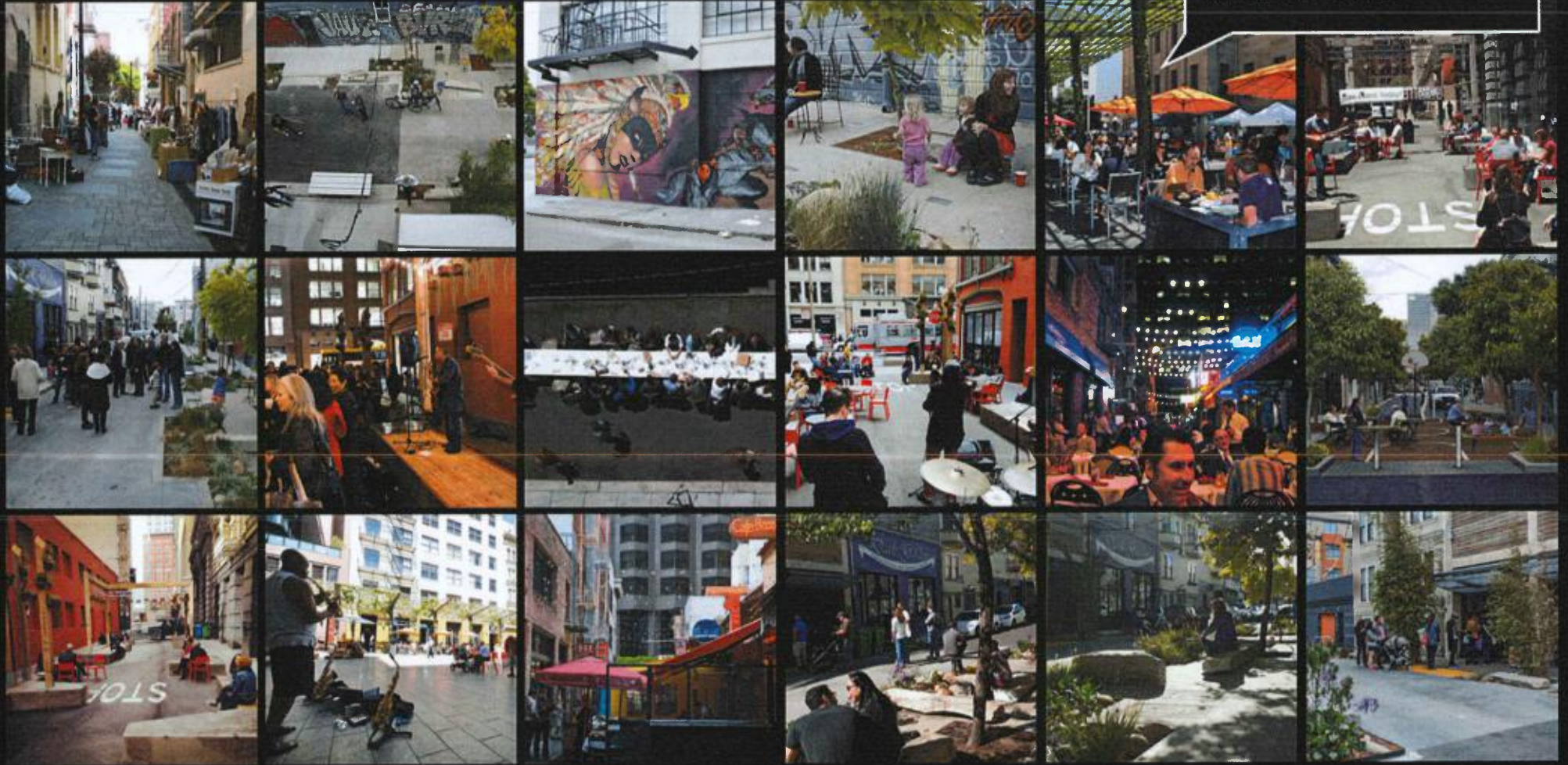
SOMA'S LARGE BLOCKS ARE SUBDIVIDED WITH MID-BLOCK ACCESS WAYS, PEDESTRIAN SHORTCUTS AND ACTIVE ALLEYS

MID BLOCK CONNECTIONS



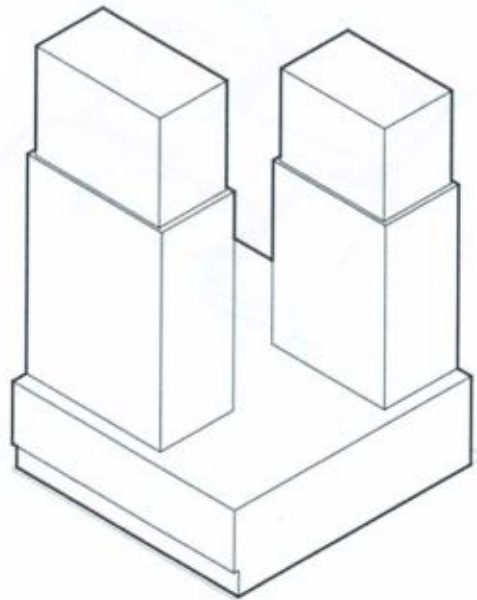
URBAN CONTEXT

NEIGHBORHOOD ACTIVATION,
INTIMATE SPILL OUT SPACES



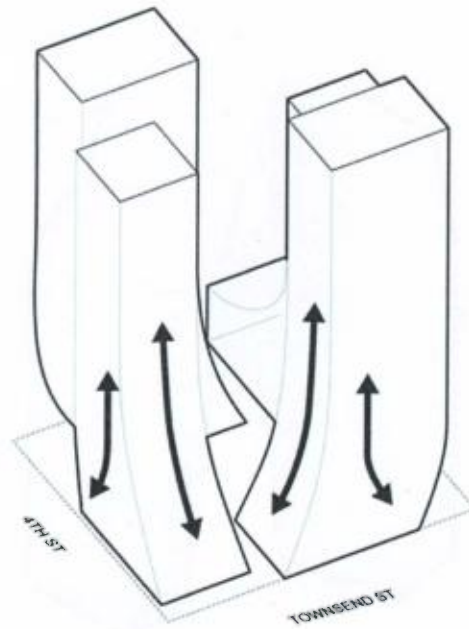
ACTIVE ALLEYS

CONCEPT



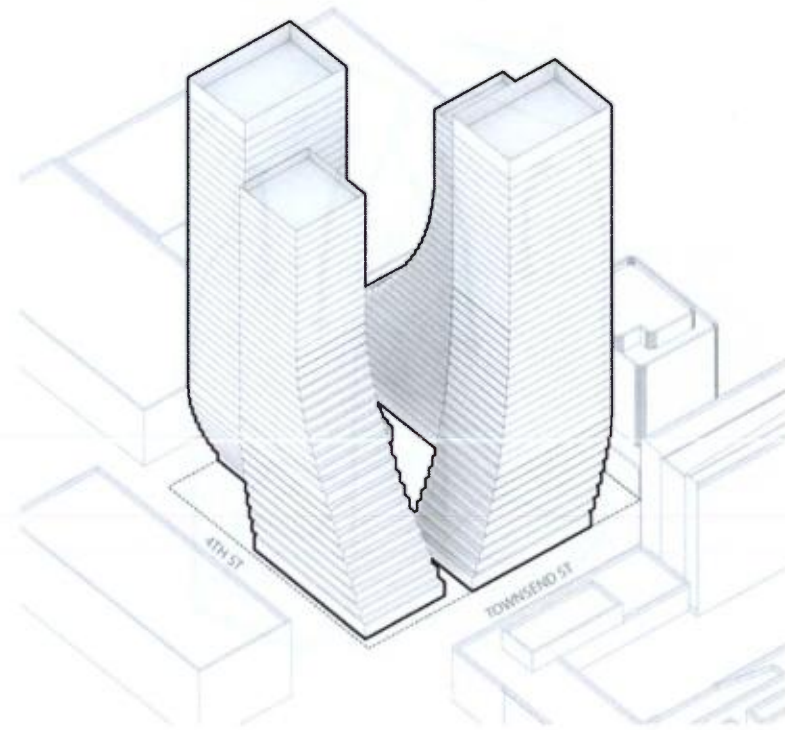
TYPICAL PODIUM TOWER BUILDING

CONCEPT



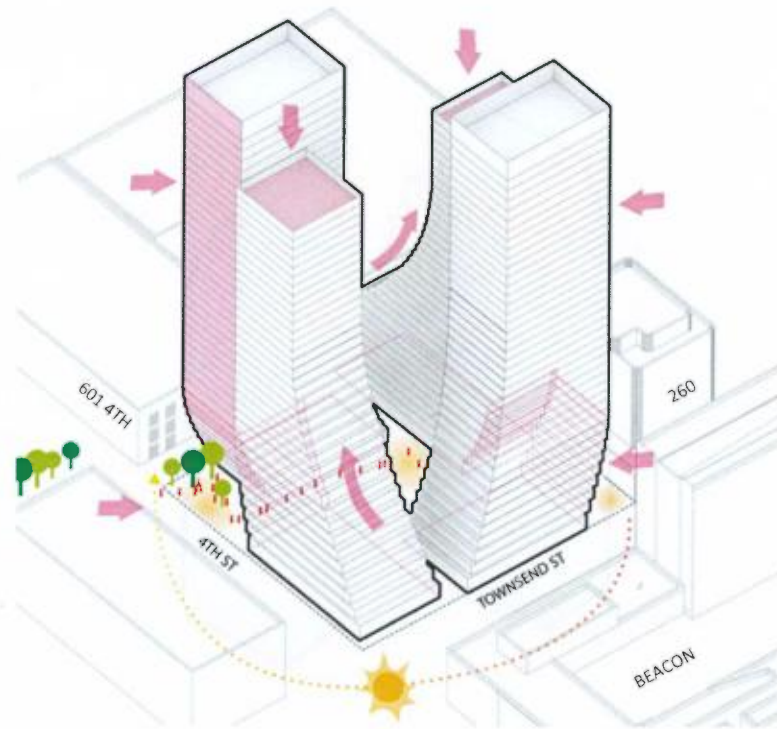
ARCHITECTURAL BLEND

CONCEPT



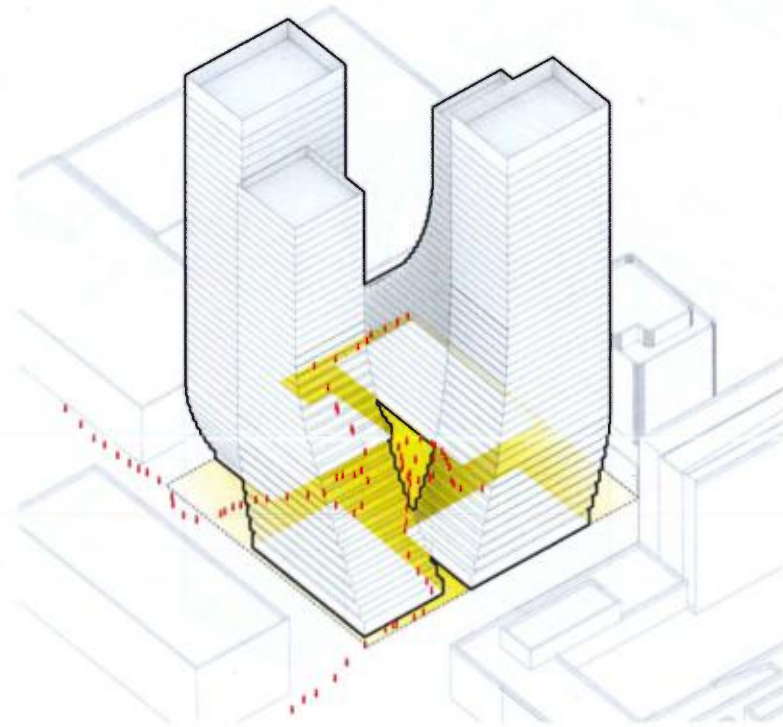
SIMPLE & DYNAMIC

CONCEPT



NEIGHBOR SETBACKS, LIGHT & AIR

CONCEPT



THE SITE AS A PUBLIC PLAZA

FACADE & SKYLINE

TIE INTO SF'S TIMELESS SKYLINE
AVOIDING THE GLASS TOWER TREND OF
RECENT YEARS IN DOWNTOWN

AS SOMA'S SKYLINE CHANGES WE'VE SET OUT TO
CAPTURE THE MOMENT BY RETAINING ITS MORE
SOLID MASONRY & LIGHT INDUSTRIAL TYPOLOGY



FACADE & SKYLINE



THE TOWERS BLEND THE WAREHOUSE
TYPOLOGY WITH THE FUTURE HEIGHTS OF
SOMA

MERGE OF CLASSIC SF TOWER & SOMA WAREHOUSE

VIEW TOWARDS BAY



4TH STREET LOOKING NORTH PAST CAL TRAIN

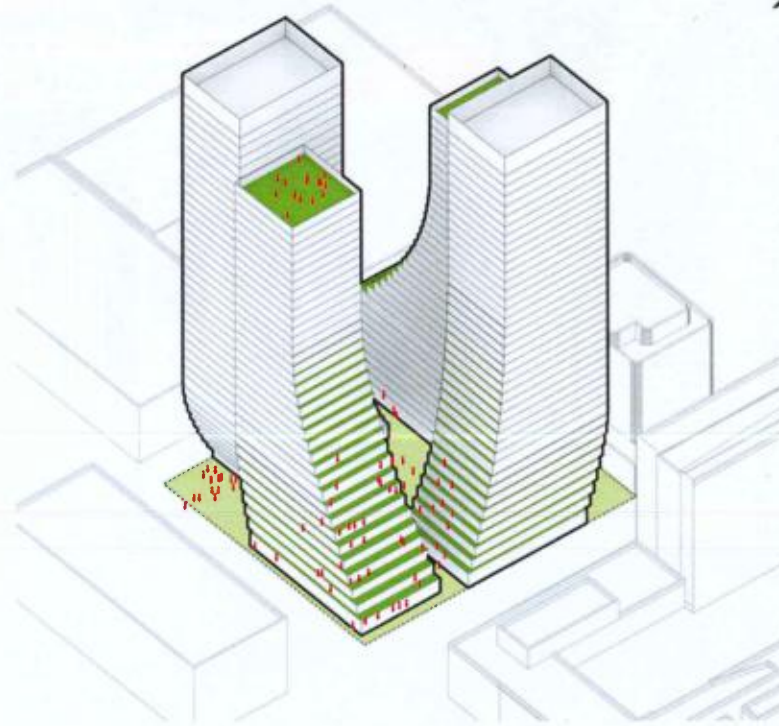


LOOKING NORTH OVER CAL TRAIN TRACKS



CONCEPT

THE PROJECT OFFERS A VARIETY OF OPEN SPACES BOTH PRIVATE AND PUBLICLY ACCESSIBLE

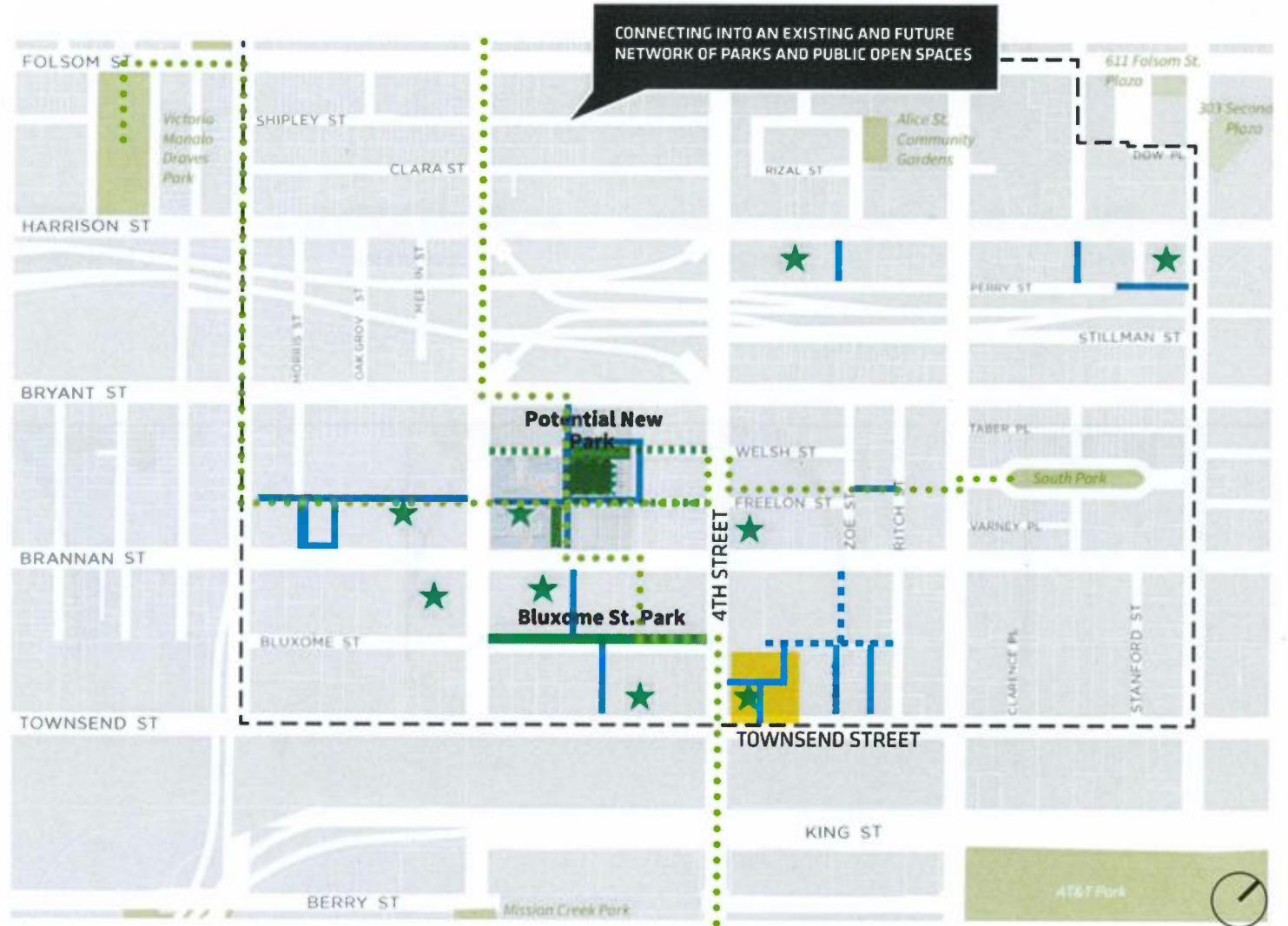


**OPEN SPACE
THE PUBLIC REALM, ACCESS & ACTIVITY**

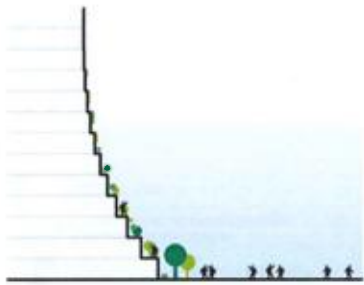


- EXISTING PARKS, RECREATION CENTERS, PLAZAS, POPOS
- FUTURE POTENTIAL PARKS
- HIGH PRIORITY POTENTIAL SHARED PUBLIC WAYS
- POTENTIAL POPOS

- ALLEYS AND MIDBLOCK CROSSINGS
- NEIGHBORHOOD WALK
*FROM PLANNING STAFF PRESENTATION
- PROJECT SITE



OPEN SPACE
THE PUBLIC REALM, ACCESS & ACTIVITY



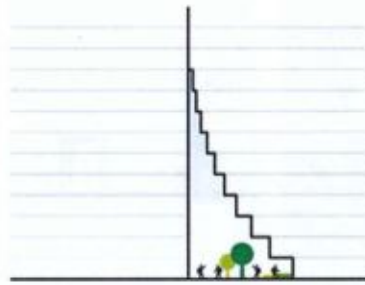
HUMAN SCALE STEPPING

ON 4TH AND TOWNSEND THE PODIUM LEVELS STEP DOWN TO CREATE A MORE HUMAN SCALE STREET SCAPE



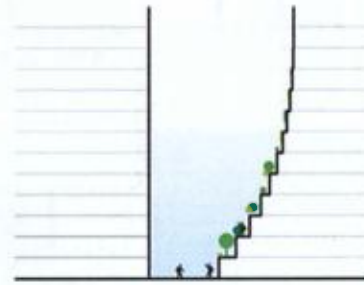
THE AWNINGS & PLAZA

A GRAND PLAZA ON 4TH STREET PROVIDING A STAGE FOR THE NEIGHBORHOOD



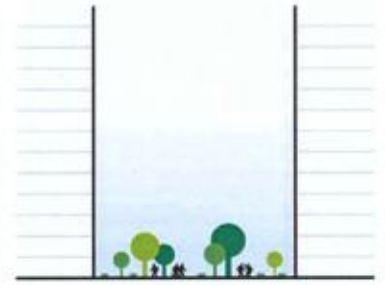
THE GATEWAYS

A DRAMATIC AND INTRIGUING ENTRANCE TOWARDS THE COURTYARD AND RESIDENT'S LOBBIES



THE ALLEYS

THE ACTIVE PASSAGES TO THE OASIS COURTYARD



THE OASIS

A PUBLIC RETREAT TUCKED AWAY FROM THE BUSY CITY STREETS





4TH STREET PLAZA & GATEWAY



4TH STREET GATEWAY TO OASIS





NEIGHBORHOOD RETAIL OPENING TO STREET

TOWNSEND ST ALLEYWAY TO OASIS



URBAN OASIS - COURTYARD



OPEN SPACE PROGRAMMING
THE PUBLIC REALM, ACCESS & ACTIVITY

A COMMITMENT TO PROGRAMMING THE
OPEN SPACES KEEPS IT INVITING FOR THE
NEIGHBORHOOD & ACTIVE FOR THE RESIDENTS



NEIGHBORHOOD LUNCH



SUMMER MUSIC



LOCAL POP UPS



HAPPY HOUR & TRIVIA



LOCAL CRAFTS MARKET



PUBLIC ART



STREET ART

PUBLIC ART POTENTIAL



MURALS



FRESCOS



SCULPTURES

PUBLIC REALM, ACCESS & ACTIVITY

- RETAIL
- LOBBIES
- BOH



4TH ST
GROUND FLOOR PLAN

**OPEN SPACE
THE PUBLIC REALM, ACCESS & ACTIVITY**



DIFFERENT SCALES OF SPACES & INTIMACY EACH WITH THEIR OWN CHARACTER & PROGRAM FOR THE COMMUNITY



TO BE CURATED FOR THE NEIGHBORHOOD'S
VARIOUS USERS



PATHS THROUGH



ACTIVE PLAZAS



RETAIL F&B SPILL OUT



TRANQUIL REST AREAS



RESIDENTS PATH

PUBLIC REALM, ACCESS & ACTIVITY








TISHMAN SPEYER

BIG

 **adamson**
ASSOCIATES | ARCHITECTS

Received at CPC Hearing

6/20/19

K. Wilborn

Edward Hernandez
3544 Scott Street
San Francisco, CA 94123

June 12, 2019

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

Re: 3600 Scott Street, Discretionary Review No. 2018-016871DRP

To Whom It May Concern,

I am the owner and resident of 3544 Scott Street, which is immediately adjacent to 3600 Scott Street. I am in support of the applicant's request for the extension of an existing deck. I was present during the initial neighborhood meeting in which the applicant and property owner reviewed their proposed plans and listened to neighbor feed-back. Based on that feed-back, a significant number of changes to the initial design were made at that meeting. Both the applicant and the property owner were incredibly accommodating in making those changes. Given the number of good faith changes already made to the original plans, it would be unfair to deny a deck extension which they would have originally been permitted to construct.

Sincerely,



Edward Hernandez

Received at CPC Hearing 6/20/19
K. Wilborn

Edward Hernandez
3544 Scott Street
San Francisco, CA 94123

June 12, 2019

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

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Sincerely,



Edward Hernandez

K. Wilborn

Notes for Dr for 3600 Scott St, San Francisco CA 94123

The question before us is how does one enforce a pre-application agreement, and who enforces it?.

The Planning Commission's pre-application process is highly encouraged by the Commission.

In this case, a direct condition agreed to is under attack by the Applicant.

A paper trail directly outlines the agreement, confirming the 2nd floor landing as solely Ingress/Egress.

Why was this landing of such importance to the DR requestor then & now?

1. In the total remodel of 3600 Scott, the proposed addition moved all bedrooms to the added 3rd floor.
2. Now the old bedrooms space was to be occupied as an Entertainment Center with a big deck off it.
3. Project called for and has a new 250 sq.ft 4th floor roof deck as well, on top of these new bedrooms.
4. A garden stairs along our property line leading to their rear yard garden. Also a 4 story elevator.

Why we objected to this rear 2nd floor arrangement.

1. With this proposal, our bedroom's quiet enjoyment would suffer significantly.
2. Decks abutting Entertainment centers will become part & parcel of one another.
3. Cooking odors, light & noise pollution, will intrude the adjacent traditional sleeping area.

What was agreed?

1. The 2nd floor deck was eliminated. This area would be a landing solely for rear garden access.
2. In return for this and a few minor concessions (3 to 5ft setback), we agreed to support the project.
3. In writing, they asked as a condition of this change that we support their project. We agreed.

Conclusion

Now they wish to rescind our agreement. We endured 18 months of heavy construction, with dust, noise, etc. We lost 50% of our kitchen light and any prevailing breeze with the 3 & 4th floor additions. We allowed them to take down our tree as it would affect his landing. We agreed to allow our utility line to be readdressed from across his garden area to along our property. Their long used in-law rent controlled apartment had the separate entryway eliminated in the remodel, and has not been rented out since; no wonder San Francisco has a dire housing crises!

We ask you to take Dr and reject the application.

Received at CPC Hearing 6/20/19
K. Wilborn

Subject: Re: 3600 Scott, permit201601288204
From: Joram Altman <joram@jsaarchitect.com>
Date: 2/8/2016 10:29 AM
To: Patrick Mulligan <pmirealestate1@gmail.com>
CC: Mauri Miller <mauri@envisionwind.com>

Hi Patrick,

Mauri asked that I send you the attached revised design for his project, in response to your concerns about the rear deck and privacy. We decided to eliminate the rear deck, and only keep a minimum 4' deep landing area so Mauri can exit out of the rear family room glass door and descent down to the rear yard. The narrow deck will preclude any functional activity on the deck and will only serve as an access path to the rear yard. Mauri also wanted to extend his study room on the 2nd level by the same 4' depth, so he can get an exit door from this room to the yard as well.

Hopefully this change (in addition to the other changes made since we first met) will alleviate your concerns and you will be willing to now support the project.

Thanks.

Joram

Joram S Altman, Architect
819 Alvarado Street
San Francisco, CA 94114
V.415.282.2626 F.415.795.4143
www.jsaarchitect.com
joram@jsaarchitect.com

On Feb 2, 2016, at 10:41 AM, Patrick Mulligan <pmirealestate1@gmail.com> wrote:

.Mauri:

I doubt a personal meeting would be productive?. In fact it may even be counter productive, but if you insist, I will meet. I see you have applied for a permit listing \$50k as the cost, low balling the city permit fee. Likely it will be closer to \$500k. Your family room replacing the existing normal bedroom pattern of these residences will then abut my bedroom wall. where today I can even hear



Received at CPC Hearing 6/20/19
M. Woods

20 June 2019

San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

RE: Case No. 2004.0482 Conditional Use Permit for the Alexandria Theater, 5400 Geary Boulevard

Honorable Commissioners,

Representing the San Francisco Neighborhood Theater Foundation (SFNTF), the City's leading non-profit advocacy group for our city's historic theaters, we are writing to express our profound disappointment with regard to the proposed project at the Alexandria Theatre for two primary reasons:

1) Access and Community Benefit

In accordance with the Final Mitigated Negative Declaration, dated 27 May 2011, and as part of a larger multi-use PUD project, the project sponsor committed to adaptively reuse the theater incorporating new commercial spaces including a cinema and restaurant. These uses would have provided broad community benefit and significant public access to appreciate the Alexandria's interior character-defining historic features. With the elimination of the cinema component in the revised and pending CUA, public access is curtailed. Interior character-defining features may be preserved, but the public would not be able to easily experience or appreciate them.

2) Improved Design

The design of the proposed swim center/ pool use could be achieved in a way that more meaningfully reveals character-defining features that remain intact despite many years of neglect and a 1970s subdivision of the upper portions of the auditorium. A cleaner treatment of the interior could better highlight character-defining historic elements, including the volume of the auditorium space, the interior ceiling dome, sunburst chandelier, and murals. Even if the cinema use is not retained, these features should be protected and highlighted as part of the modified project.

At this time, we request that the Commission hold off on approving the pending CUA until an improved design is submitted. We believe a revised design should better highlight the Alexandria's character-defining interior features, provide greater public access and deliver broader public benefits. To be clear, we do not oppose a swim center use, but believe the modified plan shortchanges the community by not upholding commitments made as part of the original project approvals.

After enduring more than 15 years of construction, blight, and neglect at the Alexandria, the community deserves a better project. We're lucky that the Alexandria remains intact and we should be sure to maximize the amazing potential presented by this beautiful 1923 neighborhood landmark.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katherine Petrin and Alfonso Felder".

Katherine Petrin and Alfonso Felder
Vice President and President, San Francisco Neighborhood Theater Foundation

received at CPC Hearing 6/20/19

San Francisco Building and

1188 FRANKLIN STREET • SUITE 203
SAN FRANCISCO, CA 94109
EMAIL: tim@sfbuildingtradesCouncil.org



Construction Trades Council

TEL. (415) 345-9333

www.sfbuildingtradesCouncil.org

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VINCE COURTNEY, JR.
Vice Presidents

June 19, 2019

Planning Commission
Commission Chambers, Room 400 City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Commissioners,

On behalf of the San Francisco Building and Construction Trades Council and the 26 trades who are members, I am writing this letter in support of the project located at 655 4th St. otherwise known as the Creamery. Among the other merits of this project, the mix of uses in this project is particularly impressive as 960 new homes will be built here.

Tishman Speyer has proven to be an excellent partner on their other San Francisco projects, and we look forward to building this large project.

Best regards,

Tim Paulson
Secretary-Treasurer
San Francisco Building Trades Council
1188 Franklin St. Suite 203
San Francisco, CA 94109
tim@sfbuildingtradesCouncil.org
415-716-6383 (m)



SAN FRANCISCO
PLANNING DEPARTMENT

Received at CPC Hearing

L. Hoagland

6/20/19

MEMO

DATE: June 20, 2019
TO: President Melgar and Members of the Planning Commission
FROM: Lisa Gibson, Environmental Review Officer
RE: Response to 6/19/19 Peter Drekmeier Letter re: 655 4th St Project

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

I am writing to you to provide a response to the June 19, 2019 letter to President Melgar and the Commission from the Policy Director of the Tuolumne River Trust Peter Drekmeier. In his letter, Mr. Drekmeier asserts that the Commission must correct the following statement in the community plan evaluation (CPE) for the 655 Fourth Street project:

The Central SoMa PEIR determined that development under the area plan would not require expansion of the city's water supply system and would not adversely affect the city's water supply. This determination was based on the best available water supply and demand projections available at the time, which were contained in the San Francisco Public Utilities Commission (SFPUC) 2010 Urban Water Management Plan and a 2013 Water Availability Study prepared by the SFPUC to update demand projections for San Francisco.

There are two basic problems with Mr. Drekmeier's position on this matter:

1. **The statement quoted from the CPE is an accurate summary of the Central SoMa PEIR's conclusion regarding water supply, and does not therefore need to be corrected.**

CEQA provides that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Accordingly, the CPE evaluates whether the 655 Fourth Street project would have significant cumulative impacts related to water supply that were not discussed in the Central SoMa PEIR. The above statement from the CPE accurately summarizes the impact analysis and conclusions

regarding water supply from the Central SoMa PEIR to establish the basis for comparison with the proposed project. There is nothing to correct.

2. **The CPE properly evaluates whether the 655 Fourth Street project would have new or more severe environmental impacts than were identified in the Central SoMa PEIR in light of the State Water Board's recent amendment to the Bay-Delta Plan.**

The CPE does not overlook the fact that the State Water Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) in December 2018, after certification of the Central SoMa PEIR. Nor does the CPE fail to consider whether the proposed project could have new or more severe impacts than were identified in the Central SoMa PEIR as a result of the Bay-Delta Plan amendment. On the contrary, the CPE discusses the Bay-Delta Plan amendment in detail and thoroughly evaluates whether the project could have a considerable contribution to the significant cumulative impacts that could occur as a result of high levels of rationing that would be required during drought years if the Bay-Delta Plan amendment is implemented (Section E.12 Utilities and Service Systems pps. 114-128). The CPE concludes that the proposed project would not result in new or more severe impacts related to water supply than were identified in the Central SoMa PEIR because, among other reasons, the proposed project would represent only 0.11 percent of the total demand for water in San Francisco in 2040, and thus high levels of rationing will be required in drought years if the Bay-Delta Plan amendment is implemented regardless of whether the proposed project is constructed.

We hope that this response clarifies why the water supply analysis in the CPE satisfies the requirements of the California Environmental Quality Act. Should you have questions regarding this matter, please contact Chris Kern at (415) 575-9037 or chris.kern@sfgov.org.



SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 6/20/19
L. Hoagland

REVISED 6-20-19

Planning Commission Draft Motion

HEARING DATE: JUNE 20, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record No.: 2014-000203ENX
Project Address: 655 4th STREET; 280-290 AND 292-296 TOWNSEND STREET
Zoning: CMUO (Central SoMa Mixed Use Office) Zoning District
 Central SoMa Special Use District
 400-CS Height and Bulk District
Block/Lot: 3787/026, 028, 050, 161-164
Project Sponsor: 655 4th Owner, LLC
 One Bush Street, Suite ~~500~~450
 San Francisco, CA 94104
Property Owner: 655 4th Owner, LLC
 San Francisco, CA 94104
Staff Contact: Linda Ajello Hoagland, AICP – (415) 575-6823
linda.ajellohoagland@sfgov.org

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 249.78, 329 AND 848, TO ALLOW EXCEPTIONS TO 1) SETBACKS, STREET WALL ARTICULATION AND TOWER SEPARATION, PURSUANT TO PLANNING CODE SECTION 132.4; 2) USABLE OPEN SPACE FOR RESIDENTIAL UNITS, PURSUANT TO PLANNING CODE SECTIONS 135 & 329(e)(3)(B)(vi); 3) POPOS DESIGN, PURSUANT TO PLANNING CODE SECTION 138); 4) DWELLING UNIT EXPOSURE, PURSUANT TO PLANNING CODE SECTIONS 140 & 249.78(d)(11); 5) STREET FRONTAGE REQUIREMENTS, PURSUANT TO PLANNING CODE SECTION 145.1; 6) GROUND FLOOR COMMERCIAL FRONTAGE, PURSUANT TO PLANNING CODE SECTION 145.4); 7) PROTECTED PEDESTRIAN-, CYCLING-, AND TRANSIT-ORIENTED STREET FRONTAGES, PURSUANT TO PLANNING CODE SECTION 155(x); 8) WIND, PURSUANT TO PLANNING CODE SECTION 249.78(d)(7); 9) USES ON LARGE DEVELOPMENT SITES, PURSUANT TO PLANNING CODE SECTION 249.78(c)(6); 10) NARROW AND MID-BLOCK ALLEY CONTROLS, PURSUANT TO PLANNING CODE SECTION 261.1; AND 11) CENTRAL SOMA BULK CONTROLS, PURSUANT TO PLANNING CODE SECTION 270.1; TO ALLOW CONSTRUCTION OF TWO 36-TO-40-STORY BUILDINGS CUMULATIVELY CONTAINING APPROXIMATELY 1,014,968 GROSS SQUARE FEET OF RESIDENTIAL USE (960 DWELLING UNITS), 24,509 GROSS SQUARE FEET OF HOTEL USE (38 ROOMS), 21,8430 GROSS SQUARE FEET OF OFFICE USE, 18,454 GROSS SQUARE FEET OF GROUND-FLOOR RETAIL USE, 2,484 GROSS SQUARE FEET OF RETAIL/INDOOR PRIVATELY OWNED PUBLICLY ACCESSIBLE OPEN SPACE, AND 276 OFF-STREET PARKING SPACES **(INCLUDING 12 CAR-SHARE SPACES)**, LOCATED AT 655 4th STREET; 280-290 AND 292-296 TOWNSEND STREET, LOTS 026, 028, 050, AND 161-164 AND IN ASSESSOR'S BLOCK 3787, WITHIN THE CMUO (CENTRAL SOMA MIXED-USE OFFICE) ZONING DISTRICT AND A 400-CS HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 19, 2017, Melinda Sarjapur of Reuben, Junius & Rose, LLP, acting on behalf of 655 4th Owner (hereinafter "Project Sponsor") filed Application No. 2014-000203ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization pursuant to Planning Code Section 329 with exceptions from Planning Code ("Code") requirements for "Building Setbacks, Streetwall Articulation and Tower Separation"; "Usable Open Space for Residential Units"; "POPOS Design"; "Dwelling Unit Exposure"; "Street Frontage Controls"; "Ground Floor Commercial Street Frontage Controls"; "Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages"; "Wind"; "Uses on Large Development Sites"; "Narrow and Mid-Block Alley Controls"; and "Central SoMa Bulk Controls", to demolish three existing buildings and associated surface parking on the site (655 4th Street, 280-290 and 292-296 Townsend Street) and construct two new 36-40-story, 400 and 360-foot tall, mixed-use building with 960 dwelling units, a 38-room hotel, office, and ground-floor retail (hereinafter "Project") at 655 4th Street, Block 3787 Lots 026, 028, 050, 161-164 (hereinafter "Project Site").

The environmental effects of the Project were fully reviewed under the Final Environmental Impact Report for the Central SoMa Plan (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 10, 2018, by Motion No. 20182, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et. seq.*, (hereinafter "CEQA") the State CEQA Guidelines (Cal. Admin. Code Title 14, section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31"). The Commission has reviewed the EIR, which has been available for this Commission's review as well as public review.

The Central SoMa Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Central SoMa Plan, the Commission adopted CEQA findings in its Resolution No. 20183 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On June 11, 2019, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Central SoMa Area Plan and was encompassed within the analysis contained in the EIR. Since the EIR was finalized, there have been no substantive changes to the Central SoMa Area Plan and no substantive changes in circumstances that would require major revisions to the EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Central Soma Area Plan EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program ("MMRP") setting forth mitigation measures that were identified in the Central SoMa Plan EIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the Motion as EXHIBIT C.

On June 20, 2019, the Commission adopted Motion No. ____, approving a Conditional Use Authorization for the Project (Conditional Use Authorization Application No. 2014-000203CUA), including a Mitigation, Monitoring, and Reporting Program for the Project, attached as Exhibit __ to Motion No. ____, which are incorporated herein by this reference thereto as if fully set forth in this Motion.

On June 20, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2014-000203ENX.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2014-000203ENX is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 authorizes the Large Project Authorization as requested in Application No. 2014-000203ENX, 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. **Project Description.** The Project includes the demolition of three existing buildings and associated parking lots on the site and construction of two 360- to 400-foot tall (370 and 425 feet measured to the roof top mechanical screen, respectively), 36- to 40-story mixed-use buildings. The Project will contain a total of 1,014,968 gross square feet ("gsf") of residential use with approximately 960 dwelling units (242 studios; 330 1-bedrooms; 351 2-bedrooms; 37 3-bedrooms); 24,509 gsf of hotel use with approximately 38 rooms; 21,840 gsf of office use; 18,454 gsf of ground-floor retail; and 2,484 gsf of retail/interior privately-owned, publicly-accessible open space ("POPOS") fronting on 4th Street. The Project will provide approximately 24,495 square feet of outdoor POPOS through landscaped plazas and mid-block alleys leading from Townsend and 4th Streets through to the center of the site, as well as approximately 18,432 square feet of privately-accessible open space for building residents, including 132 private balconies and two commonly-accessible rooftop open spaces. The Project will be served by a below-grade garage accessed along Townsend Street, containing 275~~6~~ off-street parking spaces (including 12 car-share spaces) and eight off-street loading spaces. The Project will also include 540 Class 1 and 81 Class 2 bicycle spaces.
3. **Site Description and Present Use.** The Project site spans seven separate parcels (collectively encompassing approximately 1.64 acres) with addresses located at 655 4th Street and 280-290 Townsend and 292-296 Townsend Street (Assessor's Block 3787, Lots 026, 028, 050, and 161-164) in San Francisco's South of Market Neighborhood. The subject site is located at the northeast corner of 4th and Townsend Streets, and has approximately 275-ft along each of these frontages. Currently, the subject parcels contain three buildings, including one three-story condominium containing two residential units and one commercial unit, and two one- to- two-story retail buildings containing uses including H.D. Buttercup, Balthaup, and the Creamery. The Project site also contains an approximately 4,000 square foot surface parking lot, and a 2,300 square foot loading area.
4. **Surrounding Properties and Neighborhood.** The Project site is located in the South of Market Neighborhood, within the CMUO (Central SoMa Mixed Use-Office) and Central SoMa Special Use Zoning Districts. The SoMa neighborhood is a high-density downtown neighborhood with a mixture of low- to- mid-rise development containing commercial, office, industrial, and residential uses, as well as several undeveloped or underdeveloped sites, such as surface parking lots and single-story commercial buildings. The Project site is generally bounded by 4th Street to the west, Townsend Street to the south, four story residential and office buildings to the north at 601 4th Street and 475 Brannan Street, and a seven-story office building to the east at 260 Townsend Street. The 4th and King Street Caltrain station is located across the intersection of 4th and Townsend Streets. To the immediate south across Townsend Street is a 13-story mixed-use residential, retail, and office development at 250 King Street (the Beacon). Approximately 200 feet northwest of the Project site is 505 Brannan Street and proposes development of an eleven-story vertical addition to an existing six-story office building.
5. **Public Outreach and Comments.** To date, the Department has received four letters and e-mails in support of the Project: two from current businesses on the Project site (The Creamery and HD Buttercup), and one from United Playaz. Six e-mailstwo phone calls in opposition of the Project were received: four from tenants of the live/work building adjacent to the Project site on 4th Street, and two

~~from residents on King Street, from residents in an adjacent residential building,~~ siting impacts to light and air to the adjacent live/work units and environmental concerns. ~~their building adjacent to the Project site on 4th Street as a result of the Project.~~ The Sponsor has conducted multiple one-on-one meetings with individual stakeholders, community organizations and nearby homeowner's associations, and participated in three additional community outreach forums, as outlined in the Project Sponsor Brief (Exhibit E).

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in the CMUO Zoning District.** Planning Code Section 848 states that office; most retail; institutional (except for hospital and medical cannabis dispensary); residential; and certain production, distribution, and repair uses are principally permitted within the CMUO Zoning District.

The Project would construct new residential, retail, hotel and office uses principally permitted within the CMUO Zoning District and is seeking Conditional Use Authorization for construction of an approximately 24,509 gsf hotel use. Thus, the Project complies with Planning Code Section 848.

- B. **Floor Area Ratio and Purchase of Transferrable Development Rights (TDR).** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. However, in the Central SoMa SUD, no maximum floor area ratio applies to development on lots zoned CMUO. Rather, parcels located in Central SoMa Fee Tier C that contain new construction of 50,000 non-residential gross square feet or more and have a FAR of 3-to-1 or more are required to acquire TDR from a Transfer Lot in order to exceed an FAR of 3-to-1, up to an FAR of 4.25 to 1. Above an FAR of 4.25 to 1, the acquisition of additional TDR is not required.

The Project is located within Central SoMa Fee Tier C and consists of mixed-use development with greater than 50,000 gsf of nonresidential use. However, the majority of the Project will be residential area, which is exempt from FAR calculation. The Project is located on a 71,290 square foot site and will contain up to approximately 67,287 gsf of non-residential use, resulting in an FAR of less than 1-to-1. Accordingly, the Project does not require the purchase of TDR.

- C. **Setbacks, Streetwall Articulation, and Tower Separation.** Planning Code Section 132.4 outlines setback, streetwall articulation, and tower separation controls in the Central SoMa SUD. Section 132.4(d)(1) requires that buildings in the Central SoMa SUD be built to the street-or alley-facing property line up to 65 feet in height, subject to certain exceptions. Section 132.4(d)(2) requires that towers in the CS Bulk District provide a 15-foot setback along all property lines, starting at 85 feet in height, and that along 4th Street between Bryant and Townsend Streets, facades on new development be set back from the street-facing property line by a minimum depth of five (5) feet to a minimum height of 25 feet above sidewalk grade, and be designed as an extension of the sidewalk, free from columns or other obstructions except as allowed under Planning Code Section

136. Section 132.4(d)(3) requires that towers be set back at least 115 feet from any other building over a height of 85 feet.

The Project will entail construction of two buildings reaching up to 400 feet in height (425 feet to the top of rooftop appurtenances). The Project is seeking an exception from certain streetwall articulation, setback, and tower separation requirements of Section 132.4 as part of the Large Project Authorization (See Below).

- D. Lot Coverage.** Planning Code Section 249.78(d)(6) provides that for residential development within the Central SoMa Special Use District, the rear yard setback requirements of Planning Code Section 134 shall not apply, and instead lot coverage is limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100 percent lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.

The Project contains two mixed-use residential buildings which occupy approximately 48,248 square feet of the 27,290 square foot site, resulting in lot coverage of approximately 67.7%. This area is less than the 80% lot coverage restriction, and thus the Project complies with Planning Code Section 249.78(d)(6).

- E. Residential Usable Open Space.** Planning Code Section 135B requires projects within Eastern Neighborhoods Mixed Use Districts to provide 80 square feet of usable open space per dwelling unit, if privately accessible, or 54 square feet per unit if publicly-accessible. Planning Code Section 329(e)(3)(B)(vi) provides that development at the Property may seek exception from this standard in connection with a Large Project Authorization, to reduce the privately-accessible open space to 60 square feet per unit. Further, Planning Code Section 135 requires that tower projects in the Central SoMa SUD provide at least 36 square feet of usable open space per unit on-site, but provides that any additional space required by Section 135B above that amount may be satisfied through in lieu fee payment pursuant to Planning Code Section 427.

The Project is a 960-unit tower development located within the Central SoMa SUD. The Project will include a total of 18,432 square feet of privately-accessible open space and approximately 24,495 square feet of POPOS. The Project is seeking exceptions to reduce the private open space requirement from 80 to 60 square feet per unit, and for a total deficiency of approximately 11,940 square feet of open space (See Below). In total, the Project would provide a more than 42,927 square feet of usable open space on site, which exceeds the requirement under Planning Code Section 134 to provide at least 32 square feet per unit on site (approximately 30,720 square feet).

- F. Non-Residential Usable Open Space in the Eastern Neighborhoods.** Per Planning Code Section 135.3, within the Eastern Neighborhoods Mixed Use Districts, retail, eating and/or drinking establishments, wholesale, home and business services, arts activities, institutional and like uses must provide 1 square foot of open space per each 250 square feet of occupied floor area of new or

added square footage. Office uses must provide must provide 1 square foot of open space per each 50 square feet of occupied floor area of new, converted or added square footage. However, these requirements do not apply to projects within the Central SoMa SUD, which are instead subject to privately-owned public open space requirement pursuant to Section 138 (a)(2).

The Project is located within the Central SoMa SUD and subject to privately-owned public open space requirement (POPOS) per Planning Code Section 138(a)(2). Therefore, the Project is not subject to a non-residential usable open space requirement per Section 135.3.

G. Privately-Owned Publicly Accessible Open Space. Per Planning Code Section 138, projects proposing construction of 50,000 gross square feet or more of new non-residential use, excluding institutional, retail, and PDR uses in the Central SoMa SUD, are required to provide POPOS at a rate of 1 square foot for each 50 square feet of applicable use. POPOS may be provided on the Project Site or within 900 feet. On sites of at least 39,661 square feet located south of Bryant, the required POPOS must be provided outdoors, and such Projects may not pay an in-lieu fee for any POPOS not provided. Pursuant to Section 138(d)(2), outdoor POPOS must be provided at street grade up to an amount that equals 15% of the lot area—any additional required open space may be provided above street grade. Outdoor POPOS provided at grade and must be open to the sky and must be maximally landscaped with plantings on horizontal and vertical surfaces. Buildings that directly abut the open space must meet the active space requirements of Section 145.1. All POPOS space must include at least one publicly-accessible potable water source convenient for drinking and filling of water bottles; any food service area provided in the required open space cannot occupy more than 20% of the open space; and any restaurant seating may not take up more than 20% of the seating and tables provided in the required open space; and all spaces must facilitate three-stream waste sorting and collection.

The Project contains less than 50,000 gsf of non-residential (excepting retail area) and thus is not subject to a non-residential open space requirement under Planning Code Section 138. However, the Project will satisfy a portion of its residential open space requirements under Section 135 through provision of approximately 24,495 square feet of POPOS. The Project is seeking exception from design standards requiring a minimum height clearance for a portion of these POPOS located below cantilevered building elements as part of the Large Project Authorization (See Below).

H. Streetscape and Pedestrian Improvements. Planning Code Section 138.1 requires a streetscape plan in compliance with the Better Streets Plan for new construction on a lot that is greater than one-half acre in area.

The Project includes the new construction of a multi-building mixed use development on a site that is greater than one-half acre in area. The Project has submitted a streetscape plan in compliance with the Better Streets Plan and proposes numerous improvements including installation of new street trees, sidewalk widening along 4th Street to 15 feet, installation of corner bulb outs, and sidewalk improvements. Therefore, the Project complies with Planning Code Section 138.1.

- I. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The Project site is not located within close proximity to an Urban Bird Refuge. The Project meets the requirements of feature-related standards and would install bird-friendly glazing on any feature-related hazards; therefore, the Project complies with Planning Code Section 139.

- J. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet these requirements, a public street, public alley, side yard or rear yard must be at least 25 feet in width, or an open area (inner court) must be no less than 25 ft. in every horizontal dimension for the floor at which the dwelling unit is located. Within the Central SoMa SUD, Planning Code Section 249.78(d)(11) modifies this standard to (1) allow 10% of units constructed at or below 85 feet to face directly onto an open area that is at least 15 feet by 15 feet; and (2) provide relief from the requirement for increased horizontal dimension at each subsequent floor when these units face onto open spaces.

Approximately 777 units (81%) within the Project face public streets and open areas in compliance with exposure requirements of Planning Code Sections 140 and 249.78(d)(11). The Project is seeking an exception from exposure requirements for 183 units as part of the Large Project Authorization (See Below).

- K. **Parking and Loading Entrances.** Per Planning Code Section 145.1(c)(2), no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street may be devoted to parking and loading ingress or egress.

The Project is seeking exception to locate a single 35-foot wide entrance to below-grade parking and loading along Townsend Street as part of the Large Project Authorization (See Below)

- L. **Active Uses.** Per Planning Code Sections 145.1 and 249.78(c)(1), with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, active uses—i.e. uses which by their nature do not require non-transparent walls facing a public street—must be located within the first 25 feet of building depth on the ground floor and 15 feet on floors above facing a street at least 30 feet in width. Active uses are also required along any outdoor POPOS within the Central SoMa SUD. Lobbies are considered active, so long as they are not longer than 40 feet or 25% of the building's frontage, whichever is larger. Within the Central SoMa SUD, office use is not considered an active use at the ground floor.

The Project's ground floor design generally complies with active use requirements of Sections 145.1 and 249.78(c)(1). However, the Project is seeking exception from depth of active use in certain locations as part of the Large Project Authorization (See Below).

- M. **Street Facing Ground Level Spaces.** Per Planning Code Section 145.1(c)(5), the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces.

The active uses along the ground floor of each building are as close as possible to the level of the adjacent sidewalk, walkways and publicly-accessible plazas, and therefore meet the requirements for ground-level street-facing spaces of Planning Code Section 145.1.

- N. **Transparency and Fenestration.** Per Planning Code Section 145.1(c)(6), building frontages with active uses that are not PDR must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass does not count towards the required transparent area.

The Project provides active commercial uses that are fenestrated for 69% at its ground floor street frontage along Fourth and Townsend Streets, and therefore complies with Planning Code Section 145.1..

- O. **Commercial Street Frontage.** Planning Code Section 145.4 requires active commercial uses at the ground floor of all street frontages along both 4th and Townsend Streets. In this area, individual ground floor uses must not occupy more than 75 contiguous linear feet for the first 25 feet of depth along the street-facing façade.

The Project meets the requirement for active commercial uses on the ground floor. However, the Project is seeking an exception from requirement limiting such uses to 75 contiguous linear feet with regard to a proposed flexible retail/interior POPOS space anchoring the corner of 4th and Townsend Street as part of the Large Project Authorization (See Below).

- P. **Shadows on Publicly-Accessible Open Spaces.** Per Planning Code Section 147, new buildings in Eastern Neighborhood Mixed Use Districts exceeding 50 feet in height must be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site, to reduce substantial shadow impacts on public plazas and other publicly-accessible spaces other than those under the jurisdiction of the Recreation and Parks Department. The following factors shall be taken into account: (1) the amount of area shadowed; (2) the duration of the shadow; and (3) the importance of sunlight to the type of open space being shadowed.

Based on a detailed shadow analysis, the Project would cast shadow on publicly-accessible open spaces including Willie Mayes Plaza, Giants Promenade, South Beach Park, Townsend-Embarcadero Plaza, and China Basin Park. However, the Project has been shaped, consistent with the dictates of good design, to minimize shadow impacts by incorporating separate, slender tower designs and minimizing massing of each to maximize view corridors, light, and air access to newly-developed open spaces. Accordingly, the Project as designed complies with the requirements of Section 147.

- Q. **Off-Street Parking.** Off-street parking is not required for any use in the CMUO Zoning District. Planning Code Section 151.1 principally permits off-street parking at a ratio of one car for each four dwelling units and allows up to a maximum ratio of one car for each two dwelling units with exception granted in connection with Large Project Authorization. The maximum ratio for office use is up to one car per 3,500 square feet of Occupied Floor Area. The maximum ratio for most retail uses is one for each 1,500 square feet of Gross Floor Area. The maximum ratio for hotel use is one car for each 16 guest bedrooms, plus one car for the manager's dwelling unit, if any.

The Project would contain approximately 960 dwelling units, served by 240 off-street parking spaces and 12 car-share parking spaces - a ratio of 0.25 cars per unit. The Project would contain approximately 21,840 gsf of office use, served by 6 off-street parking spaces - a ratio of approximately one car per each 3,640 gsf. The Project would contain approximately 20,938 gsf of retail use (excepting the hotel component), served by 15 off-street parking spaces - a ratio of one car per each 1,396 gsf. The Project would contain an approximately 38-room hotel use, served by 2 off-street parking spaces. Therefore, the Project complies with the requirements of Planning Code Section 151.1

- R. **Required Off-Street Freight Loading.** Planning Code Section 152.1 requires 0.1 space per 10,000 square feet of occupied floor area of office use. For retail uses between 10,001 and 30,000 sf of occupiable floor area ("ofa"), 1 off-street loading spaces is required. For residential and hotel uses, over 500,000 sf of ofa, 3 off-street loading spaces are required, plus 1 space for each additional 400,000 sf of ofa.

The Project will contain approximately 1,039,477 gsf of combined residential and hotel use, thus resulting in a requirement of 4 off-street loading spaces. In addition, one off-street loading space is required for the Project's approximately 20,938 gsf of retail and retail/indoor POPOS use. No off-street loading spaces are required for the Project's approximately 21,840 gsf office use. The Project contains a total of eight off-street loading spaces, and thus complies with the requirements of Planning Code Section 152.1.

- S. **Bicycle Parking.** Per Planning Code Section 155.2, buildings containing more than 100 dwelling units must provide 100 Class One spaces, plus 1 space for each four dwelling units over 100, and 1 Class Two space per each 20 dwelling units. Office use requires 1 Class One space for every 5,000 sf of occupiable floor area ("ofa"), and a minimum of 2 Class Two spaces for any office use greater than 50,000 sf of ofa. Hotel uses require 1 Class One space for every 30 guest rooms, and a minimum of 2 Class Two spaces plus 1 Class Two space for every 5,000 sf of ofa of conference, meeting, or function rooms. Most retail uses require 1 Class One space for every 7,500 sf of ofa, and a minimum of 2 Class Two spaces, or 1 Class Two space for every 2,500 sf of ofa.

The Project will provide 530 Class One and 48 Class Two parking spaces serving its residential use; 5 Class One and 2 Class Two spaces serving its office use; 3 Class One and 29 Class Two serving its retail use; and 2 Class One and 2 Class Two spaces serving its hotel use, for a total of 540 Class One spaces and 81 Class Two spaces. This meets or exceeds the maximum bicycle parking requirement for all uses in the Project, and thus complies with Planning Code Section 155.2.

- T. **Curb Cut Restrictions.** Section 155(r) limits curb cuts for garage entries, private driveways, or other direct access to off-street parking or loading. New curb cuts are generally not permitted along Townsend Street Brannan Street from 2nd to 6th Streets. Planning Code Section 329 allows for an exception to this requirement specifically for the site as a Key Site.

The Project will create a new curb cut along its Townsend Street frontage to facilitate parking and loading access, and is therefore seeking exception from Section 155(r) as part of the Large Project Authorization (See Below).

- U. **Showers and Lockers.** Section 155.4 requires that showers and lockers be provided in new buildings. Non-retail sales and service, institutional, industrial, arts, entertainment, and trade shop uses require two showers and 12 clothes lockers where the occupied floor area exceeds 20,000 square feet, but is no greater than 50,000 square feet. Retail uses require one shower and six clothes lockers where the occupied floor area exceeds 25,000 square feet but is no greater than 50,000 square feet.

The Project will contain approximately 21,840 gsf of non-retail sales and service use, and approximately 45,447 gsf of retail use, and is therefore required to provide 3 showers and 18 clothes lockers. The Project will provide the required showers and locker facilities in the basement of the building; therefore, the Project complies with Section 155.4.

- V. **Car Share.** Planning Code Section 166 requires residential development containing 201 or more residential units to provide 2 car share spaces, plus 1 additional space for every 200 units over the first 200. In addition, non-residential development containing 50 or more off-street parking spaces to provide a ratio of one car-share space, plus one additional car-share space for every 50 parking spaces over 50.

The Project will contain 960 dwelling units and approximately 24 off-street parking spaces serving combined non-residential uses, requiring 6 car share spaces. The Project will provide 12 car share spaces, exceeding the requirements of Planning Code Section 166.

- W. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- X. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to the issuance of the

first Building Permit or Site Permit to construct the project and/or commence the approved uses. Within the Central SoMa SUD, Tier C projects that filed a Development Application or submitted an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 75% of such target.

The Project submitted a completed Environmental Evaluation Application prior to November 16, 2015, and must achieve 75% of the point target established in the TDM Program Standards, resulting in a target of 15 points for retail use, 13 points for office use, and 27 points for residential use. As currently proposed, the Project will achieve its required points through the following TDM measures:

- *Improve Walking Conditions (Option C – Residential)*
- *Bicycle Parking (Option A – Retail & Office; Option B – Residential)*
- *Bicycle Repair Station*
- *Car-share Parking and Membership (Option C – Retail; Option D -- Residential)*
- *Delivery Supportive Amenities*
- *Family TDM Amenities (Options A& B – Residential)*
- *Family TDM Package*
- *Multimodal Wayfinding Signage*
- *Real Time Transportation Information Displays*
- *Tailored Transportation Marketing Services (Option B – Retail & Residential)*
- *Unbundle Parking (Location E – Retail, Office, and Residential)*
- *Parking Cash Out: Non-Residential Tenants (Retail)*
- *Parking Supply (Option F – Office; Option H -- Residential)*

- Y. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40% of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30% of the total number of proposed dwelling units contain at least three bedrooms.

The Project will contain approximately 960 dwelling units in a mix of 242 studio (25%), 330 1-bedrooms (34%), 351 2-bedrooms (37%), and 37 3-bedrooms (4%). Greater than 40% of all dwelling units containing at least two bedrooms. Therefore, the Project meets the requirements for dwelling unit mix.

- Z. **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, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, if the project is a rental or ownership project, and the date that the project submitted a complete Project Application.

The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, whether the project is rental or ownership, and the date that the project submitted a complete Project Application. A complete Project Application was submitted on December 19, 2017; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 30%. This project is a rental project.

- AA. **Central SoMa SUD, Micro-Retail.** Per Planning Code Section 249.78(c)(4)(B), within the Central SoMa SUD, new development projects on sites of 20,000 square feet or more must provide micro-retail spaces at a rate of one micro-retail space for every 20,000 square feet of site area, rounded to the nearest unit. All Micro-Retail units must be on the ground floor, independently and directly accessed from a public right-of-way or POPOS, and designed to be accessed and operated independently from other spaces or uses on the subject property. Formula retail uses are not permitted in the micro-retail spaces.

The Project site is approximately 71,290 square feet, resulting in a requirement to provide 4 micro retail spaces. The Project will meet this requirement at its ground floor; therefore, the Project complies with Planning Code Section 249.78(c)(4)(B).

- BB. **Uses on Large Development Sites.** Per Section 249.78(c)(6), on sites larger than 39,661 square feet south of Harrison Street that involve new construction or an addition of at least 100,000 square feet, at least two-thirds of the gross floor area of all building area below 160 feet in height shall be non-residential.

The Project site is located south of Harrison Street and is larger than 39,661 square feet. The Project would contain approximately 529,313 gsf of building area below a height of 160 feet, approximately 67,287 gsf of which would be non-residential. The Project is therefore seeking exception from this standard as part of the Large Project Authorization (See Below).

- CC. **On-Site Child Care Facilities** – Planning Code Section 249.78(e)(4) requires that, prior to issuance of a building or site permit for a development project subject to the requirements of Section 414.4 (Child Care Requirements for Office and Hotel Development), a Project within the Central SoMa SUD must elect its choice of the options described in subsection (A), (B) and (E) of Section 414.4(c)(1) as a condition of Project approval to fulfill the Child Care requirements.

The Project is subject to the requirements of Planning Code Section 414.4 and is located within the Central SoMa SUD. The Project has elected the compliance option under Section 414.4(c)(1)(E) to "combine payment of an in-lieu fee to the Child Care Capital Fund with construction of a child care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other

sponsors pursuant to 414.9." The Project has elected this option in conjunction with the sponsors of the proposed residential development at 598 Brannan Street. A 5,546 gsf child care facility will be provided on the 598 Brannan Street project site, and the projects will satisfy the remainder of their joint obligation with the proposed development at 598 Brannan Street through Fee payment according to the formula provided in Section 414.9. This election will be reflected as a condition of approval to the Large Project Authorization. The child care facility will be located in Building 3, which will be constructed in Phase 2 of the 598 Brannan Street Project.

- DD. **Wind.** Planning Code Section 249.78(d)(7) provides thresholds for wind comfort and wind hazard levels associated with development within the Central SoMa SUD. Projects must generally refrain from resulting in wind speeds exceeding a specified "comfort" and "hazard" levels, provided that exceptions may be granted from these standards as part of a Large Project Authorization.

The Project's wind study indicates that it will result in test locations exceeding the standards set forth in Section 249.78(d)(7) for "comfort" and "one-hour hazard" criterion. The Project is seeking an exception from these standards, pursuant to Planning Code Section 329(d)(13)(D), as part of the Large Project Authorization for projects within the Central SoMa SUD (See Below).

- EE. **Mid-Block Alley Setbacks.** Planning Code Section 261.1 requires that building frontages abutting a mid-block passages provided per Section 270.2 that are twenty to thirty feet in width to provide upper stories that are set back not less than 10 feet above a height of 25 feet.

The Project includes mid-block passages provided per Section 270.2 along its 4th and Townsend Street frontages, and is seeking exception from upper story setback requirements of Section 261.1 as part of the Large Project Authorization (See Below).

- FF. **Central SoMa Bulk Limits.** Planning Code Section 270(h) applies massing standards for tower buildings, including the following: (1) for residential and hotel projects, the maximum gross floor area of any floor is 12,000 gsf; (2) maximum plan length of 150 feet; (3) maximum diagonal dimension of 190 feet; and (4) for buildings with a Height of 250 feet or more, the average gross floor area of the Upper Tower (upper 1/3 of building area above a height of 85 feet) shall not exceed 85 percent of the average gross floor area of the Lower Tower (lower 2/3 of building area above a height of 85 feet), and the average diagonal of the Upper Tower shall not exceed 92.5 percent of the average diagonal of the Lower Tower. Exception from these standards is permitted in connection with Large Project Authorization for Key Sites within the Central SoMa SUD, per Section 329(e)(3)(B).

The Project is seeking exception from tower bulk standards regarding maximum as part of the Large Project Authorization (See Below).

- GG. **Transportation Sustainability Fee (“TSF”).** Planning Code Section 411A outlines the requirements for TSF, which applies to the construction of a new non-residential use in excess of 800 gross square feet.

The Project would contain non-residential use in excess of 800 gross square feet. These uses would be subject to the TSF requirement, as outlined in Section 411A.

- HH. **Non-Residential Child Care Fee.** Planning Code Section 414 outlines the requirements for the Non-Residential Child Care Impact Fee, which applies to any project resulting in the net addition of 25,000 or more gsf of office or hotel use.

The Project would contain 25,000 or more gsf of office or hotel use. The Project is subject to the Non-Residential Child Care Fee, as outlined in Section 414.

- II. **Residential Child Care Impact Fee.** Planning Code Section 414A outlines the requirements for the Residential Child Care Impact Fee, which applies to any project resulting in a net addition of at least one residential unit.

The Project includes approximately 960 dwelling units. The Project is subject to the Residential Child Care Impact Fee, as outlined in Section 414A.

- JJ. **Jobs-Housing Linkage Fee.** Planning Code Section 413 outlines the requirements for the Jobs-Housing Linkage Fee, which applies to any project resulting in a net addition of at least 25,000 gsf certain uses, including office and retail. Credits are available for existing uses on site.

The Project would contain more than 25,000 gross square feet of uses subject to the Jobs-Housing Linkage Fee, and would therefore be subject to the requirements of Section 413.

- KK. **Eastern Neighborhoods Infrastructure Impact Fee.** Planning Code Section 423 outlines the requirements for the Eastern Neighborhoods Infrastructure Impact Fee, which applies to all new construction within the Eastern Neighborhoods Plan Area.

The Project is located within the Eastern Neighborhoods Plan Area, and would result in new construction. The Project is subject to Eastern Neighborhoods Infrastructure Impact Fee requirements for Tier C development, as outlined in Section 423.

- LL. **Public Art.** Planning Code Section 429 outlines the requirements for public art. In the case of construction of a new non-residential use area in excess of 25,000 sf on properties located in the CMUO Zoning District and located north of Division/Duboce/13th Streets, a project is required to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project is located in the CMUO Zoning District, located north of Division/ Duboce / 13th Streets, and will contain greater than 25,000 sf of non-residential use. The Project is subject to the public art requirement, as outlined in Section 429.

- MM. **Central SoMa Community Services Facilities Fee.** Planning Code Section 432 is applicable to any project within the Central SoMa SUD that is in any Central SoMa fee tier and would construct more than 800 square feet.

The Project would construct more than 800 gross square feet of new use within the Central SoMa SUD. The Project is subject to the Central SoMa Infrastructure Impact Fee, as outlined in Planning Code Section 433.

- NN. **Central SoMa Infrastructure Impact Fee.** Planning Code Section 433 is applicable to any project within the Central SoMa SUD that is in any Central SoMa fee tier and would construct more than 800 square feet.

The Project would construct more than 800 gross square feet of new use within the Central SoMa SUD. The Project is subject to the Central SoMa Infrastructure Impact Fee, as outlined in Planning Code Section 433.

7. **Large Project Authorization Design Review in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- a) **Overall building mass and scale.** *The Project's massing and scale allow for a dynamic and innovative design and are appropriate for the site. The buildings would feature larger ground floors with each subsequent higher floor would be slightly smaller than the floor below it until approximately two-thirds up each tower when all floors would become uniform in size. This design creates a stepping effect, allowing for private terraces on the lower portions of each tower. Further, cantilevered floors are placed in such a way as to allow for the two segments of the building to operate as separate structures until the seventh floor, where they connect as one building. The massing of each tower would be split, with one portion approximately 40 feet taller than the other (55' to top of rooftop screening). The two towers would be placed on the site as mirror images of each other. This design would give the impression of four distinct buildings. The towers are designed to taper away from the property line and towards the center of the development site, mitigating the appearance of bulk while still providing a prominent and iconic addition to the San Francisco skyline.*
- b) **Architectural treatments, facade design and building materials.** *The Project's architectural design blends the classic SoMa warehouse with a tower typology. The proposed facade is approximately 50% solid of a cementitious material with recessed glazing to relate to the South of Market neighborhoods brick and mortar warehouse construction. The visual appearance of four distinct tower portions will be reinforced through the use of alternating fenestration patterns between tower elevations, and a material differentiation using texture and/or color.*

- c) **The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.** *The Project's lower floors are contained within district podium structures that split to create a numerous gateway and alleyways leading pedestrians and building occupants from the active streetscape along 4th and Townsend Streets through to the landscaped central plaza. The ground floor of the four podium structures are fronted by a mix of retail and micro-retail uses facing both the street and inwards towards the central plaza and alleyways. Each building has its lobby facing inward towards the central plaza, increasing foot traffic and activity along this area. Development has been set back approximately 44 feet from the property line at 4th street, creating a generous welcoming plaza, subsequently leading to the inner plaza through the 4th street gateway. In addition, the development has been set back 5 feet along 4th street to allow for sidewalk widening, and 10 feet along Townsend Street to accommodate heavier pedestrian traffic coming from the Cal Train terminus across the street, as well as the adjacent bus stop. The Project sits at the property line along Townsend Street, but sets back 44' from the neighboring property at 260 Townsend Street to allow room for the project's sole below grade parking and loading access. The Project is set back 15 feet from the neighboring properties at the northeast end of the site, and 10 feet from other neighboring properties to the north. The Project's lower levels generally consist of a mix of residential units beginning at level 2 and above, though the eastern tower has mix of office on levels 2 & 3, residential use on levels 4 & 5, boutique hotel on level 6 & 7, and residential amenity on level 8.*
- d) **The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site.** *The Project provides a significant amount of open space, including a ground-floor network of POPOS that will open up this open space amenity to the public in a way unique to residential projects in San Francisco. The Project also includes various forms of open space: 132 private balconies; 10,512 square feet of common upper-story open space for building residents; and 24,495 square feet of POPOS. The POPOS areas would be provided in a network of ground-floor open spaces, including pedestrian pathways, pocket parks, sidewalk widening, and a large central courtyard between the two buildings. The POPOS would include landscaped trees and vegetation, seating, and public art displays.*
- e) **The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2.** *The Project will create two new "gateway" mid-block passages, one along each frontage. The 4th Street gateway is 28 feet in width, and the Townsend Street gateway is 20 feet wide. Retail and pedestrian amenities front both of these areas. Each passage leads into the interior courtyard—the centerpiece of the Project's open space network—and past the courtyard onto the landscaped POPOS beyond.*
- f) **Streetscape and other public improvements, including tree planting, street furniture, and lighting.** *In compliance with Planning Code Section 138.1, the Project includes numerous streetscape*

improvements, including installation of new street trees, re-construction and widening of adjacent sidewalks, and installation of new bulb outs, street furniture and lighting.

- g) **Circulation, including streets, alleys and mid-block pedestrian pathways.** *The Project is designed to enhance circulation patterns throughout the property. It proposes to widen the sidewalk along the entire approximately 255-foot 4th Street frontage, and for approximately 100 feet along Townsend Street. The property is located at a prominent intersection, and the Project's curb cut is located at the northeastern corner of the site along Townsend Street. In consultation with the Planning Department, MTA, and Department of Public Works via the Streetscape Advisory Team, the single point of entry to the basement garage has been reduced in size to 35 feet, enhancing circulation by limiting conflicts with pedestrians and motorists. Finally, the Project proposes a network of ground-floor open spaces meant to enhance pedestrian circulation around and through the property. This ground floor open space network includes pedestrian pathways, pocket parks, sidewalk widening, and a large central courtyard between the two buildings. It will include landscaped trees and vegetation, seating, and public art displays.*
 - h) **Bulk limits.** *The overall bulk of the Project is minimized by providing two distinct towers with staggered height and massing in general conformity with area bulk controls and designed to maximize view corridors, light, and air access to the central plaza.*
 - i) **Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.** *The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.*
8. **Central SoMa Key Site Exceptions & Qualified Amenities.** Pursuant to Section 329(e), within the Central SoMa SUD, certain Code exceptions are available for projects on Key Sites that provide qualified amenities in excess of what is required by the Code. Qualified additional amenities that may be provided by these Key Sites include: affordable housing beyond what is required under Section 415 et seq.; land dedication pursuant to Section 413.7 for the construction of affordable housing; PDR at a greater amount and/or lower rent than is otherwise required under Sections 202.8 or 249.78(c)(5); public parks, recreation centers, or plazas; and improved pedestrian networks. Exceptions under Section 329(e) may be approved by the Planning Commission if the following criteria are met.
- a) The amenities and exceptions would, on balance, be in conformity with and support the implementation of the Goals, Objectives, and Policies of the Central SoMa Plan,

The Project's would provide an improved pedestrian network and increased publicly-accessible open spaces two new mid-block connections and landscaped plazas lined with active retail uses. This new network of plazas and mid-block connections are intended to improve the overall access to open space within the larger Central SoMa neighborhood. These amenities are in conformity with and directly advance goals and policy objectives of the Central SoMa Plan.

- b) The amenities would result in an equal or greater benefit to the City than would occur without the exceptions, and

The exceptions are necessary to secure provision of the approximately 24,495 square feet of publicly-accessible open space and an improved pedestrian network. These amenities exceed Planning Code requirements for new development at the project site.

- c) The exceptions are necessary to facilitate the provision of important public assets that would otherwise be difficult to locate in a highly developed neighborhood like SoMa.

The Central SoMa Plan area currently suffers from a shortage of usable open space and pedestrian networks that provide access to public transit systems. The Key Sites Guidelines of the Central SoMa Plan identifies this site as an ideal location for a "substantial, accessible, and inviting public plaza," as well as for improvements providing pedestrian access to transit, stating "the ongoing upgrades to Caltrain and the completion of the Central Subway are both going to bring a lot of new people to the intersection of 4th and Townsend Streets. To facilitate the movement of these pedestrians across this busy intersection, this development sites should consider ways to facilitate pedestrian movement through this block, including a new connection to Lusk Street..." Provision of this open space and improved pedestrian network directly advances Plan Objectives 4.1 to "Provide a safe, convenient, and attractive walking environment on all streets in the Plan area, and Objective 5.5. to "Augment the public open space and recreation network with privately-owned public open spaces."

Accordingly, pursuant to Planning Code Sections 329(d) and 329(e) the Planning Commission has considered the following exceptions to the Planning Code, makes the following findings, and grants each exception to the Project as further described below:

- a) **Streetwall Articulation, Building Setbacks, and Tower Separation (Section 132.4).** Section 132.4 requires, among other items, (1) Streetwall: that buildings within the Central SoMa SUD be built up to the street-or alley-facing property line up to 65 feet in height, subject to certain exceptions, including building façade architectural articulation and modulation up to eight feet in depth; (2) Building Setbacks: that towers in the CS Bulk District provide a 15-foot setback along all property lines for the portion of each building beginning at a height of 85 feet, and that along 4th Street between Bryant and Townsend Streets, facades on new development be set back from the street-facing property line by a minimum depth of five feet to a minimum height of 25 feet above sidewalk grade, and be designed as an extension of the sidewalk, free from columns or other obstructions except for permitted obstructions under Section 136; and (3) Tower Separation: that tower portion of any project (area above 85 feet in height on buildings exceeding 160 feet in height) be set back at least 115 feet from the tower portion of any other tower.

The Project requires exception from these standards as follows:

Building Setbacks. The Project complies with minimum setback requirements along 4th Street. That frontage is set back 5 feet from the property line at the southern end of the site and then set back approximately 45 feet at the northern end of the site to provide additional POPOS between the property line and the building's base. The Project requires exception from the required 15-foot setback at a height of 85 feet along two facades, one on each building. Specifically, a portion of the northwestern-facing façade of the western tower ("Tower 1") is flush with the property line for the entire building. This area fronts onto a 31' ½ foot deep area on the adjacent property that is subject to an easement that will prevent future development along the shared Property line. Additionally, a portion of the eastern tower fronting on Townsend Street ("Tower 2") is set back approximately 10 feet (rather than the required 15 feet) from the property line, beginning at a height of 85 feet. This area fronts onto the 81' ½-foot wide Townsend Street. Finally, portions of Tower 2 will be set back approximately 10 feet (rather than the required 15 feet) from the adjacent property line to the north. These areas will be set back approximately 20 feet from the closest point on the adjacent building.

Streetwall Articulation. The Project requires exception from the requirement to provide streetwall at the property line up to a height of 65 feet as follows: (1) to provide varied setbacks along the entire 255 linear feet of 4th Street frontage and for a distance of approximately 100 linear feet of Townsend Street frontage in order to widen the adjacent sidewalk and provide a sense of extended streetscape. While this setback (approximately 5-foot deep) is required along 4th Street, exception is needed for the area of setback along Townsend Street (approximately 10 feet); (2) to provide an approximately 45 foot setback from 4th Street at the northwest end of the site, to provide a publicly-accessible courtyard designed to ease pedestrian congestion and enhance the public realm; and (3) to provide for gradual setbacks exceeding 8-feet and located below a height of 65 feet in order to facilitate the project's "twisty" architectural design, which tapers back from the street-facing property line at each subsequent story above the ground floor up to 65 feet in height, creating a sense of visual interest and massing relief. These setbacks also create an opportunity for private open spaces.

Tower Separation. The Project requires exception to allow reduced separation of the two towers located on one development site. Specifically, to allow (1) portions Tower 1B (the shorter segment of the western tower) to have a separation of 105 feet from Tower 2B (the shorter segment of the eastern tower), and a separation of 52 feet from Tower 2A (the taller segment of the eastern tower); and (2) portions of tower 1A (the taller segment of the western tower) to have a separation of 93 feet from Tower 2A (the taller segment of the eastern tower) and a separation of 52 feet from Tower 2B (the shorter segment of the eastern tower). All adjacent development is less than 85 feet in height. These areas are consistent with massing discussion in the Key Sites Guidelines, which anticipated reduced tower separation between the two buildings on this site to allow "a perceived separation of approximately 50 feet on the lower half of the tower and 70 feet on the upper third of the building."

Given the overall design of the Project and the provided public benefits, the Commission supports these exceptions from these Planning Code requirements. These exceptions are necessary to facilitate the Project's innovative and dynamic design, and they further the intent of Section 132.4 and the Key Sites Guidelines by contributing to the dynamicism of the neighborhood while maintaining a strong streetwall presence and sense of "urban room".

- b) **Residential Usable Open Space (Section 135 & 329(e)(3)(B)(vi)).** Planning Code Section 135 requires residential projects in the Eastern Neighborhoods to provide either 80 square feet of open space per unit if it is not publicly-accessible, or 54 square feet per unit if publicly accessible. Section 329(e)(3)(B)(vi) allows the Planning Commission to reduce the Project's private open space requirement from 80 square feet per unit to 60 square feet as part of the Large project Authorization.

The Project requests reduction in the private usable open space requirement from 80 square feet to 60 square feet per unit, to facilitate greater density of residential development on a relatively small site. Applying this standard, the Project's 24,495 square foot ground floor network of POPOS satisfies the open space requirement for 454 units, nearly half of its unit count. In addition, the requirement for 132 units would be satisfied through provision of private balconies over 60 square feet in size, and the requirement for an additional 175 units would be satisfied through provision of 10,512 square feet of private common open space. To accommodate a high density of residential development, the Project will require exception from usable open space requirements for approximately 199 units, or approximately 11,940 square feet. The Project will meet the minimum on-site usable open space requirement of 36 square feet per unit for residential towers in the Central SoMa SUD. Given overall amount of open space provided by the Project and design of these spaces, the Commission supports an exception to this Planning Code requirement.

- c) **POPOS Design Standards (Section 138(d)).** Planning Code Section 138(d)(2)(E)(i) requires that POPOS be open to the sky, except for permitted obstructions per Planning Code Section 136 and subject to an allowance of up to 10% of the space to be located under cantilevered portions of the building if the space has a minimum height of 20 feet.

The Project proposes 24,495 square feet of outdoor POPOS, approximately 2,102 square feet of which would not be open to the sky. This area is within the 10% allowance under Section 135. However, the Project requires an exception to locate portions of outdoor POPOS below cantilevered building area less than 20 feet in height. Specifically, the building cantilevers over: (1) a portion of the 3,115 square foot publicly-accessible plaza on 4th Street, starting at a height of 11' 10"; and (2) the mid-block passage connecting from 4th Street to the central plaza, starting at a height of 12' 6". Approximately 502 square feet in these areas would be have a height of less than 20 feet. The cantilevered massing facilitates the building's distinctive architectural style which steps up at each floor, creating a visual line of site towards the open sky and an intended perception of grandeur. Given overall design of the POPOS, the Commission supports an exception to this Planning Code requirement.

- d) **Dwelling Unit Exposure (Sections 140 and 249.78).** Planning Code Section 140 requires all dwelling units to have exposure onto either a public street, public alley, side yard of at least 25 feet in depth; a code-compliant rear yard; or open area that is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Section 249.78(d)(11) modifies this requirement within the Central SoMa SUD to (1) allow 10% of units constructed at or below 85 feet to face directly onto an open area that is at least 15 feet by 15

feet, and (2) relief from the requirement for increased horizontal dimensions at each subsequent floor when these units face onto open spaces.

The Project requires an exception for approximately 183 of its 960 units (19%) which face setbacks and open areas that do not meet the strict dimensions of the Planning Code. All units facing the Project's interior plaza comply with the exposure requirement: at approximately 105' by 93.5', the courtyard provides a significant source of light and air to these features. Exception is required for units located on two facades: the northeastern façade of the eastern tower and the northwestern façade of the western tower. The affected units would face onto either a 31-foot deep easement area which will not allow for future development or a 15 foot setback, and are largely located above the level of allowable building height on adjacent properties. The Commission supports an exception to this requirement given the height of the subject building

- e) **Street Frontage Controls (Section 145.1 & 249.78(c)(1).** Planning Code Section 145.1 requires projects in the CMUO District to limit parking and loading entrances to 1/3 the width of the respective building frontage or 20 feet, whichever is less. Additionally, "active" uses are required within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any façade facing a street at least 30 feet in width. Building systems may be exempted by the Zoning Administrator if they do not negatively impact the quality of the ground floor space. In the Central SoMa SUD, active use requirements are also required along any outdoor publicly-accessible POPOS.

The Project requires exception to provide a single 35-foot wide point of entry into the below-grade parking and loading. This width is required to provide shared parking and loading access and accommodate turn radius of cars and freight loading vehicles. This width of curb cut will allow three lanes of entry onto the site, lowering queues in the Townsend Street right-of-way by more efficiently allowing entry into the basement area. A number of services are located within the basement to internalize the potential transit-disrupting effects of loading and unloading, including valet parking. The Project further avoids the potential for pedestrian and vehicle conflicts by avoiding curb cuts along 4th Street and providing minimal parking for commercial uses and code-compliant parking for residents.

In addition, the Project requires minor exceptions from active use requirements for (1) approximately 72 combined linear feet along the buildings' mechanical cores that front interior POPOS; (2) limited retail uses less than 25 feet of deep at the ground floor and 15 feet on certain upper stories, including (a) approximately 36 linear feet of micro retail use fronting the Project's 4th Street plaza and 25 linear feet along Townsend Street which back up to the mechanical core and back-of-house areas; and (b) approximately 75 combined linear feet of retail use fronting onto the POPOS. These areas will not negatively impact ground floor design. The Project contains more than 1,300 linear feet of street and POPOS frontages, which are predominantly lined by active use in compliance with this Section.

- f) **Commercial Street Frontage (Section 145.4).** Planning Code Section 145.4 requires active commercial uses at the ground floor of all street frontages along both 4th and Townsend Streets. In

this area, individual ground floor uses must not occupy more than 75 contiguous linear feet for the first 25 feet of depth along the street-facing façade.

The Project requires exception to allow the retail/interior POPOS area anchoring the northwest corner of 4th and Townsend Streets to extend for 80 continuous linear feet (rather than 75) along Townsend Street. The Commission supports this exception due to the prominent location of this active retail and/or interior POPOS space, which will act as a pedestrian gateway to the project.

- g) **Curb Cut Restrictions (Section 155(r)).** Planning Code Section 155(r) generally prohibits new curb cuts along Townsend Street between 2nd and 6th Streets, but allows for the Project to seek exception from this standard as part of the Large Project Authorization.

The Project requires an exception to locate a new 35' wide curb cut along its Townsend Street frontage providing combine parking and loading access to the below-grade garage. This is consistent with design guidelines adopted in connection with the Central SoMa Plan which call for vehicular access along Townsend Street on this site in order to minimize the potential for impacts to transit vehicles traversing 4th Street. Therefore, the Commission supports this exception to this Planning Code requirement.

- h) **Wind Standards (Section 249.78(d)(7)).** This Section provides thresholds for wind comfort and wind hazard levels associated with development within the Central SoMa Plan area, as follows:

Wind Comfort. Projects must generally refrain from resulting in wind speeds exceeding a "Comfort Level" (ground-level wind speeds of 11 mph in areas of substantial pedestrian use and seven mph in public seating areas between 7 a.m. and 6 p.m., when occurring for more than 15% of the time year round) and may not cause a "Substantial Increase" in wind speeds of more than six miles per hour for more than 15% of the time year round) at any location where the existing or resulting wind speed exceeds the Comfort Level. However, a project may seek exception from this standard if it demonstrates that (1) it has undertaken all feasible measures to reduce wind speeds through such means as building sculpting and appearances, permanent wind baffling measures, and landscaping; and (2) further reducing wind speeds would substantially detract from the building design or unduly restrict the square footage of the project.

Wind Hazard. Projects must refrain from resulting in net new locations with an exceedance of the "One-Hour Hazard Criterion" (ground-level equivalent wind speed of 26 mph for more than one hour per year per test location), except that exceedance from this standard may be allowed by the Planning Commission where (1) The project, with mitigations, does not result in net new locations with an exceedance of the "Nine-Hour Hazard Criterion" (ground-level equivalent wind speed of 26 mph for more than nine hours per year per test location); (2) The project has undertaken all feasible measures to reduce hazardous wind speeds, such as building sculpting and appurtenances, permanent wind baffling measures, and landscaping; and (3) meeting the requirements of the One-Hour Hazard Criterion standard would detract from the building design or unduly restrict the square footage of the project.

The Project requires exception from both the wind comfort and wind hazard standards. The Project will result in wind speeds at a total of 52 test locations (out of 60) that exceed the Comfort Criterion and 23 test locations (out of 60) that exceed the One-Hour Hazard Criterion. Wind baffling measures will reduce the locations that exceed the Comfort Criterion from 52 to 48, and would reduce the locations that exceed the One-Hour Hazard Criterion from 23 to 4. The Project would not result in any new exceedance of the 9-Hour Hazard Criterion. The Commission supports this exception from these standards since:

- *The Project would not result in any exceedance of the Nine Hour Hazard Criterion;*
 - *The Project has undertaken all feasible measures to reduce hazardous wind speeds including refinement of building massing; provision of a voided terrace on the façade of Tower 1B; installation of wind canopies on all towers; and installation of a 6-foot wide by 10-foot tall wind screen in the public right of way; and substantial on-site landscaping; and*
 - *Further reduction of wind speeds would detract from building design and/or unduly restrict the square footage of the project. The project massing has already undergone significant revisions and reductions in order to mitigate wind conditions.*
- i) **Commercial Orientation of Large Sites (Section 249.78(c)(6)).** This Section requires development sites south of Harrison Street and larger than 40,000 square feet that propose a project over 100,000 square feet in size to provide at least two thirds of all building area below 160 feet in height as non-residential.

The Project requires exception from this requirement, since the Project is one of the only Key Sites in the Central SoMa Plan Area anticipated to provide predominantly residential development. At 960 dwelling units, the Project is anticipated to deliver nearly 1/5 of the total residential units anticipated to be constructed within the Plan area. The Commission supports this exception due to the overall design and program. Currently, new housing is a top priority for the City and County of San Francisco and this exception allows for the construction of new housing.

- j) **Narrow and Mid-Block Alley Controls (Section 261.1).** This Section requires that building frontages abutting a mid-block passages provided per Section 270.2 that are twenty to thirty feet in width to provide upper stories that are set back not less than 10 feet above a height of 25 feet.

The Project includes mid-block passages provided per Section 270.2 along its 4th and Townsend Street frontages ranging from 20-28 feet in width. The Project requires exception to allow for areas adjacent to both alleys that do not set back 10 feet above a height of 25 feet. Given the overall design of these mid-block passages, the Commission supports this exception.

- k) **Tower Bulk (Section 270(h)).** Planning Code Section 270(h) applies a number of bulk restricts to tower development in the Central SoMa SUD, including: (1) for residential and hotel projects, the maximum gross floor area of any floor is 12,000 gsf; (2) maximum plan length of 150 feet; (3) maximum diagonal dimension of 190 feet; and (4) for buildings with a Height of 250 feet or more,

the average gross floor area of the Upper Tower (upper 1/3 of building area above a height of 85 feet) shall not exceed 85 percent of the average gross floor area of the Lower Tower (lower 2/3 of building area above a height of 85 feet), and the average diagonal of the Upper Tower shall not exceed 92.5 percent of the average diagonal of the Lower Tower. Exception from these standards is permitted in connection with Large Project Authorization for Key Sites within the Central SoMa SUD, per Section 329(e)(3)(B).

Both of the Project's towers comply with the average floor area ratio requirements comparing upper and lower portions of the towers. However, the Project requires an exception to the length and diagonal dimension requirements, as well as the 12,000 gross square foot floorplate limit. The floorplates of floors 9 through 21 in Tower 1 exceed the 12,000 gsf requirement, ranging in size from 15,011 gsf to 12,188 gsf. The remaining 21 stories comply. In addition, the Project's maximum length is 179' 8", and maximum diagonal is 217' 8". On Tower 2, levels 9 through 26 exceed maximum gfa requirement, ranging from 18,289 gsf to 12,008 gsf. In addition, Tower 2's maximum length is 227' 3", and maximum diagonal dimension is 258' 5". These massing exceptions are in general conformity with bulk exceptions anticipated under the Key Sites Guidelines adopted in connection with the Central SoMa Plan for development at this site.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the Central SoMa Plan and the General 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 provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

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

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The Project will contain approximately 20,938 gross square feet of retail use, approximately 24,509 gross square feet of hotel use, and approximately 21,480 gross square feet of office use, expanding employment opportunities for city residents within close proximity to a range of public transit options. These uses will help to retain existing commercial and industrial activity and attract new such activity. The Project will also include up to 4 micro-retail spaces intended to contain smaller-scale neighborhood-serving uses.

URBAN DESIGN ELEMENT:

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.4:

Protect and promote large-scale landscaping and open space that define districts and topography.

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 3.3:

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.4:

Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

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 will provide innovative and distinctive architecture that will elevate the standard for new development in the Plan area. The building materials are of high quality. The Project will feature two separate towers featuring staggered heights which will minimize the appearance of massing and scale to avoid overwhelming or dominating appearance in new construction.

HOUSING ELEMENT

Objectives and Policies

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.

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements such as open space, child care, and neighborhood services, when developing new housing units.

The Project will provide innovative and distinctive architecture that will elevate the standard for new development in the Plan area. The Project Sponsor has worked with City staff to develop a project that incorporates a dynamic and distinctive design and maximizes public benefit through provision of improved pedestrian networks and publicly-accessible open space. The Project was designed in conjunction with the development and implementation of the Central SoMa Plan to create a development that would meet the goals, objectives and policies of the plan, as well as comply with design guidelines and planning code requirements. The Project will provide 960 residential units on a site where only two residential units exist and includes a central plaza that will be publicly accessible and provide access through the site. The Project will feature two separate towers featuring staggered heights which will minimize the appearance of massing and scale to avoid overwhelming or dominating appearance in new construction.

CENTRAL SOMA PLAN

GOAL 2: MAINTAIN A DIVERSITY OF RESIDENTS

Objectives and Policies

OBJECTIVE 2.3:

ENSURE THAT AT LEAST 33 PERCENT OF NEW HOUSING IS AFFORDABLE TO VERY LOW, LOW, AND MODERATE-INCOME HOUSEHOLDS

Policy 2.3.2:

Require contribution to affordable housing from commercial uses.

Policy 2.3.3:

Ensure that affordable housing generated by the Central SoMa Plan stays in the neighborhood.

Objective 2.6:

Support Services – Schools, Child Care, and Community Services – Necessary to Serve Local Residents

Policy 2.6.2:

Help facilitate the creation of childcare facilities.

The Project will satisfy the Inclusionary Housing Program through payment of an In-Lieu Fee that will be used to facilitate construction of affordable housing in proximity to the Plan Area. The Project will jointly contribute to development of a 5,546 square foot child care facility in the mixed-use office development at 598 Brannan Street.

OBJECTIVE 3.3:

ENSURE THE REMOVAL OF PROTECTIVE ZONING DOES NOT RESULT IN A LOSS OF PDR IN THE PLAN AREA

Policy 3.3.2:

Limit conversion of PDR space in formerly industrial districts.

Policy 3.3.3:

Require PDR space as part of large commercial development.

OBJECTIVE 3.4:

FACILITATE A VIBRANT RETAIL ENVIRONMENT THAT SERVES THE NEEDS OF THE COMMUNITY

Policy 3.4.2:

Require ground-floor retail along important streets.

Policy 3.4.3:

Support local, affordable, community-serving retail.

The Project will not result in removal of PDR space within the Plan area. The Project will provide approximately 20,938 gsf of ground floor retail use, lining 4th and Townsend Streets as well as POPOS. The Project will also include approximately 24,509 gsf of hotel use and 21,840 gsf of office use, which will accommodate significant opportunities for job growth within the Central SoMa SUD.

GOAL 4: PROVIDE SAFE AND CONVENIENT TRANSPORTATION THAT PRIORITIZES WALKING, BICYCLING, AND TRANSIT

OBJECTIVE 4.1:

PROVIDE A SAFE, CONVENIENT, AND ATTRACTIVE WALKING ENVIRONMENT ON ALL THE STREETS IN THE PLAN AREA

Policy 4.1.1:

Ensure streets throughout the Plan Area are designed in accordance with the City's Vision Zero Policy.

Policy 4.1.2:

Ensure sidewalks on major streets meet Better Streets Plan standards.

Policy 4.1.7:

Provide corner sidewalk extensions to enhance pedestrian safety at crosswalks, in keeping with the Better Streets Plan.

Policy 4.1.8:

Ensure safe and convenient conditions on narrow streets and alleys for people walking.

Policy 4.1.10:

Expand the pedestrian network wherever possible through creation of narrow streets, alleys, and mid-block connections.

OBJECTIVE 4.4:

ENCOURAGE MODE SHIFT AWAY FROM PRIVATE AUTOMOBILE USAGE

Policy 4.4.1:

Limit the amount of parking in new development.

Policy 4.4.2:

Utilize Transportation Demand Management strategies to encourage alternatives to the private automobile.

Policy 4.5.2:

Design buildings to accommodate delivery of people and goods with a minimum of conflict.

The Project will provide a total of 264 off-street parking spaces to accommodate all residential and non-residential uses, which is below the maximum allowed. Additionally, a total of 540 Class 1 and 81 Class 2 bicycle spaces will be provided. The Project has also developed a TDM Program and will incorporate improvements to the pedestrian network, including bulb-outs and widening of adjacent sidewalks. All street and sidewalk improvements will comply with the City's Better Street's Plan and Vision Zero Policy.

GOAL 5: OFFER AN ABUNDANCE OF PARKS AND RECREATIONAL OPPORTUNITIES
OBJECTIVES AND POLICIES

Objectives and Policies

OBJECTIVE 5.5:

AUGMENT THE PUBLIC OPEN SPACE AND RECREATION NETWORK WITH PRIVATELY-OWNED PUBLIC OPEN SPACES (POPOS).

Policy 5.5.1:

Require new non-residential development and encourage residential development to provide POPOS that address the needs of the community.

The Project will provide approximately 24,495 square feet of POPOS.

GOAL 6: CREATE AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT NEIGHBORHOOD OBJECTIVES AND POLICIES

Objectives and Policies

OBJECTIVE 6.2:

MINIMIZE GREENHOUSE GAS EMISSIONS

Policy 6.2.1:

Maximize energy efficiency in the built environments.

Policy 6.2.2:

Maximize onsite renewable energy generation.

Policy 6.2.3:

Satisfy 100 percent of electricity demand using greenhouse gas-free power supplies.

The Project will meet all Title 24 Energy Standards and, as required for development sites within the Central SoMa SUD, will comply with the Renewable Energy Requirements, pursuant to Planning Code 249.78.

GOAL 8: ENSURE THAT NEW BUILDINGS ENHANCE THE CHARACTER OF THE NEIGHBORHOOD AND CITY OBJECTIVES AND POLICIES

Objectives and Policies

OBJECTIVE 8.1:

ENSURE THAT THE GROUND FLOORS OF BUILDING CONTRIBUTE TO THE ACTIVATION, SAFETY, AND DYNAMISM OF THE NEIGHBORHOOD

Policy 8.1.1:

Require that ground floor uses actively engage the street.

Policy 8.1.2:

Design building frontages and public open spaces with furnishings and amenities to engage a mixed-use neighborhood.

Policy 8.1.3:

Ensure buildings are built up to the sidewalk edge.

Policy 8.1.4:

Minimize parking and loading entrances.

OBJECTIVE 8.4:

ENSURE THAT NARROW STREETS AND ALLEYS MAINTAIN THEIR INTIMATENESS AND SENSE OF OPENNESS TO THE SKY.

OBJECTIVE 8.5:

ENSURE THAT LARGE DEVELOPMENT SITES ARE CAREFULLY DESIGNED TO MAXIMIZE PUBLIC BENEFIT.

Policy 8.6.1:

Conform to the City's Urban Design Guidelines.

Policy 8.6.2:

Promote innovative and contextually-appropriate design.

Policy 8.6.4:

Design buildings to be mindful of wind.

Policy 8.6.5:

Ensure large projects integrate with the existing urban fabric and provide a varied character.

The Project Sponsor has worked with City staff to develop a project that incorporates a dynamic and distinctive design and maximizes public benefit through provision of improved pedestrian networks and publicly-accessible open space. The Project's massing has been designed to advance the intent of area plan standards. The Project incorporates features on-site to mitigate potential wind impacts.

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

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

The Project site currently contains 52,590 square feet of commercial use, including the Creamery neighborhood café, a taqueria, a designer furnishing store, and a catering service. The Project would create approximately 20,938 gsf of new neighborhood serving retail uses, including four new micro retail spaces,

and a gross square feet of new retail use, including seven new micro-retail spaces, and approximately 24,509 gsf of hotel use, enhancing future opportunities for employment and ownership of area businesses

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

The Project would remove two existing dwelling units and construct 960 dwelling units in a range of size and unit types, increasing the City's available housing stock and preserving cultural and economic diversity. In addition, the Project's office and retail components will conserve and protect the neighborhood's existing commercial character.

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

The Project will not displace any affordable housing units. The Project will construct 960 new dwelling units and will satisfy the City's Inclusionary Housing Program through payment of an in-lieu fee, which will be used to fund development of affordable housing within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue. The Project's commercial components will also be subject to payment of the City's Jobs-Housing Linkage Fee, which will be used to develop and preserve affordable housing options throughout the City.

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

The Project will not impede transit service, or overburden streets or neighborhood parking. The Project will contain off-street parking spaces to serve residential and non-residential uses within the ratios principally permitted by the Planning Code, and will participate in the City's Transportation Demand Management Program. The site is within walking distance of San Francisco's downtown, Financial District, and office hubs around SoMa, as well as the Montgomery Street BART station, and is located kitty corner from the 4th and King Caltrain station, providing access to the East Bay, the peninsula and into Silicon Valley. The Property is also extremely well-served by public transit. The Property is within walking distance of the 09, 09A, 10, 16A, 16B, 30, 45, 47, 76, 80X, 81X, 82X and 91 bus lines. The Project is also located along the future Central Subway line.

- 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 site contains no industrial use, and proposes largely residential development. The Project will also contain approximately 20,938 gsf of new retail development, split amongst a number of individual retail units of varying size, providing future opportunities for resident employment and ownership.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- g. That landmarks and historic buildings be preserved.

The Project site does not contain any City Landmarks or historic buildings.

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

The Project has been designed to minimize sunlight and vista impacts to City parks and open spaces

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), 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 submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

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 Large Project 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 Large Project Authorization Application No. 2014-000203ENX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 6, 2019, 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 identified in the Transit Center District Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) 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, 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 June 20, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 20, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow new construction of a two 36- to 40-story mixed-use buildings, containing a total of 1,014,968 gross square feet of residential use with 960 dwelling units, 24,509 gross square feet of hotel use with 38 guest rooms, 21,840 gross square feet of office use; 18,454 gross square feet of retail; and 2,484 gs of retail/interior POPOS at 655 4th Street, 280-290 and 292-296 Townsend Street, Block 3787, Lots 026, 028, 05045 and 161-164050-052, pursuant to Planning Code Section 329 within the CMUO Zoning District, Central SoMa Special Use District and 400-CS Height and Bulk district; in general conformance with plans, dated June 6, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2014.000203ENX and subject to conditions of approval reviewed and approved by the Commission on **June 20, 2019** under Motion No _____. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 20, 2019 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 Large 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 five (5) 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 five-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 five (5) 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 five (5) 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 Project Sponsor must obtain a Conditional Use Authorization under Sections 303, 317, and 848 for removal of two dwelling units at the property and to establish a hotel use in the Central SoMa Mixed Use Office Zoning District, and satisfy all the conditions thereof. 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. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, 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

9. **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

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

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

11. **Streetscape Plan.** 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 Streetscape Plan so that the plan generally meets the standards of the

Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first 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

12. **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 complement, 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

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

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

14. **Transformer Vault Location.** 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: (1) on-site, likely at the northwest end of the site, adjacent to the driveway of the 601 Fourth Street property; (2) on-site, in an alternate location of the building at or near grade; (3) on-site, in a basement area accessed via garage or other access point without use of separate doors on a ground floor façade facing a public right-of way; on-site, in a driveway, underground. The final selected preference shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

15. **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

PARKING AND TRAFFIC

- 16. Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

- 17. Car Share.** Pursuant to Planning Code Section 166, no fewer than ~~twelvesix~~ (126) 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

- 18. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 323 **Class 1** bicycle parking spaces and **58 Class 2** (315 *Class 1* and 48 *Class 2* spaces for the residential portion of the Project and 8 *Class 1* and 10 *Class 2* spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

19. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than 3 showers and 18 clothes lockers.

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

20. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than two hundred and sixty-four (264) off-street parking spaces.

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

21. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide five (5) off-street loading spaces.

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

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

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

23. **Driveway Loading and Operations Plan.** Pursuant to Planning Code Section 155(u), the Project sponsor shall prepare a DLOP for review and approval by the Planning Department, in consultation with the San Francisco Municipal Transportation Agency. The DLOP shall be written in accordance with any guidelines issued by the Planning Department.

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

24. **Rates for Long-Term Office Parking.** Pursuant to Planning Code Section 155(g), to discourage long-term commuter parking, off-street parking spaces provided for all uses other than residential or hotel must be offered pursuant to the following rate structure: (1) the rate charged for four hours of parking cannot be more than four times the rate charged for the first hour; (2) the rate charged for eight hours of parking cannot be less than ten (10) times the rate charged for the first hour; and (3) no discounted parking rates are allowed for weekly, monthly, or similar time-specific periods.

PROVISIONS

25. **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
26. **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
27. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
28. **Jobs-Housing Linkage Fee.** The Project is subject to the Jobs-Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413. In the event the City adopts legislation establishing a new Jobs Housing Linkage Fee, increasing the amount of the Fee, or changing the methodology for determining the amount of the Jobs Housing Linkage Fee, before the Project procures a Certificate of Occupancy or a Certificate of Final Completion, and such new fee is applicable to development projects in the Central SOMA Plan area under the terms of the legislation, the Project shall be subject to such new or increased fee and shall pay any additional amounts due before the City may issue a Certificate of Occupancy or Final Completion.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org~~**Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org~~
- ~~28.29.~~ **Child-Care Requirements for Office and Hotel Development.** **Child-Care Requirements for Office and Hotel Development.** The Project is subject to Childcare Fee for Office and Hotel Development Projects, as applicable, pursuant to Planning Code Section 414. Pursuant to Planning Code Section 249.78(e)(4), prior to issuance of a building or site permit the Project must elect its choice of the options described in subsection (A), (B) and (E) of Section 414.4(c)(1) as a condition of Project approval. The Project anticipates electing compliance option under Section 414.4(c)(1)(E) to “combine payment of an in-lieu fee to the Child Care Capital Fund with construction of a child care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors pursuant to 414.9.” The Project anticipates such election would be made in conjunction with the sponsors of the proposed residential development at 598 Brannan

Street. In the event the Project intends to elect an alternate method of compliance as provided in Section 249.78(e)(4), it shall notify the Planning Department of this change prior to issuance of a building or site permit for the Project.

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

~~29~~30. **Residential Child Care Impact Fee.** 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

~~30~~31. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423.

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

~~31~~32. **Eastern Neighborhoods Usable Open Space In Lieu Fee for EN Mixed Use Non-residential Projects.** The Project is subject to the Eastern Neighborhoods Usable Open Space In-Lieu Fee, as applicable, pursuant to Planning Code Section 426.

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

~~32~~33. **Eastern Neighborhoods Payment in case of variance or exception.** The Project is subject to the Eastern Neighborhoods Fee, as applicable, due to the granting of an exception per Section 329 from usable open space requirements for residential use, pursuant to Planning Code Section 427.

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

~~33~~34. **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

~~34~~35. **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

~~35~~36. Art - Design. 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

~~36~~37. 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

~~37~~38. Central SoMa Infrastructure Impact Fee. The Project is subject to the Central SoMa Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 433.

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

~~38~~39. Central SoMa Community Facilities District Program (Planning Code Section 434). The development project shall participate, to the extent applicable, in a CFD if established by the Board of Supervisors pursuant to Article X of Chapter 43 of the Administrative Code (the "Special Tax Financing Law") and successfully annex the lot or lots of the subject development into the CFD prior to the issuance of the first Certificate of Occupancy for the development. For any lot to which the requirements of this Section 434 apply, 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 prior to the first Certificate of Occupancy for the development, except that for condominium projects, the Zoning Administrator shall approve and order the recordation of such Notice prior to the sale of the first condominium unit. This Notice shall state the requirements and provisions of subsections 434(b)-(c) above. The Board of Supervisors will be authorized to levy a special tax on properties that annex into the Community Facilities District to finance facilities and services described in the proceedings for the Community Facilities District and the Central SoMa Implementation Program Document submitted by the Planning Department on November 5, 2018 in Board of Supervisors File No. 180184.

AFFORDABLE HOUSING

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

~~39.~~40. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is thirty percent (30%) because it is a rental project. The Project Sponsor shall pay the applicable Affordable Housing Fee at the 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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

~~40.~~41. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law, including interest and penalties, if applicable.

MONITORING - AFTER ENTITLEMENT

~~41.42.~~ **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

~~42.43.~~ **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

~~43.44.~~ **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

- A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

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

- B. When located within an enclosed space, 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 of 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 construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

- D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.

44.45. 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>

45.46. 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 officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison.

Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

46.47. 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

47.48. POPOS Design and Operations Strategy (Central SoMa Plan – Implementation Matrix Measure 5.5.1.3). The Project shall be required to submit a design and operations strategy for the proposed Privately-Owned Public Open Spaces, that will be reviewed and approved by the Planning Department and Recreation and Parks Department (if applicable), soliciting feedback from members of the public.

48.49. Privately- Owned Public Open Space Provision. ~~Pursuant to Planning Code Sections 135 and 138, the Sponsor intends to satisfy a portion of its residential open space requirements through provision of privately-owned, public open space (POPOS) Pursuant to Planning Code Section 138, the Project shall provide no less than 927 gross square feet of privately-owned public open space (POPOS), of which 2,484 gross square feet may be indoor. The Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the POPOS so that the open space meets the standards of Section 138(d) and the Urban Design Guidelines.~~ Prior to the first certificate of occupancy for any building on the site, the Project Sponsor shall submit a maintenance and operations plan for the POPOS for review and approval by the Planning Department. At a minimum the maintenance and operations plan shall include:

- A. a description of the amenities and programming for the POPOS and how it serves the open space and recreational needs of the diverse users, including but not limited to residents, youth, families, workers, and seniors;
- B. a site and floor plan of the POPOS detailing final landscape design, irrigation plan, public art, materials, furnishings, lighting, signage and areas for food service [~~Edit for any project specific requirements~~];
- C. a description of the hours and means of public access to the POPOS;
- D. a proposed schedule for maintenance activities; and
- E. contact information for a community liaison officer.

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

49-50. **Hours of Access of Open Space.** All POPOS shall be publicly accessible from 7AM to 6PM every day. Should all or a portion of the POPOS be temporarily closed due to construction or maintenance activities, the operator shall contact the Planning Department in advance of the closure and post signage, plainly visible from the public sidewalks, that indicates the reason for the closure, an estimated date to reopen, and contact information for a community liaison officer. *For information about compliance, contact the Code Enforcement, Planning Department at 415-558-6378, www.sf-planning.org*

50-51. **Food Service in Open Spaces.** Pursuant to Planning Code Section 138, food service area shall occupy no more than 20% of the required POPOS during the hours that the open space is accessible to the public. Restaurant seating shall not take up more than 20% of the seating and tables provided in the required open space. *For information about compliance, contact the Code Enforcement, Planning Department at 415-558-6378, www.sf-planning.org*

51-52. **Open Space Plaques.** Pursuant to Planning Code Section 138 (i), the Project Sponsor shall install the required public open space plaques at each building entrance. The plaques shall be plainly visible from the public sidewalks on 4th and Townsend 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 Code Enforcement, Planning Department at 415-558-6378, www.sf-planning.org*

52-53. **Monitoring and Reporting - Open Space.** One year from the issuance of the first certificate of occupancy for any building on the site, and then every 3 years thereafter, the Project Sponsor shall submit a maintenance and operations report to the Zoning Administrator for review by the Planning Department. At a minimum the maintenance and operations report shall include:

- F. a description of the amenities, and list of events and programming with dates, and any changes to the design or programming during the reporting period;
- G. a plan of the POPOS including the location of amenities, food service, landscape, furnishing, lighting and signage;
- H. photos of the existing POPOS at time of reporting;
- I. description of access to the POPOS;
- J. a schedule of the means and hours of access and all temporary closures during the reporting period;
- K. a schedule of completed maintenance activities during the reporting period;
- L. a schedule of proposed maintenance activities for the next reporting period; and
- M. contact information for a community liaison officer.

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



SAN FRANCISCO PLANNING DEPARTMENT

REVISED 6.20.19

Planning Commission Draft Motion

HEARING DATE: JUNE 20, 2019

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Planning
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Record No.: 2014.000203CUA
Project Address: 655 4th STREET; 280-290 TOWNSEND STREET; AND
 292-296 TOWNSEND STREET
Zoning: CMUO (Central SoMa Mixed Use Office) Zoning District
 Central SoMa Special Use District
 400-CS Height and Bulk District
Block/Lot: 3787/026, 028, 050, 161-164
Project Sponsor: 655 4th Owner, LLC
 One Bush Street, Suite 500, San Francisco, CA, 94104
Property Owner: 655 4th Owner, LLC
 San Francisco, CA 94104
Staff Contact: Linda Ajello Hoagland – (415) 575-6823
linda.ajellohoagland@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND 848 TO DEMOLISH TWO EXISTING DWELLING UNITS AND ESTABLISH A TOURIST HOTEL WITH 38 ROOMS WITHIN THE CMUO (CENTRAL SOMA MIXED-USE OFFICE) ZONING DISTRICT, CENTRAL SOMA SPECIAL USE DISTRICT, AND A 400-CS HEIGHT AND BULK DISTRICT, LOCATED AT 655 FOURTH STREET, 280-290 TOWNSEND STREET, AND 292-296 TOWNSEND STREET, LOTS 026, 028, 050, 45 AND 161-164050-052 IN ASSESSOR'S BLOCK 3787, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 19, 2017, Melinda Sarjapur of Reuben, Junius & Rose, LLP, acting on behalf of 655 4th Owner, LLC (hereinafter "Project Sponsor") filed a request, as modified by subsequent submittals, with the San Francisco Planning Department (hereafter "Department") for Large Project Authorization pursuant to Planning Code Section 329 and Conditional Use Authorization pursuant to Planning Code Sections 303, 317, and 848, to demolish three existing buildings and associated surface parking on the site and to construct two 36-to-40 story mixed-use buildings containing a mix of residential, office, hotel, and retail uses (collectively, the "Project").

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Final Environmental Impact Report for the Central SoMa Plan (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 10, 2018, by Motion No. 20182, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et. seq.*, (hereinafter "CEQA") the State CEQA Guidelines (Cal. Admin. Code Title 14, section 15000 *et seq.*, (hereinafter "CEQA Guidelines")

and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31"). The Commission has reviewed the EIR, which has been available for this Commission's review as well as public review.

The Central SoMa Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Central SoMa Plan, the Commission adopted CEQA findings in its Resolution No. 20183 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On June 11, 2019, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Central SoMa Area Plan and was encompassed within the analysis contained in the EIR. Since the EIR was finalized, there have been no substantive changes to the Central SoMa Area Plan and no substantive changes in circumstances that would require major revisions to the EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Central Soma Area Plan EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program ("MMRP") setting forth mitigation measures that were identified in the Central SoMa Plan EIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as EXHIBIT C.

On June 20, 2019, the Commission adopted Motion No. ____, approving a Large Project Authorization for the Project (Large Project Authorization No. 2014.000203ENX), including a Mitigation, Monitoring, and Reporting Program for the Project, attached as Exhibit __ to Motion No. __, which are incorporated herein by this reference thereto as if fully set forth in this Motion.

On June 20, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014.0002030CUA.

The Planning Department Commission Secretary is the custodian of records located in the file for Case No. 2014.000203CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

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. 2014-000203CUA, subject to the conditions contained in "EXHIBIT A" of this motion and incorporated by reference, 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. **Project Description.** The Project will demolish existing buildings on the site (which contain, among other uses, two dwelling units) and will construct two 360- to- 400-foot tall (425 to top of rooftop mechanical screening), 36- to- 40-story mixed-use buildings, located at the northeast corner of 4th and Townsend Streets. The Project will contain a total of 1,014,968 gross square feet ("gsf") of residential use with approximately 960 dwelling units, 24,509 gsf of hotel use with approximately 38 rooms; 21,840 gsf of office use; 18,454 gsf of ground-floor retail; and 2,484 gsf of retail/interior privately-owned, publicly-accessible open space ("POPOS") fronting on 4th Street. The Project will provide approximately 24,495 square feet of outdoor POPOS though landscaped plazas and mid-block alleys leading from Townsend and 4th Streets through to the center of the site, as well as approximately 18,432 square feet of privately-accessible open space for building residents, including 132 private balconies and two commonly-accessible rooftop open spaces. The Project will be served by a below-grade garage accessed along Townsend Street, containing 275 off-street parking spaces (including 12 car-share spaces) and eight off-street loading spaces.
3. **Site Description and Present Use.** The Project site spans seven separate parcels (collectively encompassing approximately 1.64 acres) with addresses located at 655 4th Street and 280-290 Townsend and 292-296 Townsend Street (Assessor's Block 3787, Lots 026, 028, 050, and 161-164) in San Francisco's South of Market Neighborhood. The subject site is located at the northeast corner of 4th and Townsend Streets, and has approximately 275-ft along each of these frontages. Currently, the subject parcels contain three buildings, including one three-story condominium containing two residential units and one commercial unit, and two one- to- two-story retail buildings containing uses including H.D.

Buttercup, Balthaup, and the Creamery. The Project site also contains an approximately 4,000 square foot surface parking lot, and a 2,300 square foot loading area.

4. **Surrounding Properties and Neighborhood.** The Project site is located in the South of Market Neighborhood, within the CMUO (Central SoMa Mixed Use-Office) and Central SoMa Special Use Zoning Districts. The SoMa neighborhood is a high-density downtown neighborhood with a mixture of low- to- mid-rise development containing commercial, office, industrial, and residential uses, as well as several undeveloped or underdeveloped sites, such as surface parking lots and single-story commercial buildings. The Project site is generally bounded by 4th Street to the west, Townsend Street to the south, four story residential and office buildings to the north at 601 4th Street and 475 Brannan Street, and a seven-story office building to the east at 260 Townsend Street. The 4th and King Street Caltrain station is located across the intersection of 4th and Townsend Streets. To the immediate south across Townsend Street is a 13-story mixed-use residential, retail, and office development at 250 King Street (the Beacon). Approximately 200 feet northwest of the Project site is 505 Brannan Street, which has been identified as Key Site 9 under the Central SoMa Plan and proposes development of an eleven-story vertical addition to an existing office building.
5. **Public Outreach and Comments.** To date, the Department has received two phone calls in opposition of the Project from residents in an adjacent residential building, siting impacts to their building adjacent to the Project site on 4th Street as a result of the Project. The Sponsor has conducted multiple one-on-one meetings with individual stakeholders, community organizations and nearby homeowner's associations, and participated in three additional community outreach forums, as outlined in the Project Sponsor Brief (Exhibit E).
6. **Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. _____ Case No. 2014-000203ENX (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.
7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. On balance, the Project complies with said criteria in that:
 - A. The proposed new uses or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for and compatible with, the neighboring community.

The Project will construct two new mixed-use residential buildings containing approximately 960 dwelling units, 24,509 gross square feet of hotel, 21,840 gross square feet of office, and 20,938 square feet of ground floor retail use. The buildings will reach maximum heights of 400 feet (425 including rooftop screening), and will feature a distinctive architectural style, emphasizing the importance of the 4th and Townsend intersection in proximity to Caltrain and the Central Subway. The Project will be among the largest housing developments in the Central SoMa Plan area and the Eastern Neighborhoods, thereby significantly contributing to the approximately 8,300 new housing units proposed for the Plan area. It advances Plan

goals and objectives, including Goal 1: To accommodate a substantial amount of jobs and housing; Goal 2: maintain the diversity of residents; Goal 3: facilitate an economically diversified and lively jobs center; Goal 4: Provide safe and convenient transportation that prioritizes walking, bicycling, and transit; Goal 5: offer an abundance of parks and recreational opportunities; and Goal 8: ensure that new buildings enhance the character of the neighborhood and the City.

Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood. The Project will also replace an underutilized site, while also providing new public amenities, including landscaping, sidewalk improvements, publicly-owned private open space and bicycle parking. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.

The Project is consistent with land use controls established for the Central SOMA Mixed Use-Office Zoning District, as well as with scope and character of development anticipated for this location in the Planning Department's Key Development Sites Guidelines. It is the only Key Site Central SoMa project that is primarily residential.

Further, the Project will provide significant public benefits for the Plan area and City through payment of numerous development impact fees that will be used to improve local transportation infrastructure, affordable housing, community facilities, and the public realm.

- 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 in the area, in that:
1. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structures;

The Project will construct two buildings, each reaching a maximum height of 400 feet (425 including rooftop screening). The buildings will be situated to provide multiple mid-block connections for pedestrian foot traffic, with lobby access for the residential, retail, hotel and office uses located along a spacious landscaped POPOS. The property is located in a height and bulk district, which allows for up to 400 feet of development. This prominent height emphasizes the importance of the 4th and Townsend intersection due to its location in proximity to the Caltrain and Central Subway stations. The Project's proposed height and massing are consistent with design policies of the Central SoMa Plan. The Project will feature a distinctive architectural style, enhancing the character of the neighborhood and City, and will feature approximately 20,938 square feet of ground floor retail, both activating its prominent 4th and Townsend Street frontages and effectively drawing foot traffic into the site's central public open spaces.

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

The property is well-served by public transit. The Property is within walking distance of the Powell Street BART station, one block from the 4th and King MUNI light rail station and Caltrain, and just minutes away from numerous bus lines including the 09, 09A, 09B, 10, 16A, 16B, 30, 45, 47, 76, 80X, 81X, 82X and 91. The project would also be located along the future Central Subway line, which is currently under construction. In addition, the project would provide below-grade off-street parking in an amount consistent with the standards set forth in the Plan, and will therefore avoid burdening neighborhood parking.

3. The safeguards afforded to proven noxious or offensive emissions such as noise, glare, dust and odor;

The Project entails construction of a mixed-use residential development compatible with the surrounding Central SoMa Plan area. It is not anticipated to generate any noxious or offensive emissions. Appropriate mitigation measures will be undertaken to accommodate for noise, glare and dust during construction.

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

The Project will feature a variety of streetscape improvements including street widening, installation of new signage, landscaping, tree planting, etc., consistent with the City's Better Streets Plan. Further, the project will incorporate approximately 24,495 square feet of attractively landscaped and hardscaped publicly-accessible open space, re-activating and drawing foot traffic into development on this prominent corner location.

- 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 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 CMUO (Central SoMa Mixed Use Office) District.

The Project is consistent with the stated purpose of the CMUO Zoning District in that it will result in development of a mix of residential and non-residential uses, including office, retail, and a tourist hotel. Per Planning Code Section 848, the CMUO Zoning District is described as:

The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and

non-residential uses, including office, retail, light industrial, arts activities, nighttime entertainment, and tourist hotels.

8. **Planning Code Section 303(g)** establishes additional criteria and findings for the Planning Commission to consider when reviewing applications for hotels and motels, in addition to those applicable to Conditional Uses. On balance, the project does comply with said criteria in that:

- A. 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;

The Project Sponsor will comply with the First Source Hiring Program, thus allowing certain positions to be available to local residents. The Project Sponsor also expects that a sizable portion of its new hires will be local, minimizing effects on the demand for new housing, public transit, childcare, and other social services. The Project site is well-served by numerous public transit options and accessible via bicycle and foot from major transit stops. Further, the Project will contribute funding to support affordable housing, child-care, public transit, and other social services through various applicable impact fees.

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

The Project Sponsor intends to coordinate local hiring to address Project construction and employment needs of the hotel use. The Project is in close proximity to public transit. Further, the Project has demonstrated compliance with the TDM Program, and will encourage modes of non-vehicular transportation including: walking, bicycling, and public transit by providing sufficient bicycle parking, real time transportation displays, multi-modal wayfinding signage, and streetscape improvements.

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

According to the Market Demand Analysis prepared by CBRE dated December 27, 2018, the San Francisco Bay Area is one of the strongest lodging markets in the United States, and has been approximately 20 percentage points above national averages, and with the reopening of the Moscone Center, occupancy in the San Francisco lodging market is expected to remain significantly above the national average. The report indicates that the overall demand for hotel units in San Francisco is set to continue at its currently high levels. Specific to the Project's proposed hotel, the competitive market's performance similarly surpasses both national and regional trends. The Analysis concludes that the hotel will not have any material impact on the overall market's long-term performance, and that occupancy in its market space will remain relatively stable at 83-85% over the next several years. Finally, the hotel is expected to achieve a stabilized occupancy in 2024 of 85%, again well over national trends and in line with the stabilized level projected for the competitive market.

- D. In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use

District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District;

The Project is not located within the Transit Center C-3-O(SD) Commercial Special Use District.

9. **Planning Code Section 317** establishes additional criteria and findings for the Planning Commission to consider when reviewing applications for projects that will demolish existing dwelling units. On balance, the project does comply with said criteria in that:

- A. Whether the property is free of a history of serious, continuing Code violations;

There are no serious, continuing Code violations at the property. The subject property (655 4th Street) has an open violation with the Department of Building Inspection for failure to comply with the Commercial Water Conservation Ordinance.

- B. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The two existing condominium units have been maintained in a decent, safe, and sanitary condition.

- C. Whether the Property is an "historical resource" under CEQA;

Not Applicable. The property is not an historical resource under CEQA.

- D. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Not Applicable. The property is not an historical resource under CEQA.

- E. Whether the project converts rental housing to other forms of tenure or occupancy;

The property currently contains two market rate condominium units. The Project will remove these units to construct a new residential project containing approximately 960 rental dwelling units.

- F. Whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance for affordable housing;

The two existing units at the property are not subject to the Residential Rent Stabilization and Arbitration Ordinance.

- G. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

The Project will remove two market rate condominium units, to facilitate construction of a new residential project containing approximately 960 rental dwelling units. The new housing will provide additional opportunity for neighborhood housing and the Project will participate in the City's Inclusionary Housing

Program, contributing to conservation and preservation of cultural and economic diversity and promote the construction and rehabilitation of permanently affordable units within the neighborhood.

- H. Whether the project conserves neighborhood character to preserve neighborhood cultural economic diversity;

The project is consistent with policy goals of the Central SoMa Plan area, and will contribute to the evolving neighborhood character while enhancing opportunity for cultural and economic diversity of area residents.

- I. Whether the project protects the relative affordability of existing housing;

The existing building contains two market rate condominium units. There are no existing affordable housing units at the property.

- J. Whether the project increases the number of permanently affordable units as governed by Section 415;

The existing building contains two market rate condominium units. The Project will not remove any affordable housing units. The Project will construct approximately 960 market-rate rental dwelling units on site, and will satisfy the City's Inclusionary Housing Program requirements through payment of an In Lieu Fee that will contribute to the development of affordable housing within the Central SoMa neighborhood.

- K. Whether the project locates in-fill housing on appropriate sites in established neighborhoods;

The Project will locate approximately 960 market rate units of in-fill housing within the Central SoMa Plan area, in a transit-rich location.

- L. Whether the project increases the number of family-sized units on site;

The Project will significantly increase the number of family-sized units on site. The property currently contains two market rate condominium units. The Project will construct approximately 960 new dwelling units, including approximately 351 two-bedroom and 37 three-bedroom units, resulting in a net increase of approximately 958 new dwelling units.

- M. Whether the project creates new supportive housing;

The Project will not contain new supportive housing.

- N. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

The Project has an iconic design at a prominent street corner in the Central SoMa Plan area. The Project is, on balance, consistent with all relevant design guidelines, and will enhance existing neighborhood character.

- O. Whether the project increases the number of on-site Dwelling Units;

The Project will increase the number of on-site dwelling units from 2 to 960, a net increase of 958 units.

- P. Whether the project increases the number of on-site bedrooms;

The Project will increase the number of on-site bedrooms from 6 to 1,385.

- Q. Whether or not the replacement project would maximize density on the subject lot; and

The Project would maximize residential density on the subject lot, consistent with project design, massing, dwelling unit mix, and all other applicable standards for the Central SoMa Plan area.

- R. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

The Project will replace the existing market-rate condominium units with new dwelling units with a range of sizes and bedroom configurations, as discussed above.

10. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. _____, Case No. 2014-000203ENX (Large Project Authorization, pursuant to Planning Code Section 329) apply to this Motion, and are incorporated herein as though fully set forth.

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

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

The Project site currently contains 52,590 square feet of commercial use, including the Creamery neighborhood café, a taqueria, a designer furnishing store, and a catering service. The Project would create approximately 20,938 gsf of new neighborhood serving retail uses, including four new micro retail spaces, and a gross square feet of new retail use, including seven new micro-retail spaces, and approximately 24,509 gsf of hotel use, enhancing future opportunities for employment and ownership of area businesses.

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

The Project would remove two existing dwelling units and construct 960 dwelling units in a range of size and unit types, increasing the City's available housing stock and preserving cultural and economic

diversity. In addition, the Project's office and retail components will conserve and protect the neighborhood's existing commercial character.

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

The Project will not displace any affordable housing units. The Project will construct 960 new dwelling units and will satisfy the City's Inclusionary Housing Program through payment of an in-lieu fee, which will be used to fund development of affordable housing within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue. The Project's commercial components will also be subject to payment of the City's Jobs-Housing Linkage Fee, which will be used to develop and preserve affordable housing options throughout the City.

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

The Project will not impede transit service, or overburden streets or neighborhood parking. The Project will contain off-street parking spaces to serve residential and non-residential uses within the ratios principally permitted by the Planning Code, and will participate in the City's Transportation Demand Management Program. The site is within walking distance of San Francisco's downtown, Financial District, and office hubs around SoMa, as well as the Montgomery Street BART station, and is located kitty corner from the 4th and King Caltrain station, providing access to the East Bay, the Peninsula and into Silicon Valley. The Property is also extremely well-served by public transit. The Property is within walking distance of the 09, 09A, 10, 16A, 16B, 30, 45, 47, 76, 80X, 81X, 82X and 91 bus lines. The Project is also located along the future Central Subway line.

- 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 site contains no industrial use, and proposes largely residential development. The Project will also contain approximately 20,938 gsf of new retail development, split amongst a number of individual retail units of varying size, providing future opportunities for resident employment and ownership.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- g. That landmarks and historic buildings be preserved.

The Project site does not contain any City Landmarks or historic buildings.

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

The Project has been designed to minimize sunlight and vista impacts to City parks and open spaces.

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 Authorization Application No. 2014-000203CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 6, 2019, 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 identified in the Transit Center District Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion 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 June 20, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 20, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow demolition of two dwelling units and establishment of a tourist hotel containing 38 guestrooms at 655 4th Street, 280-290 and 292-296 Townsend Street, Block 3787, Lots 026, 028, 050045 and 161-164050-052, pursuant to Planning Code Sections 303, 317, and 848 within the CMUO Zoning District, Central SoMa Special Use District and 400-CS Height and Bulk District; in general conformance with plans, dated June 6, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2014-000203CUA and subject to conditions of approval reviewed and approved by the Commission on **June 20, 2019** 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.

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 June 20, 2019 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 five (5) 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 five-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 five (5) 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 five (5) 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 Project Sponsor must obtain a Large Project Authorization under Planning Code Section 329 for new construction of more than 50,000 gross square feet and greater than 85 feet in height within the CMUO Zoning District, Central SoMa Special Use District and satisfy all the conditions thereof. 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. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, 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

9. **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

10. **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

11. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

MONITORING - AFTER ENTITLEMENT

12. **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
13. **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

14. **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>
15. **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 officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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.

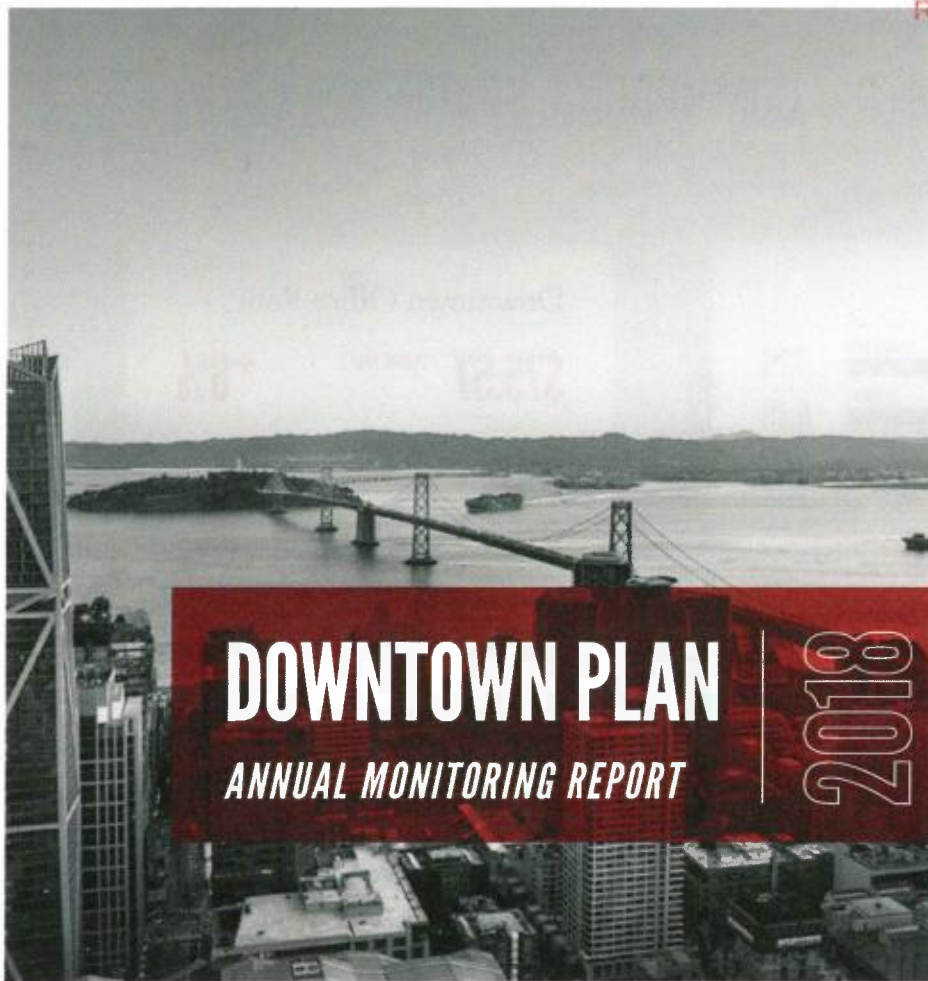
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **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

6/20/19

A. Harris



San Francisco Planning

ABOUT THE DOWNTOWN PLAN MONITORING REPORT

Produced annually

- Data covers 2018 or FY17-18

Monitors:

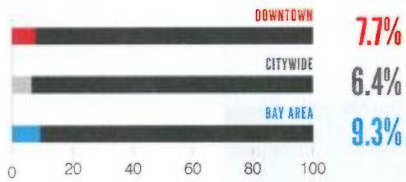
- Commercial Space
- Employment
- Taxes and Revenue
- Building Activity
- Transportation
- Housing Production
- POPOS



2018 HIGHLIGHTS – COMMERCIAL SPACE

VACANCY AND RENTS

Office Vacancy



SEE TABLE 3

Retail Vacancy



SEE TABLE 4

Downtown Office Rent

\$75.57 / SQUARE FOOT **↑6%**

Hotel

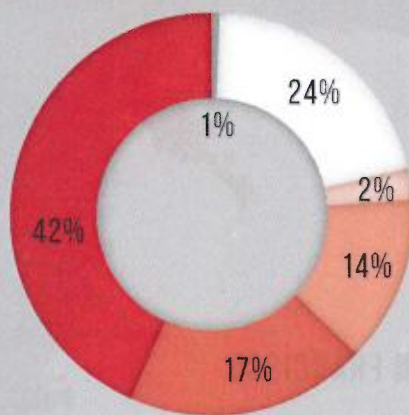


SEE TABLE 5

2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – EMPLOYMENT

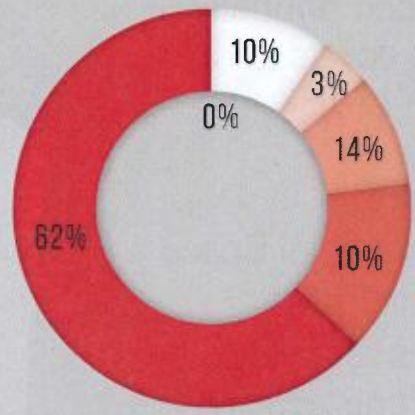
SAN FRANCISCO JOBS BY SECTOR



724,600 **↑2%**

2018 **FROM 2017**

DOWNTOWN C-3 JOBS BY SECTOR



294,300 **↑6%**

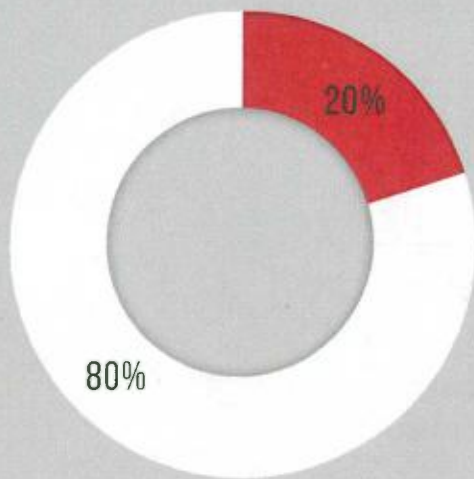
2018 **FROM 2017**



2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – PIPELINE

OFFICE PIPELINE

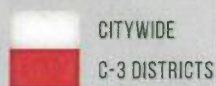


16.8 MILLION SF

CITYWIDE

3.4 MILLION SF

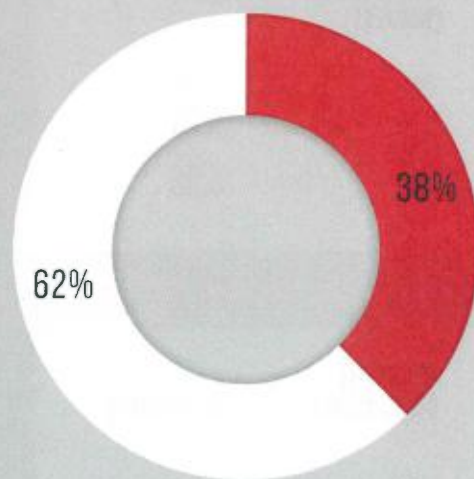
DOWNTOWN



2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – HOUSING PRODUCTION

HOUSING PRODUCTION

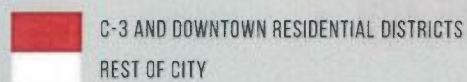


2,309 UNITS

CITYWIDE

882 UNITS

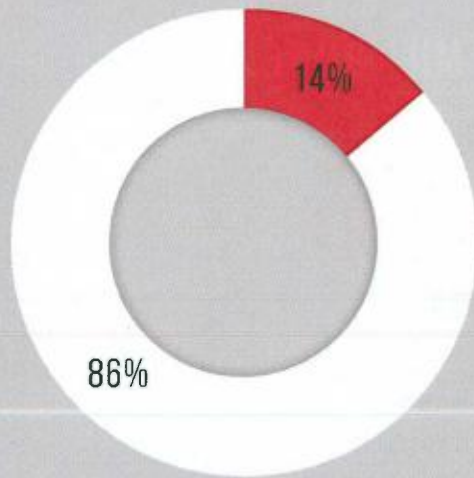
DOWNTOWN



2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – PIPELINE

HOUSING PIPELINE

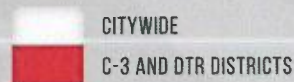


71,072 UNITS

CITYWIDE

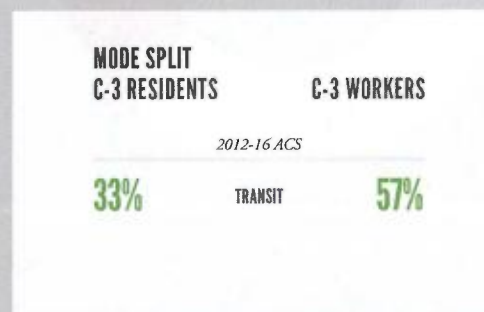
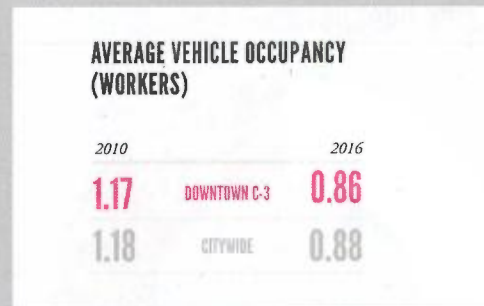
10,117 UNITS

DOWNTOWN



2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – TRANSPORTATION



2018 DOWNTOWN PLAN MONITORING REPORT

2018 HIGHLIGHTS – IMPACT FEES

TRANSIT IMPACT DEVELOPMENT FEE COLLECTION (FY 2018)

Total

\$18.4 million ↑ 63%

TRANSPORTATION SUSTAINABILITY FEE COLLECTION (DOWNTOWN, FY 2018)

Total

\$7.9 million ↑ 59 times

\$6.2 MILLION IN TSF, 562 MISSION STREET



Credit: Foster + Partners and Hillier Jones Architects for Oronochee Development LLC

2018 DOWNTOWN PLAN MONITORING REPORT

REPORT AND DATA AVAILABLE

PLANNING DEPARTMENT WEBSITE

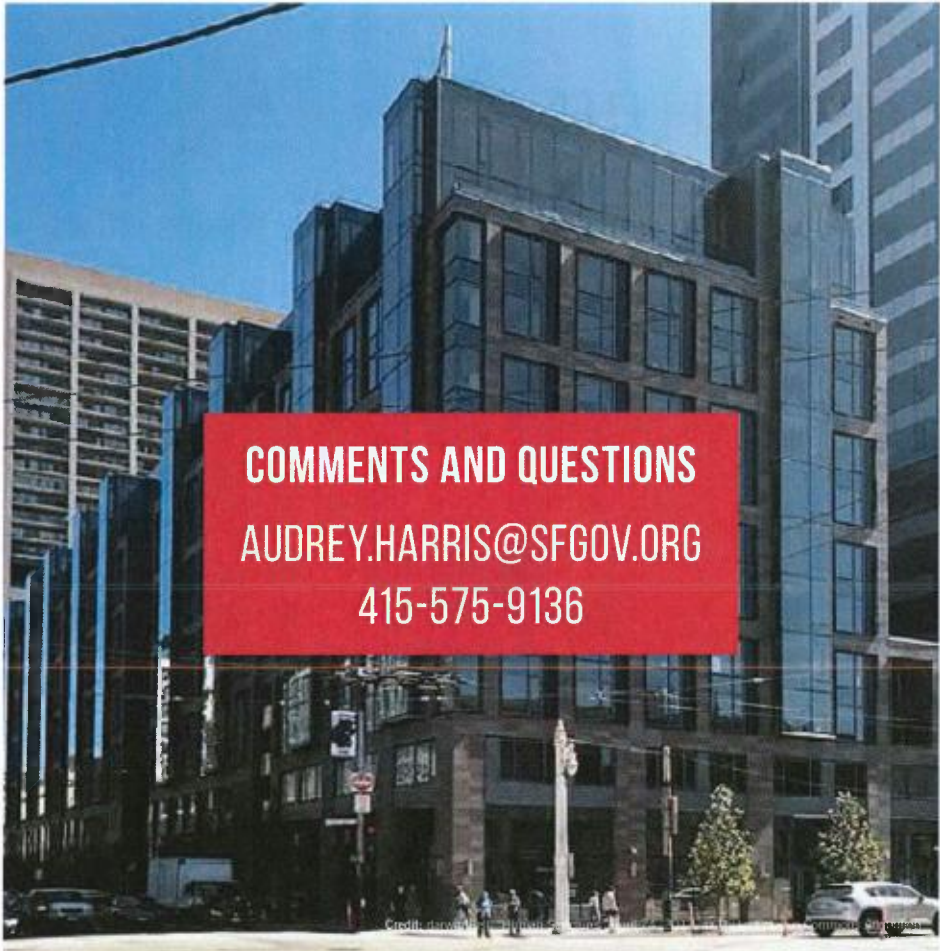
SFPLANNING.ORG

DATA SF

DATASF.ORG



Credit: Hillier Jones Architects



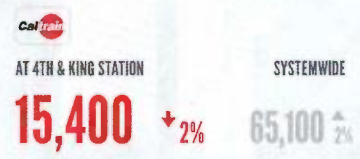
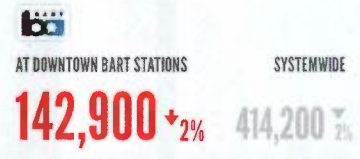
COMMENTS AND QUESTIONS
AUDREY.HARRIS@SFGOV.ORG
415-575-9136



2018 HIGHLIGHTS – TRANSPORTATION

TRANSIT RIDERSHIP

Downtown Transit Boardings (Average Weekday) *Citywide*



MODE SPLIT C-3 RESIDENTS

C-3 WORKERS

2012-16 ACS

33%	TRANSIT	57%
20%	CAR	29%
4%	BIKE	3%
34%	WALK	8%
5%	WORK AT HOME	1%
3%	OTHER	3%



2018 Summary & Infographic

Downtown San Francisco continues to be a resilient district for San Francisco and the region in 2018, largely because of *Downtown Plan* policies. Adopted in 1985, these policies guide land use decisions to create the physical form and pattern of a vibrant, compact, pedestrian-oriented, livable, and vital downtown.

The *Downtown Plan* directed dense employment growth to the C-3 district, generally along both sides of Market Street from the Embarcadero to Van Ness Avenue. In order to accommodate this growth, the Plan contains a series of goals, policies and targets designed to ensure that new development is supported with the infrastructure and services required of great places, pays its way, and generates a net benefit for the city.

The city's economy continued to grow in 2018, at a slightly faster pace than in 2017. Office rents, employment, and tax revenue continued to grow. Though transit ridership, after record numbers in 2016, continues to fall with the exception of ridership from Caltrain that has continuously increased over the years. Although the retail vacancy rate continues to rise to almost double what it was in 2016, Downtown continues to have the majority of San Francisco's office and hotel jobs. Overall employment in the Downtown area grew by 5% in 2018, an increase from the 3% growth seen in 2017.

The housing and transportation goals are among the most important in the *Downtown Plan*. The Plan states that without sufficient and appropriate housing to serve new commercial development, local housing costs would increase, thereby compromising the vitality of downtown. The Plan also states that if employment growth increases the number of cars downtown, thereby significantly increasing traffic, the area's attractiveness and livability could be affected adversely. As a result, the Plan contains various targets relating to these policy issues.

After a significant downturn due to the global financial crisis, housing production in the city has rebounded from less than 270 net new units in 2011 to just over 5,000 in 2016, though it fell somewhat to 2,580 net new units in 2018. Nearly 40% of these new housing units in 2018 were located in the Downtown C-3 and DTR districts. Significant recent housing production downtown, along with the potential addition of thousands of new units (about 10,177 units in the current pipeline are planned for Downtown), will continue to increase the Downtown residential population and vitality of the district.

By most measures, the San Francisco *Downtown Plan* has been a success. It guided the creation of one of the most successful core areas of any American city. The vitality, job and housing density, retail activity and overall character of the downtown have improved dramatically. The Planning Department will continue to monitor these trends so that land use policy adjustments can be made as required to maintain and enhance a successful Downtown and Plan and avoid unintended consequences.

The annual changes in Downtown land use, employment, and transportation trends are summarized on the following pages (downtown's share of citywide total is listed in red when applicable).

PART 1: Commercial

VACANCY

Office Vacancy



SEE TABLE 2

Retail Vacancy



SEE TABLE 4

Downtown Office Rent

\$75.57 / SQUARE FOOT **↑ 6%**

Hotel



SEE TABLE 3

COMMERCIAL DEVELOPMENT PIPELINE

Downtown share of Citywide

Office *Net Square feet*

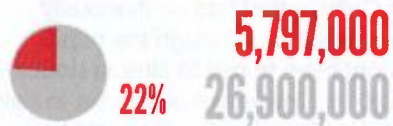


SEE TABLE 1

Retail *Net Square feet*



TOTAL *Net Square feet*



■ Downtown
 ■ Citywide
 ■ Bay Area

PART 1: Commercial Space, Employment, & Revenue Trends

Originally, the *Downtown Plan* guided commercial development and most new office growth in San Francisco to the Downtown C-3 District straddling Market Street (see Map 1). The *Plan* also expanded new commercial development to the South of Market (SoMa) district. The *Plan's* annual limit on new office space, institutionalized by a voter initiative passed in 1986, was intended to manage the pace of new office development and reduce speculation and boom-bust land use development issues.

Recent planning efforts south of Market Street encourage office, residential density, and new mixed-use neighborhoods to the south of the Downtown C-3 District. The *Transit Center District Plan*, which overlaps the C-3 District, also includes some office and residential development guidelines. The *Central SoMa Plan*, part of which also overlaps the C-3 district, is currently in draft form and includes a substantial amount of new capacity for office space. Mission Bay and Candlestick Point are two areas where more recent planning has directed substantial office development.

The *Rincon Hill Plan* directs high density housing south of the C-3 districts. The *Eastern Neighborhoods Area Plans* include rezoning in the southeast quadrant of the city to accommodate the majority of non-downtown/non-high-rise office growth. In

addition, the Eastern Neighborhoods Area Plans will establish new mixed-use residential neighborhoods encompassing light industrial and production-distribution-repair, retail, smaller offices, and institutional uses. The Eastern Neighborhoods will not be locations for dense, high-rise office developments. As a result, future high-rise office development will remain concentrated in and around the Downtown Plan Area.

Commercial Space

Pipeline Development Projects

As of the fourth quarter of 2018, there were 1,987 projects in the citywide development project “pipeline.”¹ Roughly 74% of the projects were exclusively residential; roughly 12% were mixed-use with both residential and commercial components. The remaining fourteen percent (14%) of the projects were exclusively commercial (office, retail/entertainment, hotel, or production, distribution and repair).

In total, the commercial pipeline projects would add 26.9 million square feet (msf) of commercial space (Table 1). This includes nearly 16.8 msf of office space and 4.1 msf of retail space

1 San Francisco Planning, *Pipeline Report*, Quarter 4, 2018

Table 1.
Commercial
Project
Pipeline

Area	Total	%	Office	%	Retail	%
Downtown C-3	5,797,025	22%	3,385,800	20%	428,969	10%
C-3-G	738,495		424,433		(41,721)	
C-3-O	(62,459)		(144,369)		(1,130)	
C-3-O(SD)	4,245,418		2,539,979		292,960	
C-3-R	156,034		(84,147)		163,627	
C-3-S	719,537		649,904		15,233	
PM, HPCP and TI	2,822,086	10%	970,000	6%	860,486	21%
Mission Bay	4,660,318	17%	2,717,115	16%	1,531,903	37%
NC Districts	(81,819)	0%	(104,596)	-1%	91,878	2%
Rest of City	13,704,250	51%	9,791,278	58%	1,216,944	29%
TOTAL	26,901,860	100%	16,759,597	100%	4,130,180	100%

Source: San Francisco Planning, *Pipeline Report*, Quarter 4, 2018

The Downtown C-3 districts account for about 5.8 million sf, or 22% of proposed commercial space in the pipeline. Large master planned developments in Candlestick Point, Treasure Island and Parkmerced would add about 2.8 msf (10%) of new commercial space, and Mission Bay would add 4.6 msf (17%). The rest of the city will receive about 13.7 msf of commercial development, or 51% of the pipeline project total. The vast majority of this development is slated for neighborhoods adjacent to downtown (other parts of SoMa and Showplace Square/Potrero Hill). The non-residential commercial projects include office, retail, visitor (hotel and entertainment), production-distribution-repair (PDR), and cultural-institutional-educational (CIE) land uses.

Of the total 5.8 msf of commercial space in the pipeline for downtown, 58% are office land uses. About 1.7 msf (14%) of downtown's pipeline development is currently under construction. Nearly 3 msf (23%) worth of pipeline projects have received building permit approval or have been issued a permit, and should begin construction soon. The remaining 1.1 msf of the pipeline projects are still in the early stages of approval, with Planning applications filed or approved, and building permits filed but not yet approved with the Department of Building Inspection.

Projects under construction are typically ready for occupancy within two years. Projects not yet under construction but approved by the Planning Department are usually available for occupancy within two to four years. Projects filed for planning approval take two to four or more years to complete, depending on complexity.

Office Space

Close to two-thirds of the city's office space is located in the Downtown C-3 District (Table 2). At 343 acres (or slightly more than half a square mile), the district represents one of the densest concentrations of office space in the country.

Table 2.

	Area	Square Feet
Existing Office Space	San Francisco	117,200,000
	C-3 District	75,100,000
	% office in C-3 District	64%

Source: Costar Group, San Francisco Planning

2018 saw the completion of over 1.05 msf of new office space in San Francisco. At the end of Q4 2018, the pipeline shows an estimated 2.6 msf of office space under construction.

San Francisco's office vacancy rate dropped to 6.4% at the end of 2018, a decrease of 2.2 percentage points under the previous year. The city's office vacancy rate still remains lower than the Bay Area's vacancy rate of 9.3%. (Table 3). Downtown's vacancy rate fell again to 7.7%.

A total of 6.7 msf of office space was leased in 2018, down 23% from 8.7 msf in 2017. About 4.4 msf of that activity was located in the downtown area.²

By year end 2018, San Francisco office rents had increased to an average of \$75.57 per square foot, up 6% from \$71.02 per square foot in 2017.³

² Cushman & Wakefield, MarketBeat, Office Snapshot, San Francisco, Q4 2018

³ Cushman & Wakefield, MarketBeat, Office Snapshot, San Francisco, Q4 2017 and 2018; Rates are for all building classes, gross rental rate, full service.

Residential Pipeline Projects

As of the fourth quarter 2018, the citywide pipeline of projects under construction or seeking planning approval and building permits contained a total of about 71,072 residential units, up 9% from 65,250 units in 2017. The area with the largest number of pipeline units is in the master-planned Candlestick-Hunters Point development (11,791 units). The Downtown C-3 and DTR zoning districts, taken together, contain the second largest number of housing units in the pipeline: 10,177 units, or 14% of the city's total pipeline. The remainder of units in the pipeline are located in large master-planned developments such as Treasure Island (7,676) and Parkmerced (5,679 units), or scattered throughout the rest of the city (35,749 units) (see Table 14).

Table 14. Residential Project Pipeline (net units)

Rank	Area	Units	% Share
1	Candlestick-HP	11,096	16%
2	Greater Downtown*	10,177	14%
3	Treasure Island	7,676	11%
4	Parkmerced	5,679	8%
	Rest of city	35,749	51%
TOTAL		71,072	100%

*Includes Downtown C-3 and DTR zoning districts
 Source: San Francisco Planning, *Pipeline Reports*, Quarter 4, 2018

The permit status of the proposed units is as follows: 17% are under construction (8,073 units); 24% hold a building permit that has been approved, reinstated, or issued, 42% have filed for a building permit, 4% have planning approval and need to seek a building permit, and 13% have filed for planning approval.

Approximately 24,451 units (just under 34%) are associated with the three large projects that will be built out over a longer period (Candlestick, Treasure Island and Parkmerced). These units have received planning approval.

The remaining approximately 46,621 units would be expected to be built out under the more typical time frames: two years from beginning construction and two to four years from planning approval. If production were to follow the pace of the city's average annual production, roughly 2,532 units per year over the past ten years, the 46,621 units associated with smaller projects would be expected to be built out over 15-16 years.

Jobs Housing Linkage Program (JHLP)

Prompted by the *Downtown Plan*, the City determined that employment growth associated with large office development projects would attract new residents and therefore increase demand for housing. In response, the Office Affordable Housing Production Program (OAHPP) was established in 1985 to require large office developments to contribute to a fund to increase the amount of affordable housing. In 2001, the OAHPP was re-named the Jobs-Housing Linkage Program (JHLP) and revised to require all commercial projects with a net addition of 25,000 gross square feet or more to contribute to the fund.

In fiscal year 2017-2018, nearly \$31.4 million was collected in Jobs-Housing Linkage fees (Table 15).

Table 15. Jobs-Housing Linkage Fees Collected

Fiscal Year	Revenue
2015-2016	\$30,198,421
2016-2017	\$66,930,604
2017-2018	\$31,392,100

Source: San Francisco Controller's Office

Transportation

This section reports on *Downtown Plan* transportation targets including an inventory of parking spaces, vehicle occupancy rates, peak period transit ridership, commute mode split, and fees collected by the Transit Impact Development Fee (TIDF) as required by the Downtown Plan monitoring ordinance.

Parking Inventory

Downtown Plan policies discourage new long-term commuter parking facilities (surface lots and garages) in and around the periphery of downtown. No new long-term parking facilities have been built Downtown since Plan adoption, although the supply of off-street parking in new buildings continues to grow with new development, as allowed under the Planning Code.

As the department's Permit and Project Tracking System (PPTS) continues to roll out, more accurate accounting of parking spaces included in new downtown development is now available.

Received at CPC Hearing 6/20/19
A. Marlowe

Potential effect on San Francisco Housing Production of Proposed Ordinance regarding Residential Demolition, Merger, Conversion & Alterations

The following is an analysis of the currently pending legislation at the San Francisco Board of Supervisors (File 181216) regarding residential demolition, merger, conversion and alterations (the “Ordinance”). Attached is a detailed summary of the ordinance, particularly how the ordinance would affect housing production.

Overall Analysis

The proposed legislation appears to be at odds with the City’s overall goal of increasing housing production and improving affordability for residents. While it is understandable that this legislation was developed in large part to respond to certain builders that have engaged in the past in “serial permitting” to circumvent demolition controls, this legislation goes far beyond curtailing this behavior and instead would result in decreased housing production in the City. Additionally, it is unclear as to how this ordinance either interacts with or conflicts with state and local laws and General Plan policies that are designed to spur housing creation. Without major changes to the legislation, we can anticipate that it would prevent the densification of currently low-density neighborhoods of throughout the City, prevent the construction of multi-family residential buildings on anything but vacant land, and cause delays in project review and approvals, Planning Commission hearing scheduling, and ultimately, the production of more housing in the City.

Specific Analysis

Demolition, Merger, or Conversion resulting in loss of Residential or Unauthorized Unit(s) (Planning Code Section 317)

Section 317 was recently amended in legislation sponsored by former Supervisor John Avalos in 2016. It requires conditional use approval by the Planning Commission before any authorized or unauthorized dwelling unit can be demolished. Section 415, the inclusionary housing program, was also recently amended to require the replacement on-site of all demolished units that are affordable or subject to rent control, in addition to the replacement building's required on-site BMR units. These provisions are working well, and have enabled several large multi-family projects that will replace a small number of existing units to move forward provided the new building produces more units than those that are being demolished and replaces on-site the demolished units. Recent examples include 450 O'Farrell Street (5 demolished units replaced by 176 units, including 5 replacement units and 23 on-site affordable inclusionary units) and 400 Divisadero Street (3 demolished units replaced by 184 units, including 3 replacement units and 37 on-site affordable inclusionary units), as well as the Sunnydale and Potrero HOPE-SF projects that each will demolish and replace over 700 dilapidated public housing units. Because they are working as designed, we are not aware of any reasons why the existing demolition/replacement provisions of Section 317 require revisions, perhaps other than to clarify the definition of what a demolition is.

The Ordinance would render similar projects, whereby a few units are demolished but replaced by significantly more units, including inclusionary units and replacement units, essentially impossible to approve. The Ordinance replaces the 18 criteria that the Planning Commission now considers when evaluating demolition and replacement applications (which require the replacement project to provide more units with more bedrooms, etc.) with seven mandatory requirements (not criteria). It is hard to imagine a proposed demolition that could meet all seven of these requirements.

- The Planning Commission could not approve the demolition/replacement if it would result in the removal of any affordable housing unit, regardless of the

amount of affordable housing in the replacement project or whether current tenants can be relocated into the replacement building. No more HOPE-SF type projects could ever be implemented.

- The Planning Commission could not approve a demolition/replacement project if it would result in removal of any housing unit that is currently occupied by a tenant or was occupied by a tenant at any time within the seven years preceding the filing of the application, unless the owner has gone through an Ellis Act process to evict all tenants in the building and take the building out of the rental market before filing the application. In other words, an owner would need to evict all building tenants before applying for demolition and leave the building vacant or owner-occupied for the several years between submitting the application and actually demolishing the structure. This requirement would also make relocation of former tenants into a replacement building highly unlikely because the evicted tenants would be long gone and will have secured replacement housing elsewhere by the time the replacement building is completed.
- There can be no curable Building Code violations in the building to be demolished. Not only would an applicant need to evict all tenants, it would also need to bring the building up to Code before it is demolished, a significant waste of resources and funds.
- The Planning Commission would need to find that the existing residential building does not conform to the height, scale, or architectural details of the buildings on the block on which it is located. This requirement sets most demolition/replacement projects up for failure given that most buildings within a particular neighborhood were designed in similar style, size, and shape.
- No building located in any established or potential local, state or national historic district could ever be demolished, regardless of whether the building is contributory to the district. The Historic Preservation Commission already has jurisdiction over demolitions in the City's established Article 10 and 11 local

historic districts and can disapprove them; this requirement would expand that to all other existing and potential districts and remove the authority of the HPC or the Planning Commission to even consider a demolition and replacement project within any established or potential district.

- No demolition could be approved if it would result in a significant impact under CEQA, regardless of whether the City could make overriding findings that the merits of the project outweigh the significant impacts.
- If the to-be-demolished building contains an unauthorized unit, demolition cannot be approved if it is feasible to legalize the unauthorized unit, again regardless of the merits of the replacement building.

Even if these seven requirements could be met, a conditional use authorization for a replacement project could not be approved by the Planning Commission if any of the following seven requirements are not met. It is difficult to conceive of any demolition/replacement project that could ever be approved, given the often contradictory and/or clearly infeasible requirements of the Ordinance.

- The replacement structure will provide both added density and affordability equal to or greater than the units being demolished.
- The replacement structure must conform to the height, scale, form, materials, architectural details and character of the surrounding neighborhood. We want more units but only if the new building is no bigger than the demolished building? Would density bonuses not be permitted to increase affordable units if it meant a larger building?
- The replacement structure can require no variances from the Planning Code (regardless of the merits of a variance application) and must conform to existing zoning, such that no special use district or other rezoning action often required for large multi-family projects could be considered.

- The replacement units must be comparably sized to those being demolished and not exceed the average size of existing units within 300 feet of proposed project, but be no larger than 1,200 square feet. These requirements run counter the City's goal of creating more housing and more family-sized housing, particularly if the average size of nearby housing is small.
 - All of the replacement units must have both front and rear exposure if the demolished units are flats. There is no explanation of how large multi-family replacement projects, which typically are doubled loaded corridor building, can be built as flats instead.
 - The replacement building can not contain a single parking space, regardless of demand or marketability.
- Penalties – Under the legislation, administrative penalties for unlawful demolition, mergers, and conversion can go up to \$50,000. Administrative penalties go up to \$500,000 for unlawful demolition or alteration of historic buildings. Again, while it is important to hold project sponsors accountable for code violations, these penalties will do most harm to the individual, inexperienced property owners.

Enforcement Against Violations (Planning Code Section 176)

- Penalties – Administrative penalties and civil penalties, which are assessed per day that the violation continues, would be increased about four times the current amount, such that violators would be penalized \$1,000/day. Criminal penalties would also increase four times the current amount and would be at minimum \$1,000 per violation. Additionally, the ordinance clarifies that each property address, each dwelling unit within a property address, and each separate violation of the Planning Code constitutes a distinct violation for calculating penalties. While it is important to hold project sponsors accountable for code violations, there is no justification as to why the penalties will be quadrupled. While larger developers may be able to handle the increased penalties, there will be major consequences for inexperienced residents who may be working on a home alteration,

expansion or trying to create an Accessory Dwelling Unit (ADU) for the first time and unable to hire experts to assist with their project.

- Alternative Administrative Enforcement – The legislation removes Planning Code Section 176.1, which allows for an alternative administrative enforcement procedure through a request for a Director’s hearing. Currently, this process is available for cases where the legal or factual issues are not complex, and where interpretation of the Planning Code is not at issue. It is unclear as to why this section should be deleted, as it allows for the expeditious and effective resolution of cases that are straightforward. This section should be maintained in the proposed legislation so that other project approvals and processes are not bogged down by enforcement actions.

Permit Review Procedures (Planning Code Section 311)

Revisions to Section 311 would greatly expand the materials required to be provided in neighborhood notices of new construction or alteration projects.

- Preparation of Plans – Proposed plans would need to be prepared by licensed architects, showing any above grade elements, external walls, and internal structural framework to be demolished, destroyed, or removed – even temporarily. During demolition, many unforeseen circumstances can happen. There are also often conflicts between how licensed architects and structural engineers approach demolition. We suggest removal of the requirement that temporary demolition, destruction, or removal of the above elements be shown in proposed plans because it is unrealistic to anticipate every single step in such a process.
- Modifications to Proposed Plans – Currently, the Planning Director “may” require, during the application review process, modifications to the exterior of new construction or alteration of a building. Instead, the legislation states that the Planning Director “shall” require modifications to the all proposed projects, and allows the Planning Director to make changes in height (new), amongst other existing features (site design, building envelope, scale, texture and detailing, openings, and landscaping), to conform with the

General Plan. Changing the language from “may” to “shall” is problematic – this does not give the Planning Director the flexibility to deviate from the General Plan, even if it means that more housing could be created as a result.

- Notification Requirements – The legislation adds a lengthy list of new requirements for the notification packet, such as whether the structure is historic or over 50 years old, elevations to document changes to roof decks or garage additions, architectural rendering or illustration depicting the relationship of the proposed project to adjacent properties, and a list of all work done under any and all previous permit applications, including revisions to permits, within the last five years. The legislation also requires a showing of the *temporary* removal of interior and exterior elements of the existing structure. While it is important to provide adequate notice to the surrounding neighborhood regarding a proposed project, the level of detail that would be required for these notices will be a barrier for many individual homeowners who are not experienced, well-resourced, and undergoing a project for the first time. These new requirements will also slow down projects significantly, as many project sponsors already struggle with the basic noticing requirements. We recommend removal of most of these new requirements.
- Child Care Facility review – The legislation requires additional review for changes of use to Child Care Facilities that propose an increase in the exterior dimension of the building. This proposed change is not consistent with the City’s policy of encouraging the creation and retention of Child Care Facilities.
- ADU Notices/Review – The legislation specifically states that construction of ADUs pursuant to Section 207(c)(6) (state mandated program) are not subject to the notification or review requirements under Section 311. However, if the City’s policy is to encourage creation of ADUs, we recommend that the local ADU program be consistent with the state mandated program and to remove the notification requirement. ADUs should be approved ministerially, per state law.

Major Expansion Projects (Planning Code Section 319)

The ordinance proposes a new Section 319 that would regulate the expansion of existing buildings in RH-1, RH-2 and RH-3 zoning districts to discourage the enlargement of existing units. This memo does not analyze the desirability of this new section and leaves that analysis to others.

Additional Requirements under Building Code (Building Code Section 103A.3 & 202; adding Sections 106A.4.1.2 & 106A.4.14)

- Construction means & Methods – The requirement for attesting under oath the construction means and methods to be employed for the project work, including *temporary* removal and replacement of elements does not account for unforeseen circumstances during construction.

Grandfathering/Exemptions

- Although there is no grandfathering clause in the legislation, we noted that there are exemptions for those projects that have received final approval from Planning Department and Commission prior to the effective date of ordinance. However, the legislation should be clarified to allow those projects already in the review process and/or scheduled for a Planning Commission hearing to proceed under existing law.
-

Table 6 below shows the distribution of no-fault eviction notices issued between July 2008 and June 2018. Eviction notices have been commonly used as proxy for evictions. Owner Move-In and Ellis Out notices made up the majority of no fault evictions (59% and 30% respectively). Distribution of these no-fault eviction notices is almost evenly dispersed, with Districts 9 and 8 leading (both with 14%).

Table 6
Units Removed from Protected Status, 2008 Q3 – 2018 Q2

BoS District	Condo Conversion	Demolition	Ellis Out	Owner Move-In	Units Removed from Protected Status
BoS District 1	2	22	152	351	527
BoS District 2	18	10	89	202	319
BoS District 3	7	10	176	120	313
BoS District 4	-	74	81	307	462
BoS District 5	15	16	97	231	359
BoS District 6	1	75	57	13	146
BoS District 7	-	31	56	149	236
BoS District 8	21	31	228	325	605
BoS District 9	5	50	213	338	606
BoS District 10	2	26	52	215	295
BoS District 11		68	56	271	395
TOTALS	71	413	1,257	2,522	4,263

Entitled and Permitted Units

Table 7 lists the number of units that have received entitlements from the Planning Commission or the Planning Department. These pipeline projects have also received site permits from the Department of Building Inspection and most are under construction as of the final quarter of 2017. Over half of these units are being built in or will be built in District 6 (52%). Twenty percent of units that have received Planning entitlements and site permits from the DBI will be affordable.

JLA PROJECT DATA FOR RH DISTRICTS:

Received at CPC Hearing 6/26/19
A. Merlone

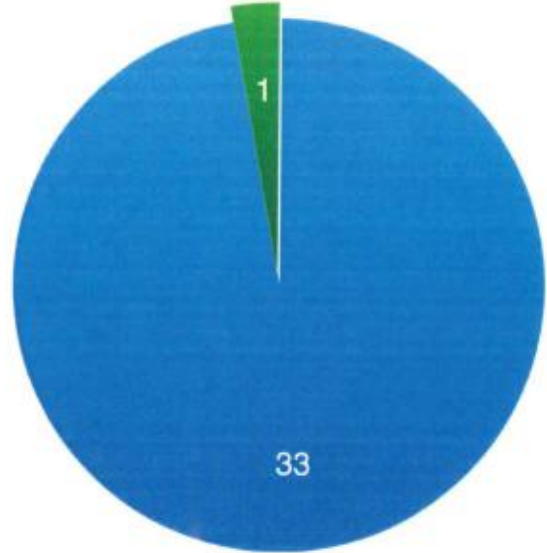
**PROJECTS PRESENTLY
SUBJECT TO CONDITIONAL USE:**

- # OF PROJECTS SUBJECT TO CONDITIONAL USE
- # OF PROJECTS NOT SUBJECT TO CONDITIONAL USE



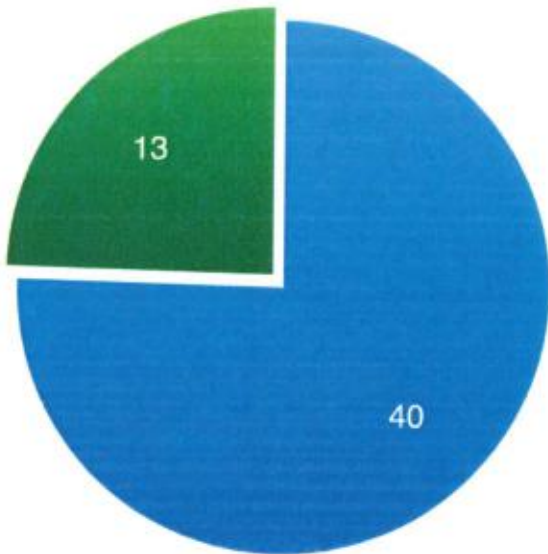
**PROJECTS SUBJECT TO CONDITIONAL USE UNDER
PROPOSED LEGISLATION:**

- # OF PROJECTS SUBJECT TO CONDITIONAL USE
- # OF PROJECTS NOT SUBJECT TO CONDITIONAL USE



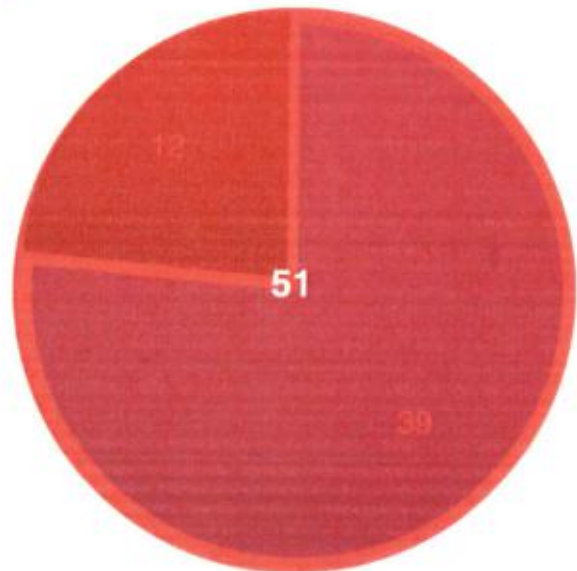
**PROPOSED UNITS OF HOUSING
(REMODELED & ADDITIONAL) UNDER
CURRENT LEGISLATION:**

- # OF REMODELED UNITS OF HOUSING
- # OF NEW UNITS OF HOUSING (ADDITIONAL)



**PROPOSED UNITS OF HOUSING
(REMODELED & ADDITIONAL) UNDER
PROPOSED LEGISLATION:**

- # OF REMODELED UNITS OF HOUSING
- # OF NEW UNITS OF HOUSING (ADDITIONAL)
- # OF UNITS THAT WOULD NOT BE ALLOWED



FINDINGS:

1. NEARLY ALL OF OUR PROJECTS WITHIN RH DISTRICTS WOULD REQUIRE CONDITIONAL USE.
2. 100% OF OUR PROJECTS SUBJECT TO CONDITIONAL USE WOULD BE INELIGIBLE FOR APPROVAL AND 12 PROPOSED NEW UNITS OF HOUSING WOULD BE LOST

Received at CPC Hearing 6/20/19
A. Harris

2018 Downtown Plan Monitoring Report

P.3 Central SoMa Plan was ADOPTED in December 2019 - overlaps C-3 District - NOT A DRAFT

Office Project Pipeline - Office Development Report updated 10/19/18 has different information

Pending Small Cap projects - 274,179 gsf

- 4 not in C-3
- 865 Market - 49,999 C-3-R
- 233 Geary - 49,999 C-3-R
- 30 Van Ness - 49,999 C-3-G

Pending Large Office Cap projects - 8,906,165 gsf

- 10 not in C-3
- 542-550 Howard - 288,677 C-3-O(SD)

Sue Hestor
San Franciscans for Reasonable Growth
6/20/19



SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 6/20/19
D. Sanchez

Planning Commission Draft Resolution

HEARING DATE JUNE 20, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Temporary Uses: Intermittent Activities
Case Number: 2019-006421PCA [Board File No. 190459]
Initiated by: Supervisor Brown / Introduced April 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW OPERATION OF A FARMERS MARKET ON THE DEPARTMENT OF MOTOR VEHICLES FIELD OFFICE PARKING LOT AT 1377 FELL STREET BY ALLOWING AN INTERMITTENT ACTIVITY TO BE LOCATED ON A LOT WITH A PUBLIC FACILITY IN SPECIFIED RESIDENTIAL ZONING DISTRICTS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on April 30, 2019 Supervisor Brown introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190459, which would amend the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street by allowing an intermittent activity to be located on a lot with a public facility in specified residential zoning districts;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 20, 2019; and,

WHEREAS, the proposed Ordinance ~~has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(e) is exempt from the California Environmental Quality Act as a Class 4 categorical exemption as described in the determination contained in the Planning Department for this Project;~~ and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and
WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

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 Commission finds that the relocation and expansion of the existing farmers market is an important neighborhood resource to preserve.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance will retain an existing neighborhood farmers market. By relocating a few blocks from the existing location, the farmers market will also be able to expand allowing more vendors to participate.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance will retain an existing neighborhood farmers market, which provides accessible fresh produce to the neighborhood. The farmers market will relocate a few blocks to 1377 Fell Street. This parcel is located just outside the boundaries of the Divisadero Street Neighborhood Commercial Transit District, but its proximity to said NCT still meets this policy.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance will retain an existing neighborhood farmers market, which provides accessible fresh produce to the neighborhood. By relocating a few blocks from the existing location to 1377 Fell Street, the farmers market will also be able to expand allowing more vendors to participate.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized.

The existing farmers market has operated at the intersection of Grove and Divisadero Streets every Sunday for at least a decade. This location requires closing a portion of the street and diverting traffic. This also requires neighbors living on this block to plan ahead if they need to access their cars or garages. The proposed Ordinance will improve traffic circulation in neighborhood during the farmers market because it would not require such street closure anymore.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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 Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail. The proposed Ordinance would allow an existing farmers market to expand and continue to operate in the same neighborhood.

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 Ordinance would not have a negative effect on housing or neighborhood character.

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

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

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

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 20, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 20, 2019

received at CPC Hearing 6/20/19
Pub. Com.

NOTICE OF PRE-APPLICATION MEETING

Date: June 13, 2019

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 300 5th Street, cross street(s) Folsom Street (Block/Lot#: 3753/001); Zoning: MUR 85-X, in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

The Pre-Application process serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive formal notification from the city after the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction subject to Section 311;
- Any vertical addition of 7 feet or more subject to Section 311;
- Any horizontal addition of 10 feet or more subject to Section 311;
- Decks over 10 feet above grade or within the required rear yard subject to Section 311;
- All Formula Retail uses subject to a Conditional Use Authorization;
- PDR-1-B, Section 313;
- Community Business Priority Processing Program (CB3P).

1 Soran

The development proposal is to: Demolish the existing commercial use and construct a new mixed-use residential building consisting of 130 dwelling units and 1,000 SFT of retail space. The proposed project utilizes California State Density Bonus Law (CA Gov Code 65915-65918).

Existing # of dwelling units:	<u>0</u>	Proposed:	<u>130 units</u>	Permitted:	<u> </u>
Existing bldg square footage:	<u>292 SFT</u>	Proposed:	<u>113,289 SF</u>	Permitted:	<u> </u>
Existing # of stories:	<u>1</u>	Proposed:	<u>16</u>	Permitted:	<u> </u>
Existing bldg height:	<u>20.79 FT</u>	Proposed:	<u>160 FT</u>	Permitted:	<u> </u>
Existing bldg depth:	<u>-4 FT</u>	Proposed:	<u>74'-4"</u>	Permitted:	<u> </u>

MEETING INFORMATION:

Property Owner(s) name(s): WONG FAMILY TRUST, U/D/T

Project Sponsor(s): FIFTH AND FOLSOM INVESTORS, LLC

Contact information (email/phone): JAKE SHEMANO; JAKE@REALTEXGROUP.COM; (415) 923-8375

Meeting Address*: MECHANICS' INSTITUTE - 57 POST STREET, SAN FRANCISCO, CA 94104 in the "MEETING ROOM"

Date of meeting: JULY 3, 2019 Time of meeting**: 6:00 PM

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

**Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m, unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.

Cities Start to Question an American Ideal: A House With a Yard on Every Lot

By EMILY BADGER and QUOCTRUNG BUI JUNE 18, 2019

Townhomes, duplexes and apartments are effectively banned in many neighborhoods. Now some communities regret it.

Single-family zoning is practically gospel in America, embraced by homeowners and local governments to protect neighborhoods of tidy houses from denser development nearby.

But a number of officials across the country are starting to make seemingly heretical moves. The Oregon legislature this month will consider a law that [would end zoning exclusively for single-family homes in most of the state](#). California lawmakers have drafted a bill that [would effectively do the same](#). In December, the Minneapolis City Council [voted to end single-family zoning citywide](#). The Democratic presidential candidates Elizabeth Warren, Cory Booker and Julián Castro have [taken up the cause, too](#).

A reckoning with single-family zoning is necessary, they say, amid mounting crises over housing affordability, racial inequality and climate change. But take these laws away, many homeowners fear, and their property values and quality of life will suffer. The changes, opponents in Minneapolis have warned, amount to nothing less than an effort to [“bulldoze” their neighborhoods](#).

Today the effect of single-family zoning is far-reaching: It is illegal on 75 percent of the residential land in many American cities to build anything other than a detached single-family home.

That figure is even higher in many suburbs and newer Sun Belt cities, according to an analysis The Upshot conducted with [UrbanFootprint](#), software that maps and measures the impact of development and policy change on cities.

If this moment feels like a radical shift, said Sonia Hirt, a professor at the University of Georgia’s college of environment and design, it was also [a radical shift a century ago](#) when Americans began to imagine single-family zoning as possible, normal and desirable. That shift led Minneapolis to look like this:



• DEMOLITION DEFINITION CTRLS TOO LARGE

- DEMOLITION / EVICTION INCENTIVE
- LESSENS AFFORDABILITY

• FAR:

- NEVER USED FOR RESIDENTIAL LOTS IN PLANNING CODE
- TREATS ALL LIKE-ZONING DISTRICT LOTS IDENTICALLY
- BLIND TO EXISTING BUILDING SIZES OR EXTRAORDINARY FEATURES
- LEADS TO LARGER BUILDINGS CITYWIDE (LESSENS AFFORDABILITY)
- POTENTIAL LOSS OF "NEIGHBORHOOD CHARACTER"

• ADUS:

- 1-4 UNITS → 1 ADU ALLOWED
- 5+/SEISMIC RETROFIT → UNLIMITED ALLOWED
- SQ FT NOT PART OF FAR → NEEDS TO BE IN FAR
- NOT REVIEWED BY PC
- ZA CAN GRANT WAIVERS TO ADD ADUS
- BPA FOR ADUS NOT SUBJ TO NOTIFIGN / REVIEW PER 311
- E.G.: 2500 SF LOT

1.2 FAR	=	3000 SF
ADU #1	=	1200

		4200 → 1.68 FAR
ADU #2	=	1200

		5400 → 2.16 FAR
ADU #3	=	1200

		6600 → 2.60 FAR

Please put in
minutes
verbatim
per
Sunshine 67.16
Thx!

• REPAIR & RE-USE EXISTING HOUSING (GREEN!)

A. Merlone

103A.3.2 Definitions. For the purposes of this section, the following definitions shall apply:

DEMOLITION means the **total tearing down** or destruction of a building containing one or more residential units, or any alteration which destroys or removes, as those terms are defined by the Building Official of the Department of Building Inspection, principal portions of an existing structure containing one or more residential units.

Bldg

- (2) "Residential Demolition" shall mean any of the following:
- (A) Any work on a Residential Building for which the Department of Building Inspection determines that an application for a demolition permit is required, or
 - (B) A major alteration of a Residential Building that proposes the Removal of more than 50% of the sum of the Front Facade and Rear Facade and also proposes the Removal of more than 65% of the sum of all exterior walls, measured in lineal feet at the foundation level, or
 - (C) A major alteration of a Residential Building that proposes the Removal of more than 50% of the Vertical Envelope Elements and more than 50% of the Horizontal Elements of the existing building, as measured in square feet of actual surface area.
 - (D) The Planning Commission may reduce the above numerical elements of the criteria in Subsections (b)(2)(B) and (b)(2)(C), by up to 20% of their values should it deem that adjustment is necessary to implement the intent of this Section [317](#), to conserve existing sound housing and preserve affordable housing.

P Code
Today

MAJOR ALTERATIONS .Alterations and additions where interior finishes are removed and significant upgrades to structural and mechanical, electrical, and/or plumbing systems are proposed where areas of such construction are **25,000 gross square feet** or more in Group B, M, or R occupancies of existing buildings.

Green Bldg Code
CHAPTER 2
DEFINITIONS

San Francisco Building and

1188 FRANKLIN STREET • SUITE 203
SAN FRANCISCO, CA 94109
EMAIL: tim@sfbuildingtradesCouncil.org



Construction Trades Council

TEL. (415) 345-9333

www.sfbuildingtradesCouncil.org

*A Century of Excellence
in Craftsmanship*

LARRY MAZZOLA, JR.
President

TIM PAULSON
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**JOHN DOHERTY
VINCE COURTNEY, JR.**
Vice Presidents

June 19, 2019

Planning Commission
Commission Chambers, Room 400 City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Commissioners,

On behalf of the San Francisco Building and Construction Trades Council and the 26 trades who are members, I am writing this letter in support of the project located at 655 4th St. otherwise known as the Creamery. Among the other merits of this project, the mix of uses in this project is particularly impressive as 960 new homes will be built here.

Tishman Speyer has proven to be an excellent partner on their other San Francisco projects, and we look forward to building this large project.

Best regards,

Tim Paulson
Secretary-Treasurer
San Francisco Building Trades Council
1188 Franklin St. Suite 203
San Francisco, CA 94109
tim@sfbuildingtradesCouncil.org
415-716-6383 (m)

Dennis Phillips, Sarah

From: Ryan Hung <rhung@hdbuttercup.com>
Sent: Tuesday, June 18, 2019 11:46 AM
To: Myrna.melgar@sfgov.org; joel.koppel@sfgov.org; richhillissf@gmail.com; milicent.johnson@sfgov.org; kathrin.moore@sfgov.org; frank.fung@sfgov.org; dennis.richards@sfgov.org
Cc: linda.ajellohoagland@sfgov.org; richard.sucre@sfgov.org; Dennis Phillips, Sarah
Subject: [EXT] Support for the 655 Fourth Street Project

Dear Planning Commissioners,

I am the Chief Financial Officer for HD Buttercup LP, a furniture retailer that has a store located at 290 Townsend Ave, San Francisco, across the street from 4th and King Caltrain Station for close to 9 years. HD Buttercup ("the Company") is in support of the rental project proposed at 655 Fourth Street. The Company is excited to see that this project will be a solution to help address the housing crises in the city and be a positive impact to the environment. In addition, it will revitalize small to mid-size businesses in our area.

The Company also has had a positive experience with Tishman Speyer. We have worked with them closely the past few years and find them to be a very capable and transparent team. We believe that you are in good hands with their involvement.

Please consider approving these projects as it will help provide a benefit to the housing, the environment and the small business community overall.

Thank you.

Ryan Hung
HD Buttercup
(310) 945-5064 Main



UNITED • PLAYAZ

1038 Howard Street • San Francisco, CA 94103

www.unitedplayaz.org

June 20, 2019

To Whom It May Concern,

My name is Rudy Corpuz Jr. I am the Founder and Director of United Playaz, a violence prevention and leadership development organization committed to providing youth with positive role models and activities to engage in as an alternative to involvement with gangs, drugs or other high risk behaviors. I am writing this letter on behalf of Tishman Speyer's project at 655 4th Street.

We are in favor of this project for many reasons. This project will bring 960 market rate rental units, more than 40% of which are sized for families, to the neighborhood and almost \$70M in affordable housing funding, enough to support ~290 affordable units throughout the neighborhood. Our neighborhood needs housing at all income levels and Tishman Speyer's past commitments, but more importantly past actions, give me confidence that they made every effort to include the bmr housing on site and that they will live up to this commitment. Additionally, this project will provide more than a half acre of publicly accessible open space, that will be designed with the community, and programmed to support neighborhood gatherings, markets & festivals. Again, Tishman went above and beyond in their efforts to engage community in the design of the Central Soma Park so we are confident that they will make every effort to design this open space in such a way that it will be of most benefit to the surrounding community. In continuing their commitment to being a true community partner, Tishman will own & operate the project long term, providing management and round-the-clock security that will ensure the spaces are safe, especially into the evening hours.

We have continued to be impressed by the level of partnership and commitment to the community that Tishman has exhibited and we expect that it will continue long into the future. Please feel free to contact me if you have any questions or require additional information at 415-573-6219.

In peace,

A handwritten signature in black ink that reads "Rudy Corpuz Jr." with a stylized flourish at the end.

Rudy Corpuz Jr.
Executive Director

Dennis Phillips, Sarah

From: Ivor bradley <ivorbradley@sbcglobal.net>
Sent: Tuesday, June 4, 2019 1:54 PM
To: myrna.melgar@sfgov.org
Cc: Dennis Phillips, Sarah
Subject: [EXT] support for the 598 Brannan street and 655 fourth street

Dear Planning Commissioners,

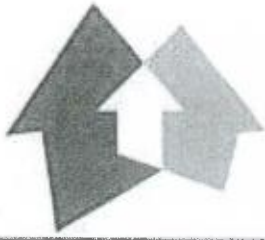
I own and manage The Creamery, a unique Soma bistro, coffee shop and bar across the street from the 4th & King Caltrain Station. As a longtime small business operator in SOMA, I am writing in support of the development project and park proposed at 598 Brannan Street, and of the rental project proposed at 655 Fourth Street.

I've worked with Tishman Speyer in recent years as they've developed plans for their residential project at 655 Fourth Street, and we've established a strong partnership that we both believe will allow The Creamery to continue to live on in this vibrant area.

Our small businesses will benefit as projects like 598 Brannan and The Creamery move forward, and bring new residents and workers to the neighborhood. Amenities like the new park at 598 Brannan will draw people to the area, while also serving those of us who have been here a long time. At the Creamery, new retail spaces will open directly on to new open spaces, bringing much needed open space to the area, and ensuring they are enlivened by small businesses like mine. We are excited to participate in the positive change these projects will bring.

I urge you to approve these projects as they come before you, for the benefit of the small business community and the City overall.

Regards
Ivor Bradley



Project Address: 644 Fourth Street
Project Sponsor: Tishman Speyer
Date of SFHAC Review: 5/22/2019

Grading Scale

- ★ = The project meets the high standard set by local jurisdiction and/or SFHAC
- ★★ = The project exceeds SFHAC standards
- ★★★ = The project far exceeds SFHAC's standards and exhibits creativity in its proposed solutions

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 ★ on any given guideline

<i>Guideline</i>	<i>Comments</i>	<i>Score</i>
Summary	After reviewing the proposed project, SFHAC's Project Review Committee is happy to endorse the project at 644 4th Street, as it contributes significantly to the city's need for new homes in the context of our acute housing shortage. Further, it ensures the residents living in these nearly 1,000 new homes will have access to both local and regional transit options, a crucial step in achieving our shared Green goals.	★★
Land Use	This project demonstrates greater-than-usual land use by locating nearly 1,000 new homes in a mixed-use building near a Caltrain station and a MUNI station. In the context of our housing shortage, this is an optimal use of land.	★★
Density	The proposed project boasts a density of 585 units/acre, which is considerably high for the area, and makes efficient use of a parcel near transit.	★★★
Affordability	Through payment of a \$60.74 Million fee, the project will be able to finance 288 subsidized affordable units for San Franciscans.	★
Parking & Alternative Transportation	In this particular location, SFHAC would prefer parking to be minimized, so the proposed, as-of-right .25:1 parking ratio resulting in 240 spaces for residential use is higher than the Committee would like, but we understand the constraints on the project. To help mitigate car usage, the project will provide one car-share membership per unit. Alternatively, the project team is complimenting the site's intense access to transport with 621 total bicycle parking spaces.	★
Preservation		n/a
Urban Design	The project's proposed facade is meant to acknowledge the neighborhood's concrete, square panelled context. This is a nod to SOMA's industrial history. It also makes creative use of each floor on the lower two-thirds of the building, which step up to create balconies.	★★