



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JUNE 15, 2017

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San Francisco,
CA 94103-2479

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Date: June 8, 2017
Case No.: **2009.0159EGPAMAPDNXCNAVARK**
Project Address: **1540 MARKET STREET (a.k.a. One Oak)**
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@sfgov.org
Recommendation: **Adopt CEQA Findings**
Recommend Approval of the General Plan Amendment
Recommend Approval of Zoning Map Amendments
Approve the Downtown Project Authorization with Conditions
Approve the Conditional Use Authorization with Conditions
Adopt Shadow Findings

BACKGROUND

The proposed One Oak Street Project is to appear before the Planning Commission on June 15, 2017 and a staff report was published on June 1, 2017 with preliminary draft motions. These originally published draft motions contained some clerical and grammatical errors.

CURRENT PROPOSAL

The draft motions have been updated to correct these errors and have been reattached to this memo. All changes indicated in the document are for added clarity or consistency, and do not represent substantive changes to the project.

REQUIRED COMMISSION ACTION

The required Commission actions remain the same as previously identified in the published staff report.

Attachments:

Revised Executive Summary
Revised Draft General Plan Amendment Resolution
Revised Draft Planning Code Text and Zoning Map Amendment Resolution
Revised Draft Downtown Project Authorization Motion
Revised Draft Conditional Use Authorization Motion
Revised Draft Shadow Findings Motion



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

Adoption of CEQA Findings
Adoption of Recommendations to Amend the General Plan and Zoning Map
Downtown Project Authorization
Conditional Use Authorization
Adoption of Shadow Findings
Variance for Exposure, Street Frontage
Height Exemption
Public Art

HEARING DATE: JUNE 15, 2017

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Staff Contact: Tina Chang, AICP, LEED AP
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PROJECT DESCRIPTION

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet and a 26-foot-tall elevator penthouse, measured from roof level) with ground-floor commercial space, one off-street loading space, and a subsurface parking garage containing 136 spaces for residents and two service vehicle spaces. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and

one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the project site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. These revisions would allow the tower to shift westward, to enlarge the publicly accessible open space in the plaza, and reduce wind speeds and shadows in the surrounding public realm, and a new freestanding elevator enclosure for the existing Muni Station elevator.

ENVIRONMENTAL REVIEW

November 16, 2016, the Planning Department published a Draft Environmental Impact Report (“DEIR”) for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR (“FEIR”).

COMMUNITY OUTREACH AND PUBLIC COMMENT

To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo’s Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor.

The Department has also received a letter from the Hayes Valley Neighborhood Association, expressing support for the concept of dense infill housing, but expressed concerns regarding parking, the proposed plaza, wind impact on bicycles and the inclusionary housing proposal associated with the Project. The letter is included as an attachment to the case report. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over [76](#) [88](#) meetings and outreach discussions, including roughly [328-340](#) participants, between January 2015 and [May-June](#) 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have

included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

REQUIRED COMMISSION ACTIONS

Following certification of the Final EIR, the following actions are before the Commission: 1.) consideration of the adoption of California Environmental Quality Act ("CEQA") Findings; 2.) consideration of a resolution recommending that the Board of Supervisors adopt the proposed General Plan Amendments; 3.) consideration of a resolution recommending that the Board of Supervisors adopt the proposed Zoning Map Amendments; 4.) consideration of a request for Downtown Project Authorization pursuant to Planning Code Section 309; 5.) consideration of a request for Conditional Use Authorization pursuant to Planning Code Section 303; and 6.) the adoption of shadow findings pursuant to Planning Code Section 295. The Project also requires Zoning Administrator consideration of variance and height exemption requests.

1. **CEQA Findings.** The Planning Commission must make and adopt CEQA Findings related to the Environmental Impact Report that was prepared for the project.

The draft CEQA Findings document before the Planning Commission would make findings regarding the Project's objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and make a statement of overriding considerations. Additionally, the CEQA Findings document identifies project alternatives that were analyzed in the EIR and discusses the reasons for their rejection.

2. **Legislative Amendments.** The Planning Commission must pass a resolution to the Board of Supervisors regarding legislative amendments associated with the Project. Amendments to the General Plan, Zoning Map and Planning Code Text would accomplish the following:

- Modify Map 3 of the Market and Octavia Plan of the General Plan to reclassify the height limit of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and a 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120' to 400' tower/120' podium; Modify Map 5 of the Downtown Area Plan of the General Plan to reclassify the height and bulk of the same Assessor's Block and Lots from 150-S and 120-F to 120-R-2 and 120/400-R-2;
- Modify Zoning Map HT07 to reclassify the height and bulk of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and a 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-2;

3. **Downtown Project Authorization.** The Planning Commission must determine that the Project complies with Section 309 of the Planning Code and grant associated Downtown Project Authorization exceptions. The Project requests two exceptions under Planning Section 309:

- **Ground Level Wind Currents.** Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds

increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.

Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.

The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion.

- **Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements pursuant to Planning Code Section 249.33 do not apply. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

Since the Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage, an exception is required.

The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street -- two of the widest streets in the entire City. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.

4. **Conditional Use Authorization.** The Planning Commission must grant Conditional Use Authorization for the Project to exceed the principally permitted parking ratio of 0.25 parking spaces per dwelling unit and up to a ratio of 0.5 parking spaces per dwelling unit.

The Project proposes 304 dwelling units, principally permitting 76 parking spaces (304 units X 0.25 spaces / unit). Since 136 parking spaces are proposed (a 0.45 ratio), Conditional Use Authorization is required. The Project Sponsor has informed the Department that the proposed 136 spaces are necessary to ensure the financial feasibility of its proposed for-sale condominium project, but has

agreed to restrict the parking ratio to no more than 0.25 spaces per dwelling unit should the Project ultimately be financed and built as a rental project. The Project Sponsor has shared a memo prepared by a 3rd party condominium market research firm explaining the financial necessity of the 0.45 parking request.

5. The Project is only required to achieve 50 percent of the Transportation Demand Management target points since an environmental or development application for the Project was filed before September 4, 2016. However, the Project Sponsor has voluntarily agreed to provide 100 percent of the target Transportation Demand Management points (for a total of 25 points) if its request for a Conditional Use Authorization is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces. The target points consider the proposed parking rate compared to the neighborhood parking rate, accordingly, achieving 100 percent of the target points is a reasonable counterbalance for exceeding principally permitted parking allowances.
6. **Shadow Findings.** Pursuant to Section 295, a shadow analysis was conducted to determine if the Project would result in net additional shadow to properties under the jurisdiction of the Recreation and Park Department or designated for acquisition by the Recreation and Park Commission. The Project was found to cast additional shadow on the following parks:
 - **Patricia's Green.** A shadow analysis determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units.
 - **Page and Laguna Mini-Park.** The same shadow study determined that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21st, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units.
 - **Proposed Park at 11th and Natoma Streets.** The same shadow study determined that new shadow on the proposed park at 11th and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11th and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11th and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units.

The Project was not found to adversely impact the use of Patricia's Green, the Page and Laguna Mini Park or the proposed park at 11th and Natoma Streets by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

OTHER ISSUES AND CONSIDERATIONS

- **Variances.** The Project requests variances from the following Planning Code requirements:
 - **Dwelling Unit Exposure.** Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140, therefore a variance is required. The 18 units for which a variance is sought, face into an 835-square foot courtyard that has been configured to align as much as possible with a much larger 1,829-square foot adjacent courtyard at the recently approved 1554 Market Street project, thereby increasing light and air to the 18 units and contributing toward the creation of new mid-block open space pattern on a block where none currently exists. This alignment benefits both projects, creating a combined courtyard that is approximately 15-feet by 57 feet on the One Oak property and approximately 21 feet by 29 feet (average width) on the 1554 Market Street property. A transparent bridge connecting the northern and southern sides of the 1554 Market project is provided, across an inner courtyard that spans the entire approximately 66-foot width of the lot. When taking the entire courtyard into account, the effective shared inner block open space is even larger, extending to approximately 66 feet by 27 feet (average width) on the 1554 Market Street side providing light and air for the dwelling units that do not technically meet exposure requirements. In addition, the 15-foot width of the courtyard within the Proposed Project is consistent with the minimum dimensions envisioned by Section 140. Section 140 provides that the dwelling unit exposure requirement is met if the Project provides "a rear yard meeting the requirements of this Code". While a rear yard is not required under the Project site's zoning and none is proposed in the Project, the minimum dimension for a rear yard under the Code set forth in Section 134(a)(1) is 15 feet. Thus, the width of the Project's courtyard is equal to the Code's minimum rear yard dimension.
 - **Street Frontage.** Section 145(c)(2) limits the width of parking and loading access for a project to no more than 20 feet. Additionally, Section 155(r) prohibits any curb cuts or garage entrances on Market Street and Van Ness Avenue, two of the Project's three frontages, requiring all parking and loading access to occur on Oak Street. To accommodate Code-required off-street loading, as well as sufficient width for parking, the Project proposes a 24-foot wide curb cut and garage opening, which would replace an existing 32-foot wide curb cut.
- **Elevator Penthouse Height Exemption**
 - The Project requests a height exemption from Section 260(b)(1)(B), which limits the height exemption applicable to elevator penthouses to 16 feet. The rooftop elevator penthouse enclosure at One Oak extends 26 feet above the roof elevation of 400 feet, exceeding the allowable height by 10 feet. The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse provided that the exemption is required to meet state or federal laws or regulations. The Project Sponsor has provided a technical memorandum from the Project's elevator

consultant confirming that the exemption is required to meet State of California elevator safety codes.

- **Public Art**

- The Project Sponsor will meet the Public Art requirement by dedicating one percent of the Project's construction cost to a kinetic wind sculpture, on-site, located in the proposed plaza that is being developed by two NASA-based artists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.

RECOMMENDATION

The Department recommends that the Commission:

- Adopt CEQA Findings;
- Recommend approval of the General Plan Amendments to the Board of Supervisors;
- Recommend approval of the Zoning Map Amendments to the Board of Supervisors;
- Approve the Downtown Project Authorization with Conditions;
- Approve the Conditional Use Authorization with Conditions; and
- Adopt Shadow Findings that the Project would not adversely impact Patricia's Green, the Page and Laguna Mini-Park or the Proposed park at 11th and Natoma Streets.

BASIS FOR RECOMMENDATION

- The Project implements the City's Vision Zero policies through public realm improvements that include sidewalk widenings along Oak Street and a publicly accessible plaza with landscaping and seating elements immediately adjacent to the Project site.
- The Project would address the City's severe need for below market rate affordable housing by developing 72 units 100% affordable housing at Parcels R, S & U, including 16 very low income, service supported, Transitional Aged Youth ("TAY") housing units, all within 1/3 mile of the proposed Project through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer.
- The Project would help achieve General Plan objectives to expand the supply of housing in and adjacent to downtown and transit through the proposed 304 new dwelling units.
- The Project is compatible with the surrounding neighborhood character in terms of height, scale, and massing.
- The Project is consistent with proposed heights and bulks, urban design approaches and land use goals envisioned for the Hub Plan Area within which the Project is located.
- The Project is, on balance, consistent with and supports relevant General Plan Objectives and Policies and meets all applicable requirements of the Planning Code, along with the exceptions requested through Planning Code Section 309.

RECOMMENDATION:

- Adopt CEQA Findings

- **Recommend Approval of the General Plan Amendments to the Board of Supervisors**
- **Recommend Approval of the Zoning Map & Planning Code Amendments to the Board of Supervisors**
- **Approve the Downtown Project Authorization with Conditions**
- **Approve the Conditional Use Authorization with Conditions**
- **Adopt Shadow Findings that the Project would not adversely impact Patricia's Green**

Attachments:

Draft CEQA Findings Motion

Draft Resolution Recommending Board of Supervisors Approval of the General Plan Amendment
Draft Ordinance for General Plan Amendment

Draft Resolution Recommending Board of Supervisors Approval of the Zoning Map Amendment
Draft Ordinance for Planning Code Text and Zoning Map Amendment

Draft Downtown Project Authorization Motion

Draft Conditional Use Authorization Motion

Draft Shadow Findings Motion

Anti-Discriminatory Housing Affidavit

Inclusionary Housing Affidavit

First Source Hiring Affidavit

Memo from Mark Company Regarding "Parking at One Oak & the Economic Feasibility of High-Rise
Condominiums

Public Comment

Exhibits:

Assessor's Block Map

Sanborn Map

Zoning Map

Height and Bulk Map – HT07 (includes proposed changes)

Market and Octavia Plan – Map 03 (includes proposed changes)

Downtown Plan – Map 05 (includes proposed changes)

Aerial

Site Photos

Exhibit B Plans and Renderings

Public Art Proposal



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft General Plan Amendment Resolution

HEARING DATE: JUNE 15, 2017

Project Name: 1540 Market Street (a.k.a One Oak)
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RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN AMENDMENT TO THE GENERAL PLAN TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL, INCLUDING AN AMENDMENT TO MAP 3 OF THE MARKET AND OCTAVIA AREA PLAN AND MAP 5 OF THE DOWNTOWN AREA PLAN OF THE GENERAL PLAN TO CHANGE THE HEIGHT AND BULK OF A PORTION OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the ~~Planning Code~~General Plan and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under ~~the~~ CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed General Plan and Zoning Map Amendments would not result in increased development potential from what is permitted under the existing height and bulk district; and

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [] to make the necessary amendments to Zoning Map Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan HT07 to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. []; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

The Commission has reviewed the proposed General Plan Amendment Ordinance; and

RESOLVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed General Plan Amendment Ordinance, and adopts this resolution to that effect.

FINDINGS

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

1. The Commission finds that the General Plan amendments, Zoning Map Amendments and the associated Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 ~~junior one-bedroom~~studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA..
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.

7. The Project would create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs would provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

~~7.8.~~ The General Plan Amendments ~~are~~ are necessary in order to approve the Project.

~~8.9.~~ **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.

~~9.10.~~ **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, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.

~~10.11.~~ The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

~~11.12.~~ Based on the foregoing and in accordance with Section 340, the public necessity, convenience and general welfare require the proposed General Plan Amendment.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 15, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Planning Code Text and Zoning Map Amendment Resolution

HEARING DATE: JUNE 15, 2017

Project Name: 1540 Market Street (a.k.a One Oak)
Case Number: 2009.0159EGPAMAPDNXCUA VARK
Project Sponsor: Steve Kuklin, 415.551.7627

Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102

Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197

Recommendation: **Approve Planning Code Text and Zoning Map Amendments and Adopt the Draft Resolution**

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RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS THE APPROVAL OF AN AMENDMENT TO THE PLANNING CODE TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL AND AMEND HEIGHT AND BULK MAP HT07 TO REDESIGNATE A PORTION OF THE HEIGHT AND BULK OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the Planning Code and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed Zoning Map Amendment would not result in increased development potential from what is permitted under the existing height and bulk district; and

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [] to make the necessary amendments to Zoning Map HT07 to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. []; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

RESOLVED, that pursuant to Planning Code Section 302, the Commission hereby recommends approval of the amendment to the Zoning Map, and adopts this resolution to that effect;

AND BE IT FURTHER RESOLVED, that the findings set forth in the Downtown Project Authorization, Motion No. [] adopted by the Commission on this date are hereby incorporated by reference.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

FINDINGS

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

1. The Commission finds that the Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 ~~junior one-bedroom~~studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA.
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.
7. The Project would create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs would provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

8. The Zoning Map Amendment is necessary in order to approve the Project;
9. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.
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, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. Based on the foregoing and in accordance with Section 302, the public necessity, convenience and general welfare require the proposed Zoning Map Amendment.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 15, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☒ Childcare Fee (Sec. 414)

- ☒ First Source Hiring (Admin. Code)
- ☒ Better Streets Plan (Sec. 138.1)
- ☒ Public Art (Sec. 429)

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Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017

Case

No.:

~~2019~~2009.0159 ~~EGPAMAPDNXC~~UA ~~VARKE~~EGPAMAPDNXC

~~VARSHD~~

Project Address: 1540 Market Street (aka One Oak)

Zoning: C-3-G (Downtown General)

120/400-R-2, 120-R-2 Height and Bulk Districts

Van Ness & Market Downtown Residential Special Use District

Block/Lot: Block 0836; Lots 001, 002, 003, 004 and 005

Project Sponsor: Steve Kuklin, Build Inc.

315 Linden Street

San Francisco, CA 94102

steve@bldsf.com, 415.551.7627

Staff Contact: Tina Chang, AICP

tina.chang@sfgov.org, 415-575-9197

Reviewed by: Mark Luellen, Northeast Team Manager

mark.luellen@sfo.gov, 415-558-6697

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR LOT COVERAGE PER PLANNING CODE SECTION 249.33(b)(5) AND REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148 TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING WITH 304 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE ~~AND~~ COMMON OPEN SPACE AND PUBLIC OPEN SPACE, 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2), AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 001) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared

revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General

Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application | 20192009.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Commission Secretary, is the custodian of records; all pertinent documents are | located in the File for Case No. 20192009.0159EGPAMAPDNXCUIAVARKGPAMAPDNXCUIAVARSHD, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Commission hereby approves the Downtown Project Authorization requested in | Application No. 20192009.0159GPAMAPDNXCUIAVARSHDEGPAMAPDNXCUIAVARK, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005, an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its

Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor ~~retail~~ research and development space and offices on the upper floors. The

building also houses the San Francisco New Conservatory Theater. Further north along the west side of Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

General Community Engagement: The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

Arts and Culture Stakeholder Engagement: In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage

and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Floor Area Ratio.** Pursuant to Section 123, 249.33 and 424 of the Planning Code, Projects in the C-3-G Zoning District and the Van Ness and Market Residential Special Use District have a base floor area ratio (FAR) of 6.0:1 and may reach an FAR of 9.0:1 with payment into the Van Ness and Market Affordable Housing Fund as set forth in Sections 249.33 and 424. To exceed a floor area ratio of 9.0:1, all such projects must contribute to the Van Ness and Market Neighborhood Infrastructure Fund.

The Project Site has a lot area of approximately 18,219 square feet. As shown in the conceptual plans, the Project includes 499,539 square feet of development, of which 432,746 square feet would count towards FAR. Since the Project exceeds a FAR of 9.0:1, the Project would make a payment pursuant to Section 249.33 to the Van Ness and Market Affordable Housing Fund for the Floor Area exceeding the base FAR ratio of 6.0:1 up to a ratio of 9.0:1 and to the Van Ness and Market Neighborhood Infrastructure Fund pursuant to Section 424 for any Floor Area exceeding an FAR of 9.0:1.

- B. **Rear Yard Requirement.** Within the Van Ness and Market Downtown Residential Special Use District pursuant to Planning Code Section 249.33(b)(5), Rear Yard requirements do not apply. Rather, lot coverage is limited to 80 percent at all residential levels.

The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the landscaped podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. Accordingly, the Project does not comply with the Code's lot coverage requirements on the first residential floor up through level 12, and as such, requires an exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." While lot coverage requirements are technically not met, the Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to the new mid-block open space currently under construction as part of the 1554 Market Street project immediately to the west of the Project Site. See Section 7, below, for 309 findings.

- C. **Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open space be provided per dwelling unit. However, common usable open space for mixed-use, residential and non-residential projects may be used to count against requirements contained in both Section 135 and 138. Further, projects within the Van Ness and Market Downtown Residential Special Use District may elect to meet up to 40 percent of

the open space requirements off-site if the space is within the Special Use District or within 900 feet of the project site and meets standards described in Section 249.33 indicated below.

The Project complies with the requirements of Section 135 and 249.33. The Project includes 304 dwelling units and provides at least 36 square feet of private open space for 74 units through private balconies. Therefore approximately 11,012 square feet of common open space is required for the remaining 230 units (230 units x 47.88 = 11,012). In all, the Project provides approximately 11,056 square feet of common open space of which 3,058 square feet is located off-site within the public right-of-way, and is incorporated into the proposed Oak Plaza. The remaining 7,998 square feet of common open space is located within the sponsor's private property, within the front ground-level setback, within a solarium at the third level, and a terrace at the 14th level.

As permitted by Section 249.33(4)(C)(v), the Project is electing to meet a portion (approximately 22 percent) of its open space requirement off-site as part of the proposed Oak Plaza and in the form of streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market and Octavia Area Plan. The Plaza would additionally be characterized as an unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service. The portions qualified to meet the Project's open space requirement consist of two sidewalk bulb-out areas on the north and south sides of Oak Street. These areas are integrated into a larger, contiguous Plaza that also includes improvements to the pre-existing sidewalks on both sides of Oak Street and Van Ness Avenue, plus the Oak Street roadway, and the sponsor's private property. The qualified off-site open space areas must meet the following standards:

Be within the SUD or within 900 feet of the project site;

As noted above, the proposed off-site open space will be located within the shared public way within the Oak Street right-of-way fronting the project site. Thus, the proposed off-site open space will be within the SUD and within 900 feet of the Project Site.

Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

The proposed open space includes a sidewalk widening along the north and south sides of Oak Street, resulting in additional space beyond the pre-existing sidewalk width and immediately adjacent to the Project Site, where security would be present. Accordingly, the open space would provide a convenient, safe, secure and easily accessible public area for the enjoyment of the general public.

Be appropriately landscaped;

Underground utilities render street trees and other underground plantings infeasible on the south side of Oak Street. However, the open space would be landscaped appropriately for its intended use and, to the degree feasible, with above-ground planters on the south side of Oak Street, and in-ground street trees within a continuous planter along the north side of Oak Street.

Be protected from uncomfortable winds;

The Plaza features wind canopies that would protect pedestrians from hazardous wind conditions in the open space, and would reduce hazardous wind conditions near the site compared to existing conditions.

Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;

The open space would include movable tables and chairs as well as fixed seating collocated with planters on the south side of Oak Street, and within the open space area on the north side of Oak Street. In addition, four “micro-retail” kiosks would be located on the northern sidewalk to activate the Plaza with neighborhood-serving retail uses, potentially serving limited food and beverages.

Be well signed and accessible to the public during daylight hours;

The privately owned, publicly accessible open space will have signage indicating that the space is publicly accessible during the day. The streetscape improvements that will satisfy Planning Code requirements as permitted by Section 249.33(4)(C)(v) within the public right-of-way will be open to members of the public 24 hours a day.

Be well lighted if the area is of the type requiring artificial illumination;

The open space will be within the public right of way and well-lit with regularly spaced street lights on the north side of Oak Street. In addition, project lighting on the canopy supports, and foot lighting under planters would be provided within the privately-owned portions of the public open space and in the public right-of-way.

Be designed to enhance user safety and security;

The proposed ground-floor restaurant / café and micro-kiosks located on the north side of Oak Street would provide essential “eyes” on the proposed Plaza from early morning to late evening. In addition, 24-hour security and valet staff associated with building operations would collectively help ensure user safety and security with the open space and Plaza.

Be of sufficient size to be attractive and practical for its intended use; and

The Project would add approximately 3,058 square feet of open space within the existing right-of-way, and would improve the existing sidewalks, and street envisioned to become a shared public way. In total, the Plaza would consist of publicly accessible open space of approximately 16,050 square feet, of which 13,932 square feet would be in the public right-of-way, and approximately 2,118 square feet would be on the sponsor’s private property. The public realm would be improved with quality paving materials, landscaping and other pedestrian amenities including seating, lighting, bicycle parking, kinetic wind-based artwork, and micro-retail kiosks (subject to partial In-Kind fee waivers for improvements that exceed required Project improvements pursuant to the Planning Code).

Have access to drinking water and toilets if feasible.

The open space would be adjacent to retail space envisioned to become a restaurant / café. Patrons of the restaurant / café would have access to toilets and water. SFMTA also operates two public toilets which are located at the concourse level of the MUNI/Van Ness station, which is directly adjacent to the public plaza.

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

Ground floor retail space in the C-3 Districts that is less than 5,000 sq. ft. is excluded from gross floor area and is therefore not required to provide the associated publicly accessible open space. The Project includes approximately 4,110 square feet of ground floor retail space, and thus the provision of public open space is not required. However, the Project proposes to provide approximately 1,438 square feet of privately owned public open space within the front setback, and furthermore intends to provide approximately 3,058 square feet (or 22 percent of its open space requirements), off-site within the Oak Street public right-of-way as described under item C., "Residential Open Space" above.

- E. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District and is on a lot that is greater than half an acre in area and contains 250 feet of total lot frontage pedestrian elements in conformance with the Better Streets Plan shall be required.

The Project is located on an assemblage of five lots that measure 18,219 square feet, approximately 0.42 acres and contains approximately 434.33 linear feet of frontage. Due to planned improvements within the Van Ness Avenue and Market Street rights-of-way, physical widenings along these two frontages are not possible. However, the Project proposes streetscape improvements that include sidewalk widenings, landscaping and seating elements along both the northern and southern portions of Oak Street. Therefore, the Project complies with Planning Code Section 138.1.

- F. **Exposure.** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The proposed Special Use District caps the horizontal dimension to which the open space must expand at each subsequent floor to 65 feet.

Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140. Therefore, a variance from dwelling unit exposure is required and being sought as part of the Project for a total of 18 units that do not comply with the exposure requirements of the Code.

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

The Project includes a single entrance for both parking and off-street loading. Vehicular access is not provided along the Project's Van Ness Avenue or Market Street frontages. Rather all vehicular parking and loading is directed to Oak Street where a combined off-street parking and loading entrance of 24-

feet is provided. The project sponsor's traffic engineer and valet consultant have indicated that an entrance narrower than 24' would likely lead to automobile queuing outside of the drop-off area, potentially contributing to automobile, bicycle and pedestrian conflicts on the proposed sidewalk and shared public way/plaza. Since this dimension exceeds the 20-feet permitted by the Planning Code, a variance is required.

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

The ground floor space along the Van Ness Avenue, Market Street, and Oak Street have active uses with direct access to the sidewalk within the first 25 feet of building depth, except for space allowed for parking and loading access, building egress, and access to mechanical systems, which are specifically exempt from the active use requirement. Therefore, the Project complies with Section 145.1(c)(3).

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

The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 78.0 percent of the Project's frontage on Market Street, and 84.1 percent of the Project's frontage along Oak Street are fenestrated with transparent windows and doorways. Therefore, the Project complies with Section 145.1(c)(6). Note that due to the curvature of the façade, the Van Ness Avenue frontage is incorporated within the Market Street and Oak Street transparency calculations because there is no definitive building frontage on Van Ness Avenue.

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

The shadow analysis determined that the Project would not cast shadow on any public plazas or other publicly accessible open spaces other than those protected under Section 295. Therefore, the requirements of Section 147 do not apply to the Project.

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

eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.

Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.

The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted pursuant to Section 309. Taken as a whole, the Project does not substantially change wind conditions. The proposed tower was re-designed through a lengthy process of iterative wind testing. After nearly two years of wind sculpting, the Planning Department and the Project Sponsor concluded that the 400-foot-tall tower cannot be sculpted in a manner that would eliminate all 37 existing comfort exceedances or the 8 new comfort exceedances caused by the Project without unduly restricting the site's high-rise development potential or causing new hazardous conditions. On the other hand, the Project's redesign would reduce three wind hazard hours compared to existing conditions. The Project will include wind canopies in the public right of way at the proposed Oak plaza and the corner of Market and Polk Streets to lessen the wind conditions in the vicinity. (See Section 7, below, for 309 findings.)

- L. **Parking.** Planning Section 151.1 principally permits up to one car for each four dwelling units (0.25 ratio) and up to one car for each two dwelling units (0.5 ratio) as a Conditional Use in the Van Ness & Market Downtown Residential Special Use District. Parking for the proposed retail use shall not exceed 7% of gross floor area for that use.

The Project contains 304 dwelling units. Thus, a total of 76 spaces are principally permitted ($304 \times 0.25 = 76$) for the dwelling units and a maximum of 152 spaces ($304 \times 0.5 = 152$) may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces for the residential use, requiring a Conditional Use Authorization for the 60 ($136 - 76 = 60$) spaces in excess of the principally permitted 76 parking spaces. An additional space would be principally permitted for the 4,110 square foot retail space, but the Project proposes no parking for this commercial use.

- M. **Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include between 200,001 and 500,000 square feet of residential development must provide two off-street freight loading spaces. Pursuant to Section 153, two service vehicles may be substituted for each off-street freight loading space provided that a minimum of 50 percent of the required number of spaces are provided for freight loading.

The Project includes 499,539 square feet of development (432,746 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street freight loading space is provided and the second required loading space is substituted with two service vehicle spaces as permitted by Section 153 of the Planning Code. Accordingly, the Project complies with Section 152.1 of the Planning Code. Access to all freight loading spaces is from Oak Street.

- N. **Bicycle Parking.** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For Eating and Drinking uses, 1 Class 1 space is required for every 7,500 square feet of Occupied Floor Area and one Class 2 space is required for every 750 square feet of Occupied Floor Area.

The Planning Code would require the Project to provide 151 Class 1 (100 units x 1 stall = 100 + 204 X 1 stall / 4 units = 151 stalls for Residential Uses, and 1 stall / 7,500 square feet of Occupied Floor Area = 0 spaces for Retail Uses). In addition, the Project would require 20 Class 2 spaces (304 units x 1 stall/20 units = 15 stalls for Residential Uses, plus 4,110 square feet x 1 stall / 750 square feet = 5 stalls for Retail Eating and Drinking Uses). The Project complies with Section 155.2 because it provides 304 Class 1 and 62 Class 2 bicycle parking spaces, significantly exceeding the Code requirements. All Class 1 spaces would be located at the second level, accessible from a dedicated bike elevator, and the Class 2 spaces would be located on sidewalks adjacent to the Project, and on the north side of Oak Street.

- O. **Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with 201 dwelling units plus an additional parking space for every 200 dwelling units over 200. The required car share parking spaces may be provided on the building site or on another off-street site within 800 feet of the building site.

The Project requires a total of two car share spaces, which are to be provided off-site at the 110 Franklin Street parking lot within 180 feet of the Project. Should the 110 Franklin Street property be developed, the Project Sponsor shall be responsible for relocating the car share spaces on-site or off-site within 800 feet of the Project Site without disrupting continuity of the availability of the car share spaces. Therefore, the Project complies with Planning Code Section 166.

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, any development project resulting in 10 or more dwelling units, or 10,000 occupied square feet or more of any use other than residential shall be required to comply with the City's TDM Program, and shall be required to finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Development projects with a development application filed or an environmental application

deemed complete on or before September 1, 2016 shall be subject to 50% of the applicable target, as defined in the TDM Program Standards.

The Project would include 304 residential units with total of 136 vehicle parking spaces (0.45 spaces per unit), and 4,110 gross square feet of ground-floor retail/restaurant use. Because less than 10,000 gross square feet of retail/restaurant uses are proposed, the retail/restaurant use is not subject to the TDM Program. Therefore, the 136 residential parking spaces are used to calculate the TDM Program target points. The target points take into account the proposed parking rate compared to the neighborhood parking rate, and are calculated as follows: base target of 13 points, plus an additional 12 points for each additional 10 parking spaces over 20 parking spaces (thus, 136 minus 20 = 116 spaces, divided by 10 = 12 points), for a total of 25 points. Because the proposed Project's development and environmental applications were completed before September 4, 2016, it is only required to meet 50 percent of its applicable target, or 13 points. The project sponsor has preliminarily identified the following TDM measures from TDM Program Standards: Appendix A to meet the 13 target points.

- **Parking-1: Unbundled Parking, Location D – 4 points** (residential neighborhood parking rate less than or equal to 0.65, and all spaces leased or sold separately from the retail or purchase fee).
- **Parking-4: Parking Supply, Option D – 4 points** (residential parking less than or equal to 70 percent, and greater than 60 percent of the neighborhood parking rate).
- **Active-1: Improve Walking Conditions, Option A – 1 point** (streetscape improvements consistent with Better Streets Plan).
- **Active-2: Bicycle Parking, Option B – 2 points** (exceeding Planning Code required Class 1 and Class 2 bicycle parking).

Active 5A: Bicycle Repair Station – 1 point (bicycle repair station within a designated, secure area within the building, where bicycle maintenance tools and supplies are readily available on a permanent basis).

- **Delivery-1: Delivery Supportive Services – 1 point** (provide staffed reception area for receipt of deliveries and temporary parcel storage, including clothes lockers and refrigerated storage).

In addition to the TDM measures identified above, the Project Sponsor has voluntarily offered to provide an additional 12 points of TDM measures, for a total of 25 points, if the Conditional Use authorization for 136 parking spaces is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces.

- **Active-4: Bike Share Membership – 2 points** (offer bike share membership to each unit and/or employee, at least once annually, for the life of the Project or a shorter period should a bike sharing program cease to exist. 2 points are achieved since the project is located within 1,000 feet of a bike share station.).
- **Active-5B: Bicycle Maintenance Services – 1 point** (provide bicycle maintenance services to each unit and/or employee, at least once annually, for 40 years).

- **CShare-1C: Car-Share Parking, Option C – 3 points** (provide car-share memberships to each unit, and provide car-share parking as required by the Planning Code).
- **Family-1: Family TDM Amenities – 1 point** (provide amenities that address particular challenges that families face in making trips without a private vehicle).
- **Info-1: Multimodal Wayfinding Signage – 1 point** (provide multimodal wayfinding signage in key location to support access to transportation services and infrastructure).
- **Info-2: Real Time Transportation Display – 1 point** (provide real time transportation information screen in a prominent location on-site).
- **Info-3C: Tailored Transportation Services, Option C – 3 points** (provide individualized, tailored marketing and communication campaigns to encourage alternative transportation modes).

The Project Sponsor could choose to revise the selected TDM measures to exceed the target points prior to issuance of a Site Permit, or to further reduce the parking supply to meet or exceed the target point requirement, but would not be required to do so.

- Q. **Height and Bulk.** The Project falls within the 120/400-R-2, 120-R-2 Height and Bulk Districts. In such Districts, no bulk limitations exist below 120 feet in height, with maximum height of 400 feet in height for any tower in the 120/400-R-2 Height and Bulk District. However, portions of buildings above 120 feet and between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. Additionally, floors may not exceed a maximum average floor area of 10,000 square feet.

The Project proposes a tower of 400 feet in height, with various features such as mechanical structures, and parapets extending above the 400-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b). The tower would also include a 26-foot elevator penthouse which would be required to meet state or federal laws and regulations, and which would require an elevator penthouse height exemption from the Zoning Administrator per Planning Code Section 260(b)(1)(B). The Project would necessitate approval of legislative map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. However, the Height and Bulk Districts within which the Project exists remains the same. The maximum diagonal dimension for the project is 144 feet whereas the maximum plan length is 90 feet, 4 inches. The average floor area of the tower is 9,637 square feet, therefore the Project complies Sections 260 and 270 of the Planning Code.

- R. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done

without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to construction on Oak Street, Van Ness Avenue, or the north side of Market Street, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace a surface commercial parking lot and underutilized commercial buildings with a 40-story residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.

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

A technical memorandum was prepared by Prevision Design dated April 19, 2017, analyzing the potential shadow impacts of the project to properties under the jurisdiction of the Recreation and Parks Department.

Patricia's Green

A shadow analysis was conducted and determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and be gone prior to 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units. The Project was not found to adversely impact the use of the Park by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

Page and Laguna Mini Park

It is anticipated that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21st, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units. The Project was not found to adversely impact the use of the Park by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

Proposed Park and 11th and Natoma Street

The new shadow on the proposed park at 11th and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11th and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11th and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units.

- T. **Anti-Discriminatory Housing Policy (Administrative Code Section 1.61).** Projects proposing ten dwelling units or more must complete an Anti-Discriminatory Housing Affidavit indicating that the Project Sponsor will adhere to anti-discriminatory practices.

The Project Sponsor has completed and submitted an Anti-Discriminatory Housing Policy affidavit confirming compliance with anti-discriminatory practices.

- U. **Inclusionary Affordable Housing Program (Section 415).** **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, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was first submitted on February 26, 2009 and subsequently revised on August 27, 2012; 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 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos. 161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

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, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation

Application was submitted on February 26, 2009 and subsequently revised on August 27, 2012; 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 20%.

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

The Project would comply with this Section by dedicating one percent of the Project's construction cost to a kinetic wind sculpture located in the proposed plaza that is being developed by two NASA-based scientists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.

- W. **Signage (Section 607).** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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

- a. **Section 249.33: Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements do not apply pursuant to Planning Code Section 249.33. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street -- two of the widest streets in the entire City. Furthermore, units oriented toward Van Ness Avenue are set back an additional 28 feet or more from the public right-of-way. Units also benefit from the

curved building shape and projecting bay windows that allow the majority of units to have exposures in multiple directions with views along the street frontage, rather than harshly perpendicular to the opposing buildings. Similarly, ground floor and podium rooftop open spaces benefit significantly from the curved façade of the tower which reduces shadow on streets, sidewalks and open space throughout the day as the sun moves around the building. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.

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

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

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

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 57 test points throughout public areas in the general vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by BMT Fluid Mechanics, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.

Comfort Criterion

Under existing conditions, 37 of the 57 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured close to 11.8 mph.

With the Project, 45 of 57 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds, increased by 1.3 mph to approximately 13.9 mph from 12.6 mph. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 14.4 mph, with 46 of 57 points that exceed comfort criterion.

In conclusion, the Project does not result in substantial change to the wind conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. The tower has been substantially reshaped through a rigorous and iterative series of wind tests and wind canopies have been added to further diffuse pedestrian-level winds in the surrounding area. The Project could not be designed in a manner that could eliminate all 37 of the existing comfort exceedances or the 8 comfort exceedances caused by the Project, without unduly restricting the site's development potential, resulting in an ungainly building form or creating new hazard exceedances.

Hazard Criterion

The Wind Study indicated that the project does not cause any net new hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. Overall, the Project would decrease the total duration of existing hazardous wind conditions from 83 hours to 80 hours with the Project, an improvement of three fewer hours of hazardous wind conditions.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of

the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.

The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco,

providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.

OBJECTIVE 7:

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

In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review of the "Octavia BMR Project", will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, kiosks, in the Plaza. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.

URBAN DESIGN ELEMENT

Objectives and Policies

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.

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 3.6

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

The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.

The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.

The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks. The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.

The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.

Policy 1.3:

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

Policy 1. 6:

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

The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

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

Policy 11.3:

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

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

The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.

OBJECTIVE 18:

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

Policy 18.3:

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

Policy 18.5:

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.

MARKET AND OCTAVIA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.5:

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, several retail kiosks on the north side of Oak Street, sidewalk replacement along Van Ness Avenue, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

The Project is located within an existing high-density urban context and would transform underutilized retail/ office buildings and parking lot into high-density housing and ground-floor retail that has a

multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix the following dwelling unit mix: 54 ~~junior one-bedroom~~studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%), which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.

OBJECTIVE 2.3:

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.

OBJECTIVE 4.1:

PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.

Policy 4.1.1:

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked

crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

OBJECTIVE 5.1:

IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.

Policy 5.1.2:

Restrict curb cuts on transit-preferential streets.

OBJECTIVE 5.2:

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the

Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.

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

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

The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.

- 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 improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.

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

There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an

additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.

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

The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on-site.

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

The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was

determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.

In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.

10. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014-000362ENVGPAMAPDNXCUIAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2017 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FEIR and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. [] and MMRP, included as Attachment B. All required mitigation and improvement measures identified in Attachment B of Motion No. [] are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

Draft Motion
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAP~~DNX~~CUAVARK
1540 Market Street

ABSENT:

ADOPTED: June 15, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to Planning Code Sections **309, 134, 249.33(b)(5), and 148**, on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXC~~U~~AVARK** and subject to conditions of approval reviewed and approved by the Commission on **June 15, 2017** under Motion No. []. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. 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 15, 2017** under Motion No. [].

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

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. **Floor Area Ratio.** Pursuant to the Floor Area Ratio limits (FAR) per Sections 123, 249.33(b)(6)(B), and 424, the Project is required to make a payment to the Van Ness and Market Residential Special Use District Affordable Housing Fund for floor area that exceeds the base FAR of 6.0:1 and up to a maximum FAR of 9.0:1. For portions of the Project that exceed an FAR of 9.0:1, the Project must contribute to the Van Ness and Market Neighborhood Infrastructure Fee; provided, however, that the Project Sponsor may elect to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver from the payment of the Van Ness and Market Neighborhood Infrastructure Fee from the Planning Commission, subject to the rules and requirements set forth in Section 424.3.

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

7. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of these fees to off-set certain improvements within the Plaza.

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

8. **Market Octavia Affordable Housing Fee.** The Project is subject to the Market and Octavia Affordable Housing Fee, as applicable, pursuant to Planning Code Section 416.

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

9. **Market and Octavia – Van Ness & Market Street Affordable Housing and Neighborhood Infrastructure Fee.** The Project is subject to the Market and Octavia – Van Ness & Market Affordable Housing Fee and Neighborhood Infrastructure Fee, as applicable, pursuant to Planning Code Section 424.3. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of the Neighborhood Infrastructure fees to off-set certain improvements within the Plaza.

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

10. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Attachment B** of the CEQA Findings contained in Motion No. [] associated with the Subject Project are necessary to avoid potential significant impacts and further reduce less-than-significant impacts of the Project and have been agreed to by the Project Sponsor. Implementation of the Improvement and Mitigation measures is a condition of Project approval.

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission at a hearing held for the project on November 1, 2016. These conditions state:

11. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM and 5AM. Notice shall be made in person, written or electronic form.
12. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
13. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
14. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
15. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,

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

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

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

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

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

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

20. **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

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

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

22. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for

building management. The plaques shall be plainly visible from the public sidewalks on **Market, Van Ness Avenue and Oak** Streets and shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

23. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. 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

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

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

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

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

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

26. **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

27. **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

28. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

29. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.5 parking spaces per dwelling unit. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, which was authorized under Motion No. []. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

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

30. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide 1 off-street loading space, and spaces for two service vehicles, which may be used to substitute an off-street loading space.

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

31. **Car Share.** Pursuant to Planning Code Section 166, no less than two car share spaces 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. The car share spaces will be located off-site on a surface parking lot at 110 Franklin Street. Should the property at 110 Franklin Street no longer be available for such use, the Project Sponsor shall relocate the car share spaces on-site or at an off-site location within 800 feet of the Project Site without disrupting continuity of service, pursuant to Planning Code Section 166.

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

32. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 151 Class 1 spaces (151 stalls for Residential Use, 0 stalls for Retail Use) and 20 Class 2 spaces (15 stalls for Residential Use, 5 stalls for Retail Use).

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

33. **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

34. **Transportation Demand Management (TDM).** 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 Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PROVISIONS

35. **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

36. **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

37. **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

38. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. Portions of the Market Octavia and Van Ness Market Community Improvements Funds allocated to Child Care paid by the Project would be credited toward payment of the Child Care Fee.

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

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. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

39. **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 twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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. **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.

OPERATION

41. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

42. **Sidewalk & Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property, and the shared street that will be provided as part of the Project, 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>

43. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

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

44. **Odor Control.** 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

45. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

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

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

MONITORING - AFTER ENTITLEMENT

48. **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

49. **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

50. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☒ Childcare Fee (Sec. 414)

- ☒ First Source Hiring (Admin. Code)
- ☒ Better Streets Plan (Sec. 138.1)
- ☒ Public Art (Sec. 429)

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Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017
Case No.: [20192009.0159EGPAMAPDNXCUA](#) VARK
Project Address: 1540 Market Street (a.k.a. One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Reviewed by: Mark Luellen, Northeast Team Manager
mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 151.1 TO ALLOW ACCESSORY OFF-STREET PARKING EXCEEDING PRINCIPALLY PERMITTED AMOUNTS, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE ~~AND~~ COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for ~~the property a previous iteration of the project at that occupied~~ Assessor's Block 0836, Lots 002, 003, 004, and 005, ~~but did not include the easternmost lot on the block (Lot 1) within the project site,~~ and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, ~~the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005.~~ The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application | 20192009.0159EGPAMAPDNXCUAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located | in the File for Case No. 20192009.0159GPAMAPDNXCUAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Commission hereby approves the Conditional Use Authorization requested in | Application No. 20192009.0159GPAMAPDNXCUAVARK, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco’s Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project’s building site is made up of five contiguous privately owned lots within Assessor’s Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as “All Star Café” on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor [retail-research and development space](#) and offices on the upper floors. The building also houses the San Francisco New Conservatory Theater. Further north along the west

side of Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over ~~76-88~~ meetings and outreach discussions, including roughly ~~328-340~~ participants, between January 2015 and ~~May-June~~ 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

General Community Engagement: The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

Arts and Culture Stakeholder Engagement: In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage

and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Parking.** Pursuant to Section 151.1, residential uses in the Van Ness and Market Special Use District may provide up to 0.25 spaces per dwelling unit as a principally permitted accessory use, and up to 0.5 spaces per dwelling unit with a Conditional Use authorization. In addition, under Section 151.1, commercial parking is principally permitted in an area equivalent to 7% of the gross floor area of the Project's non-residential uses.

The Project contains 304 dwelling units. Thus, a total of 76 spaces would be principally permitted and up to 152 spaces may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces (which equates to a 0.45 parking ratio) for the residential use which exceeds the principally permitted amount. The Project would not provide any parking for the proposed 4,110-sf retail/restaurant use. Therefore, a Conditional Use Authorization would be required to provide the 60 parking spaces in excess of the 76 spaces principally permitted for the Project, if the Project is developed as a for-sale condominium project after final entitlements. In the event the Project Sponsor elects to construct a condominium project utilizing the additional spaces authorized by this Conditional Use Authorization, the Project Sponsor will voluntarily provide an additional 12 TDM points in its TDM program, as set forth in the Project Section 309 Authorization pursuant to Motion [___]. If the proposed Project is developed as a multi-family rental project after entitlements, the maximum parking in the project will be provided at a ratio of 0.25 spaces per dwelling unit, and the Project shall only be required to provide TDM measures consistent with applicable law.

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

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

The Project will replace an existing 47-space commercial surface parking lot and 19 publicly owned on-street parking spaces (a total of 66 existing surface parking spaces) with a residential high rise tower with 3 underground levels of residential parking for 136 cars and 2 van loading spaces.

Accordingly, if the Project is approved, there would be a net increase of 70 new parking spaces within the Project area, equivalent to a 0.23 "net" parking ratio, well within the 0.25 ratio otherwise principally permitted for new residential uses. The replacement of 66 surface level parking spaces available to general users with 136 underground residential parking spaces limited solely to project

residents will bring the site into greater conformity with the Planning Code and would greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. In addition, because the proposed 136 spaces would be located on three underground levels and only be accessed by valet operators using two car elevators, retrieval times will be substantially longer than valet operations at a conventional ramped garage, effectively discouraging daily use. Since future residents will have extraordinary walking, bicycling and high-frequency public transit access to local, Central Business District and regional jobs and services, there is reason to assume that residents will not use cars for daily commuting purposes.

The Project Sponsor has stated that it is requesting this Conditional Use Authorization to provide up to 136 spaces in order to ensure the Project's financial viability as a for-sale, high-rise condominium with over 50% two-, three-, and four-bedroom units. The Project's 0.45 parking ratio would be the lowest ratio ever proposed or built for a high-rise condominium project greater than 25 stories in San Francisco, with almost half as much parking as the lowest comparable condominium tower. According to a survey prepared by the Mark Company, a leading condominium market research company, of all San Francisco residential high-rise condominium developments greater than 25-floors in height (built or approved over the past ten years) provide an average 1.04 parking ratio. Shorter condominium buildings including 13 to 25 story high-rises and under 13 story low-rise and mid-rise buildings have average parking ratios of 0.92 and 0.78, respectively. Institutional real estate investors and commercial lenders for condominium projects of this size require detailed, independent and professional market studies to substantiate a developer's financial underwriting and ultimately, their own decision whether to invest in a high-rise condominium project. They rely on these studies as part of their fiduciary obligations to their own investors. As described in a letter from the Mark Company, the lowest parking ratio that the current market can support for high-rise condominium projects in San Francisco is not less than one space for every 2-bedroom or larger unit. Anything lower than this ratio could adversely impact sales and absorption rates, undermining the financial returns necessary to attract private capital for this project. The proposed 0.45 ratio only provides parking for 88% of the 2-, 3- and 4-bedroom units included in the Project. According to the Project Sponsor, they are willing to accept this risk, but they cannot reduce the ratio further without jeopardizing their ability to attract the investors and lenders necessary to provide capital and construction loans for the proposed condominium Project, thereby making the Project infeasible to build.

Since this market constraint is limited to the financing of high-rise condominiums, the Project Sponsor has agreed to restrict the Project's parking ratio to no more than 0.25 spaces per dwelling unit in the event the Project is financed and built as a high-rise rental project. For this reason, the Planning Department's support for this Conditional Use Authorization to provide parking more than the principally permitted 0.25 ratio would not set a precedent for other high-rise rental towers within the Van Ness and Market SUD to receive similar increases above the 0.25 ratio.

In further support of the Project Sponsor's concerns regarding the financial viability of its high-rise condominium project, the Project is targeted in part to families, with over 50% two bedroom, three bedroom and four bedroom units, and includes a children's playroom, among many other family-friendly amenities. Families with children generally have a greater need for parking because they require flexibility due to dual commutes, school, child care, urgent care, grocery shopping and other trips with small children, babies and their attendant equipment (required car seats, strollers, diaper bags, and the like). Marketing data for condominiums support a minimum parking ratio of 1 parking

space for each 2 bedroom or larger unit due to family needs. As noted above, the requested 136 parking spaces could serve, at most, only 88% of the large units (2+ bedrooms), below the likely demand from families residing within the Project. Thus, the requested 136 parking spaces do not represent an excessive amount of off-street parking necessary to support the Project's family-oriented residential units.

The provision of adequate on-site parking is consistent with the concerns of neighboring businesses and institutions. Adjacent arts and educational institutions, such as the French American International School, Conservatory of Music, and the New Conservatory Theater, have all expressed concern that an under-supply of on-site resident parking at the Project will force residents to compete with their patrons, staff and students for a dwindling supply of publicly accessible parking in the immediate vicinity, thereby threatening the operation and survival of their institutions.

The Project as a whole is desirable because it would replace the existing 47 space surface parking lot and underdeveloped commercial structures on the site with a residential high-rise tower, ground floor retail, and a public plaza that are more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and commercial buildings and replacing them with a beautifully designed residential building. ~~In addition, the Project will~~

Thus, the proposed uses are desirable and compatible with the neighborhood, and strongly encouraged by the Market and Octavia Area Plan. Accordingly, parking in excess of principally permitted amounts would be compatible with the existing zoning of the Project, as well as the character of the neighborhood, because, unlike the existing surface parking lot on the Project site, it would be located entirely underground, freeing the ground floor of the building for occupation by active uses. All parking and loading would be accessed by a single service entrance from Oak Street. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project, and to the contrary, the Project will include substantial streetscape improvements including a public plaza.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

Other than passenger drop-offs at the Conservatory of Music, the only reason for passenger vehicles to drive down this section of Oak Street today is to access the abundant commercial surface parking currently available on this block, which currently includes 40 metered public street spaces and 3 commercial parking lots providing 183 spaces. The nature of this type of commercial parking is generally short-term occupancy with high turnover rates. However, future residential projects such as

1554 Market Street (currently under construction), the proposed Project, and the French American School's proposed project at 98 Franklin are likely to remove most, if not all, of the existing commercial parking lot spaces on this block of Oak Street and replace them with hundreds of new residences, and additional retail and institutional uses. Furthermore, the Planning and Public Works Departments are proposing additional street parking reductions on this block as part of the HUB Area Plan. The transition from commercial surface parking lots and public metered spaces to underground residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis that found the existing metered spaces average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours – this estimated trip generation is irrespective of the amount of parking provided on-site. Moreover, the CEQA Transportation Analysis for the proposed Project concluded that on-site parking of up to 155 spaces would have no significant environmental impact. The proposed parking has since been reduced to 136 spaces.

Notably, permanent residents are also more likely to know the roadways and efficient vehicular routes to and from their building, and are generally more safety conscious when driving through their neighborhood, whereas visitors seeking public parking in the neighborhood often circulate around multiple blocks due to unfamiliarity with the one-way street patterns, and/or the absence of available parking at or near their destination.

Lastly, but perhaps most importantly, the One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, a proposed widening of the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. As a result, the proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

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

Planning and SFMTA restrictions prohibit curb cuts or parking along the Van Ness Avenue and Market Street frontages. Therefore, all parking, passenger loading, move-ins, freight loading and deliveries are required to be located on or accessed from Oak Street. Due to the awkward size and shape of the site, it is impractical to provide a ramp to access below-grade parking without eliminating most of the ground floor lobby and retail space. Therefore, the 136 underground parking spaces proposed by the Project Sponsor would be accessed via two car elevators, which would be the only access points for vehicle storage. Safety and insurance requirements dictate that the car elevators be operated solely by trained valet personnel. Wait times for valet service, particularly during peak hours, will be inconvenient. This inconvenience will serve as a strong disincentive for residents to frequently use

private vehicles. Furthermore, the location of the proposed parking underground would further allow the Project to provide an active pedestrian ground floor with significant streetscape improvements which would calm traffic and minimize conflicts with pedestrians in the surrounding area.

Additionally, the proposed size, shape and arrangement of the Project is consistent with the existing site-layout and the character of the surrounding neighborhood. The Project site is trapezoidal in shape and relatively small (18,219 square feet), with only 39 feet of frontage on Van Ness Avenue. By design, the building has been shifted roughly 28 feet west from the Van Ness Avenue property line to create a generous public plaza and pedestrian thoroughfare fronting the building at this important transit-rich corner. Accordingly, the proposed Project would likely promote, rather than impede, development potential in the vicinity by increasing the housing supply and customer base, and creating an attractive residential tower with neighborhood-serving public plaza and ground floor retail uses which would continue the pattern of active ground floor retail along the Market and Van Ness Street frontages.

- D. 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;

In general, the Project would provide a sufficient, but not excessive, amount of off-street parking. The Project would provide 136 off-street parking spaces in an underground garage, which exceeds the number of spaces principally permitted and therefore is the subject of this Conditional Use authorization. Because all of the Project's on-site parking is accessible exclusively by valet (other than one space for vehicles designed exclusively for use by disabled drivers which a valet cannot operate), the Project will provide 2 required car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. The proposed on-site parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will prioritize walking, bicycle travel, or transit use over private automobile travel.

Oak Street is a unique roadway on the Project block, running one-way westbound for only one block between Van Ness Avenue and Franklin Street. Inbound vehicular traffic can only enter Oak Street from southbound Van Ness Avenue. Outbound trips must travel ~~eastbound~~ westbound on Oak Street, with a forced right turn at Franklin Street heading northbound. Buyers who intend to regularly commute by car to and from the South Bay would be better served by alternative residential choices in SOMA, Transbay or other freeway accessible areas with more convenient vehicular access and greater parking supply. In addition, the vehicles will only be accessible by valet via two car elevators, which will further discourage frequent use of vehicles for shorter trips. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide an adequate, but not excessive amount of parking to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

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

The additional parking requested pursuant to this Conditional Use request will not generate noxious or offensive noise, glare, or dust. Since all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. As required by building, health and safety codes, the underground parking garage area will include a Carbon Monoxide exhaust system to expel potentially noxious vehicle emissions from the building. Garage exhaust would be discharged in compliance with all Building Code requirements and will meet or exceed all code required separation clearances between garage exhaust and exterior and interior uses. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application would include air cleaning or odor control equipment details and manufacturer specifications on the plans. Additionally, plans submitted with the building permit application for the approved project would incorporate acoustical insulation and other sound proofing measures to control noise.

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

All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Oak Street. To create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating, performance spaces, and quality materials. Up-lights would highlight the art canopies and street trees, and foot-lighting would surround the base of the precast planters. The landscaping would consist of decorative, drought and wind-tolerant, native trees and shrubs.

With respect to the design of the proposed garage, substantial effort has been expended to ensure that the parking entrance and the valet reception area are as attractive as the main residential lobby. In-lieu of a typical roll-down utility/security door, a decorative custom steel lattice screen is proposed to enclose and secure the parking entrance. The decorative screen would secure the garage, while maintaining the valet staff's 24-hour surveillance of the public realm. At the rear of the Valet reception area, matching door enclosures at the two car elevators and the on-site freight loading bay would conceal those elements and reduce noise emanating from the Valet reception area. Signage would be tasteful and attractive, and would be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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

The additional 60 underground parking spaces proposed under this Conditional Use would comply with the applicable provisions of the Planning Code and would not adversely affect the General Plan. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and easily reach amenities and jobs by walking, transit, and bicycling. The Project would provide a merely sufficient, rather than excessive, amount of parking to accommodate the parking needs of the future residents of the Project, without unduly burdening the neighborhood parking supply, while still

supporting and encouraging walking, bicycle travel and public transit use. Overall, the proposed Project will promote many General Plan objectives, as described in further detail below.

8. **Planning Code Section 151.1** establishes criteria for the Commission to consider when reviewing any request for accessory parking in excess of what is permitted by right. On balance, the Project complies with the criteria of Section 151.1, in that:

- a. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

The residential parking proposed does not exceed 0.5 space per unit, thus this requirement is not applicable. Nonetheless, all parking is below grade (with the exception of one van-accessible space for persons with disabilities) and accessed by mandatory valet via two car elevators to discourage use of vehicles for commuting or daily errands and one level will have mechanical stackers.

- b. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The requested parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. The parking spaces will be accessed from a single curb cut on Oak Street and vehicle movement associated with the underground garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity. The CEQA transportation analysis completed for the Project confirmed that the proposed on-site parking would have no significant environmental impact. Furthermore, in order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along Oak Street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating, performance spaces, and quality materials. Given the proximity of the Project site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the parking will be accessible only by valet via two car elevators, thus discouraging frequent use of vehicles for shorter trips. Furthermore, Oak Street is a lightly travelled local service street and there are no transit routes or bicycles routes on this block of Oak Street. The Project will also eliminate a 47-space surface commercial parking lot and 19 public street parking spaces. The transition from public parking to residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis at the existing Oak Street metered parking spaces and found that they average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours, irrespective of the amount of parking provided on-site.

- c. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

The Project design is not degraded by the proposed parking because all parking is below grade (with the exception of one van-accessible space for persons with disabilities), the single parking entrance is integrated into the architectural design of the Project, and the more prominent Market Street and Van Ness Avenue frontages have no curb cuts or parking entrances. Thus, the ground floor will be occupied by active uses, as anticipated by the Code. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project.

- d. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

All proposed parking will be below grade, thus permitting active uses and streetscape improvements to be located on the ground floor. Furthermore, the planned streetscape enhancements are primarily located on Market Street and in Oak Plaza, which is located to the east of the garage entrance, such that the parking does not diminish the quality and viability of the planned streetscape enhancements.

- e. All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

All parking for the Project will meet the active use and architectural screening requirements in Section 145.1.

- f. In granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the following findings are made by the Commission:

- i. That the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood.
- ii. That these localized transportation impacts may be lessened for the neighborhood by the provision of car-share memberships to residents.

The Project includes the construction of residential condominiums and includes the provision of 2 car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot located at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. Should this off-site location no longer be available, the Project Sponsor shall relocate the car-share spaces on-site or at an off-site location within 800 feet of the Project Site, pursuant to Section 166 of the Planning Code. The Project would not encourage additional private automobile use, nor create localized transportation impacts for the neighborhood, given that 66 existing high-trip-generating publicly

accessible parking spaces are being removed from the block by the Project. Moreover, the Project Sponsor has proposed voluntary TDM measures to be implemented if the Project Sponsor elects to construct the additional spaces authorized by this Conditional Use Authorization, exceeding Planning Code requirements, that would include payment of annual membership fees to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the Project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.

The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of

certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals including [independent](#) environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.

OBJECTIVE 7:

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

In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a “directed” in-lieu fee under the City’s Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review under CEQA, will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees “directed” to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, kiosks, in the Plaza. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.

URBAN DESIGN ELEMENT

Objectives and Policies

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.

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 3.6

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

The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent

with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.

The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.

The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks. The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.

The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.

Policy 1.3:

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

Policy 1. 6:

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

The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

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

Policy 11.3:

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza, which would provide services to the immediate neighborhood, and would

create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

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

The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.

OBJECTIVE 18:

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

Policy 18.3:

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

Policy 18.5:

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.

MARKET AND OCTAVIA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.5:

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, several retail kiosks on the north side of Oak Street, sidewalk replacement along Van Ness Avenue, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

The Project is located within an existing high-density urban context and would transform underutilized retail/ office buildings and parking lot into high-density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix of one-, two-, three-, and 4-bedroom units, which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.

OBJECTIVE 2.3:

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.

OBJECTIVE 4.1:

PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE
AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.

Policy 4.1.1:

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

OBJECTIVE 5.1:

IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE,
CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.

Policy 5.1.2:

Restrict curb cuts on transit-preferential streets.

OBJECTIVE 5.2:

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.

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 supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.

- 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 improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.

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

There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH, including independent environmental review under CEQA. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high-quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.

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

The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on-site.

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

The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.

In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.

11. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
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 Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2009.0159EGPAMAPDNXCUAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 15, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to **Planning Code Sections 303 and 151.1** on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXCUAVARK** and subject to conditions of approval reviewed and approved by the Commission on **June 15, 2017** under Motion No. []. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. [], Case No. **2009-0159EGPAMAPDNXCUAVARK** (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances that require approval from the Zoning Administrator from Sections 140, for units that do not meet exposure requirements and Section 145.1, for a combined parking / loading entrance exceeding 20-feet in width.

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 15, 2017 under Motion No. [].

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not

affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1) |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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CA 94103-2479

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415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017
Case No.: 20192009.0159EGPAMAPDNXCUIAVARK
Project Address: 1540 Market Street (a.k.a. One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Reviewed by: Mark Luellen, Northeast Team Manager
mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, AND THE PROPOSED 11TH AND NATOMA PARK DESIGNATED FOR ACQUISITION BY THE RECREATION AND PARK COMMISSION BY THE PROPOSED PROJECT AT 1540 MARKET STREET WOULD NOT BE ADVERSE TO THE USE OF PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, OR THE PROPOSED 11TH AND NATOMA PARK AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Patricia's Green is a 0.41 acre park located in the Western Addition neighborhood along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park is bounded by Hayes Street to the north and Fell Street to the south. Patricia's Green is characterized by a picnic seating area, a circular plaza, grassy areas, and a children's play area. The neighborhood immediately surrounding Patricia's Green is characterized by residential buildings of two to five stories in height, as well as ground floor retail and restaurant uses.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Patricia's Green (with no adjacent structures present) is approximately 66,622,661 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,034,236 square-foot hours, or approximately 18.06 percent of the TAAS.

Page Laguna Mini Park is a 0.15 acre park located in the Western Addition Neighborhood of San Francisco on Assessor's Block 0852 / Lot 015. It is located mid-block with residences east and west and is bounded by Page Street to the north and Rose Street to the south. Page Laguna Mini Park is enclosed by fences--one along Rose Street and another which bisects the site from east to west. The mini park has two entrances on Page and Rose Streets, respectively which are connected by a meandering serpentine path creating a pedestrian connection between the two streets. The mini park features two fixed benches, a designated community gardening area and several trees ranging in size from small shrubbery to deciduous trees with larger canopies.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Page and Laguna Mini Park (with no adjacent structures present) is approximately 24,402,522 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,098,693 square-foot hours, or approximately 49.58 percent of the TAAS.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the proposed 11th and Natoma Park (with no adjacent structures present) is approximately 72,829,287 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 14,449,512 square-foot hours, or approximately 19.480 percent of the TAAS.

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied the property at Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 1) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, ~~the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005~~. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental

Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application | [20192009.0159EGPAMAPDNXCUIAVARK](#). At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

On June 15, 2017, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast

by the Project on Patricia's Green, Page and Laguna Mini-Park, and the proposed park at 11th and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11th and Natoma Streets.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. [20192009.0159EGPAMAPDNXCUIAVARK](#), at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

FINDINGS

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of Patricia's Green, for the following reasons:
 - a. The proposed project would reduce the annual available insolation by about 0.22 percent (a reduction of 148,200 square foot hours of sunlight). This results in a total shadow load of 12,182,435 square foot hours and a reduction of the available insolation by 18.28 percent.
 - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon Patricia's Green from the Project would occur in the early mornings from February 17 through April 5, and again from September 8 through

October 25, when observed park usage is relatively sparse compared to later morning, midday peak and afternoon times. At these times, the southwest portion of the park would continue to be unshaded by existing and project shadow and would be available to those park users seeking sunlight.

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 28 minutes.
4. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Page and Laguna Mini Park, for the following reasons:
 - a. The proposed project would reduce the annual available insolation by about 0.04 percent (a reduction of 9,576 square foot hours of sunlight). This results in a total shadow load of 12,108,269 square foot hours and a reduction of the available insolation by 49.62 percent.
 - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon Page and Laguna Mini Park from the Project would occur in the early mornings from May 19 through July 26, when observed park use would be considered low.
 - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 15 minutes.
 5. The additional shadow cast by the Project would be numerically insignificant, and therefore would not be adverse, and is not expected to interfere with the use of the proposed 11th and Natoma Park, for the following reasons:
 - a. The proposed project would reduce the annual available insolation by about 0.004 percent (a reduction of 2,838 square foot hours of sunlight). This results in a total shadow load of 14,452,350 square foot hours and a reduction of the available insolation by 19.844 percent.
 - b. The additional shadow cast by the proposed project has a numerically insignificant effect, and the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon the proposed 11th and Natoma Park from the Project would occur in the early evenings from June 9 through July 5.

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 18 minutes.
6. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.
7. **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, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.
8. 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.
9. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project.

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. **2009.0159EGPAMAPDNXCUAVARK**, that the net new shadow cast by the Project on Patricia's Green and Page and Laguna Mini Park will not be adverse to the use of Patricia's Green or Page and Laguna Mini Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on June 15, 2017

Jonas P. Ionin
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: June 15, 2017



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

**Adoption of CEQA Findings
Adoption of Recommendations to Amend the General Plan and Zoning Map
Downtown Project Authorization
Conditional Use Authorization
Adoption of Shadow Findings
Variance for Exposure, Street Frontage
Height Exemption
Public Art**

HEARING DATE: JUNE 15, 2017

Date: June 1, 2017
Case No.: **2009.0159EGPAMAPDNXCUIAVARK**
Project Address: 1540 Market Street (a.k.a. One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Recommendations: **Adopt CEQA Findings
Recommend Approval of the General Plan Amendment
Recommend Approval of Zoning Map Amendments
Approve the Downtown Project Authorization with Conditions
Approve the Conditional Use Authorization with Conditions
Adopt Shadow Findings**

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PROJECT DESCRIPTION

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 310-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet and a 26-foot-tall elevator penthouse, measured from roof level) with ground-floor commercial space, one off-street loading space, and a subsurface parking garage containing 136 spaces for residents and two service vehicle spaces. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and

one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the project site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. These revisions would allow the tower to shift westward, to enlarge the publicly accessible open space in the plaza, and reduce wind speeds and shadows in the surrounding public realm, and a new freestanding elevator enclosure for the existing Muni Station elevator.

ENVIRONMENTAL REVIEW

November 16, 2016, the Planning Department published a Draft Environmental Impact Report (“DEIR”) for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR (“FEIR”).

COMMUNITY OUTREACH AND PUBLIC COMMENT

To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo’s Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor.

The Department has also received a letter from the Hayes Valley Neighborhood Association, expressing support for the concept of dense infill housing, but expressed concerns regarding parking, the proposed plaza, wind impact on bicycles and the inclusionary housing proposal associated with the Project. The letter is included as an attachment to the case report. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range

of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

REQUIRED COMMISSION ACTIONS

The following **actions** are before the Commission: 1.) consideration of the adoption of California Environmental Quality Act ("CEQA") Findings; 2.) consideration of a resolution recommending that the Board of Supervisors adopt the proposed General Plan Amendments; 3.) consideration of a resolution recommending that the Board of Supervisors adopt the proposed Zoning Map Amendments; 4.) consideration of a request for Downtown Project Authorization pursuant to Planning Code Section 309; 5.) consideration of a request for Conditional Use Authorization pursuant to Planning Code Section 303; and 6.) the adoption of shadow findings pursuant to Planning Code Section 295. The Project also requires Zoning Administrator consideration of variance and height exemption requests.

1. **CEQA Findings.** The Planning Commission must make and adopt CEQA Findings related to the Environmental Impact Report that was prepared for the project.

The draft CEQA Findings document before the Planning Commission would make findings regarding the Project's objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and make a statement of overriding considerations. Additionally, the CEQA Findings document identifies project alternatives that were analyzed in the EIR and discusses the reasons for their rejection.

2. **Legislative Amendments.** The Planning Commission must pass a resolution to the Board of Supervisors regarding legislative amendments associated with the Project. Amendments to the General Plan, Zoning Map and Planning Code Text would accomplish the following:

- Modify Map 3 of the Market and Octavia Plan of the General Plan to reclassify the height limit of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and a 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120' to 400' tower/120' podium; Modify Map 5 of the Downtown Area Plan of the General Plan to reclassify the height and bulk of the same Assessor's Block and Lots from 150-S and 120-F to 120-R-2 and 120/400-R-2;
- Modify Zoning Map HT07 to reclassify the height and bulk of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and a 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-;

3. **Downtown Project Authorization.** The Planning Commission must determine that the Project complies with Section 309 of the Planning Code and grant associated Downtown Project Authorization exceptions. The Project requests two exceptions under Planning Section 309:

- **Ground Level Wind Currents.** Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.

Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.

The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion.

- **Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements pursuant to Planning Code Section 249.33 do not apply. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

Since the Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage, an exception is required.

The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street -- two of the widest streets in the entire City. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.

4. **Conditional Use Authorization.** The Planning Commission must grant Conditional Use Authorization for the Project to exceed the principally permitted parking ratio of 0.25 parking spaces per dwelling unit and up to a ratio of 0.5 parking spaces per dwelling unit.

The Project proposes 304 dwelling units, principally permitting 76 parking spaces (304 units X 0.25 spaces / unit). Since 136 parking spaces are proposed (a 0.45 ratio) Conditional Use Authorization is required. The Project Sponsor has informed the Department that the proposed 136 spaces are necessary to ensure the financial feasibility of its proposed for-sale condominium project, but has agreed to restrict the parking ratio to no more than 0.25 spaces per dwelling unit should the Project ultimately be financed and built as a rental project. The Project Sponsor has shared a memo prepared

by a 3rd party condominium market research firm explaining the financial necessity of the 0.45 parking request.

5. The Project is only required to achieve 50 percent of the Transportation Demand Management target points since an environmental or development application for the Project was filed before September 4, 2016. However, the Project Sponsor has voluntarily agreed to provide 100 percent of the target Transportation Demand Management points (for a total of 25 points) if its request for a Conditional Use Authorization is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces. The target points consider the proposed parking rate compared to the neighborhood parking rate, accordingly, achieving 100 percent of the target points is a reasonable counterbalance for exceeding principally permitted parking allowances.
6. **Shadow Findings.** Pursuant to Section 295, a shadow analysis was conducted to determine if the Project would result in net additional shadow to properties under the jurisdiction of the Recreation and Park Department or designated for acquisition by the Recreation and Park Commission. The Project was found to cast additional shadow on the following parks:
 - **Patricia's Green.** A shadow analysis determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units.
 - **Page and Laguna Mini-Park.** The same shadow study determined that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21st, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units.
 - **Proposed Park at 11th and Natoma Streets.** The same shadow study determined that new shadow on the proposed park at 11th and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11th and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11th and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units.

The Project was not found to adversely impact the use of Patricia's Green, the Page and Laguna Mini Park or the proposed park at 11th and Natoma Streets by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

OTHER ISSUES AND CONSIDERATIONS

- **Variances.** The Project requests variances from the following Planning Code requirements:
 - **Dwelling Unit Exposure.** Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140, therefore a variance is required. The 18 units for which a variance is sought, face into an 835-square foot courtyard that has been configured to align as much as possible with a much larger 1,829-square foot adjacent courtyard at the recently approved 1554 Market Street project, thereby increasing light and air to the 18 units and contributing toward the creation of new mid-block open space pattern on a block where none currently exists. This alignment benefits both projects, creating a combined courtyard that is approximately 15-feet by 57 feet on the One Oak property and approximately 21 feet by 29 feet (average width) on the 1554 Market Street property. A transparent bridge connecting the northern and southern sides of the 1554 Market project is provided, across an inner courtyard that spans the entire approximately 66-foot width of the lot. When taking the entire courtyard into account, the effective shared inner block open space is even larger, extending to approximately 66 feet by 27 feet (average width) on the 1554 Market Street side providing light and air for the dwelling units that do not technically meet exposure requirements. In addition, the 15-foot width of the courtyard within the Proposed Project is consistent with the minimum dimensions envisioned by Section 140. Section 140 provides that the dwelling unit exposure requirement is met if the Project provides "a rear yard meeting the requirements of this Code". While a rear yard is not required under the Project site's zoning and none is proposed in the Project, the minimum dimension for a rear yard under the Code set forth in Section 134(a)(1) is 15 feet. Thus, the width of the Project's courtyard is equal to the Code's minimum rear yard dimension.
 - **Street Frontage.** Section 145(c)(2) limits the width of parking and loading access for a project to no more than 20 feet. Additionally, Section 155(r) prohibits any curb cuts or garage entrances on Market Street and Van Ness Avenue, two of the Project's three frontages, requiring all parking and loading access to occur on Oak Street. To accommodate Code-required off-street loading, as well as sufficient width for parking, the Project proposes a 24-foot wide curb cut and garage opening, which would replace an existing 32-foot wide curb cut.
- **Elevator Penthouse Height Exemption**
 - The Project requests a height exemption from Section 260(b)(1)(B), which limits the height exemption applicable to elevator penthouses to 16 feet. The rooftop elevator penthouse enclosure at One Oak extends 26 feet above the roof elevation of 400 feet, exceeding the allowable height by 10 feet. The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse provided that the exemption is required to meet state or federal laws or regulations. The Project Sponsor has provided a technical memorandum from the Project's elevator

consultant confirming that the exemption is required to meet State of California elevator safety codes.

- **Public Art**

- The Project Sponsor will meet the Public Art requirement by dedicating one percent of the Project's construction cost to a kinetic wind sculpture, on-site, located in the proposed plaza that is being developed by two NASA-based artists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.

RECOMMENDATION

The Department recommends that the Commission:

- Adopt CEQA Findings;
- Recommend approval of the General Plan Amendments to the Board of Supervisors;
- Recommend approval of the Zoning Map Amendments to the Board of Supervisors;
- Approve the Downtown Project Authorization with Conditions;
- Approve the Conditional Use Authorization with Conditions; and
- Adopt Shadow Findings that the Project would not adversely impact Patricia's Green, the Page and Laguna Mini-Park or the Proposed park at 11th and Natoma Streets.

BASIS FOR RECOMMENDATION

- The Project implements the City's Vision Zero policies through public realm improvements that include sidewalk widenings along Oak Street and a publicly accessible plaza with landscaping and seating elements immediately adjacent to the Project site.
- The Project would address the City's severe need for below market rate affordable housing by developing 72 units 100% affordable housing at Parcels R, S & U, including 16 very low income, service supported, Transitional Aged Youth ("TAY") housing units, all within 1/3 mile of the proposed Project through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer.
- The Project would help achieve General Plan objectives to expand the supply of housing in and adjacent to downtown and transit through the proposed 304 new dwelling units.
- The Project is compatible with the surrounding neighborhood character in terms of height, scale, and massing.
- The Project is consistent with proposed heights and bulks, urban design approaches and land use goals envisioned for the Hub Plan Area within which the Project is located.
- The Project is, on balance, consistent with and supports relevant General Plan Objectives and Policies and meets all applicable requirements of the Planning Code, along with the exceptions requested through Planning Code Section 309.

RECOMMENDATION:

- Adopt CEQA Findings

- **Recommend Approval of the General Plan Amendments to the Board of Supervisors**
- **Recommend Approval of the Zoning Map & Planning Code Amendments to the Board of Supervisors**
- **Approve the Downtown Project Authorization with Conditions**
- **Approve the Conditional Use Authorization with Conditions**
- **Adopt Shadow Findings that the Project would not adversely impact Patricia's Green**

Attachments:

Draft CEQA Findings Motion

Draft Resolution Recommending Board of Supervisors Approval of the General Plan Amendment
Draft Ordinance for General Plan Amendment

Draft Resolution Recommending Board of Supervisors Approval of the Zoning Map Amendment
Draft Ordinance for Planning Code Text and Zoning Map Amendment

Draft Downtown Project Authorization Motion

Draft Conditional Use Authorization Motion

Draft Shadow Findings Motion

Anti-Discriminatory Housing Affidavit

Inclusionary Housing Affidavit

First Source Hiring Affidavit

Memo from Mark Company Regarding "Parking at One Oak & the Economic Feasibility of High-Rise
Condominiums

Public Comment

Exhibits:

Assessor's Block Map

Sanborn Map

Zoning Map

Height and Bulk Map – HT07 (includes proposed changes)

Market and Octavia Plan – Map 03 (includes proposed changes)

Downtown Plan – Map 05 (includes proposed changes)

Aerial

Site Photos:

Exhibit B Plans and Renderings

Public Art Proposal



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1) |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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Planning Commission Draft Motion CEQA Findings

HEARING DATE: June 15, 2017

Case No.: **2009.0159E**
Project Address: 1540 Market Street (a.k.a One Oak)
Current Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang – (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE PROJECT AT 1540 MARKET STREET TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING UP TO 310 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE AND COMMON OPEN SPACE; 372 BICYCLE PARKING SPACES (310 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, INCLUDING A HEIGHT RECLASSIFICATION.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for another project that occupied Lots 002, 003, 004, and 005 of Assessor's Block 0836 of the current project site, but did not include the easternmost lot on the block (Lot 001). On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012. That proposal did not advance and the project was subsequently revised, as described below.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes to the proposed project. A Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption Waiver for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of the Project. These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, However, that Octavia BMR Project is an independent project subject to its own independent environmental review under CEQA.

On November 16, 2016, the Planning Department published a notice of the availability (NOA) of a Draft Environmental Impact Report (DEIR) for the One Oak Street Project and the date of the Planning Commission's public hearing on the DEIR in a newspaper of general circulation and posted the notice in the Planning Department offices, and on November 18, 2016, caused the notice to be posted at four locations on and near the project site and mailed the NOA to property owners and tenants within 300 feet of the project site and to over 90 organizations and individuals requesting such notice. The NOA identified a public comment period on the DEIR from November 16, 2016, through January 10, 2017. A Notice of Completion was filed with the State Secretary for Resources via the State Clearinghouse on November 17, 2016. Copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it on November 18, 2016.

On January 5, 2017 the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period

for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 55 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, The Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document, all as required by law. The Responses to Comments document was distributed to the Commission and all parties who commented on the DEIR, and made available to others at the request of Planning Department staff.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this Motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") pursuant to this Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings attached hereto as Attachment A as set forth in this Motion No. [].

On June 15, 2017 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Maps 3 and 5; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that

same hearing the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Zoning Map Amendment. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In Kind Fee Waiver Agreement, and Variance and Elevator Exemption application 2019.0159EGPAMAPDNXCUCUAVARK. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2019.0159EGPAMAPDNXCUCUAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Planning Commission hereby adopts findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, and adopts the MMRP attached as Attachment B, based on the findings attached to this Motion as Attachment A as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

DATE: June 15, 2017

ACTION: Adoption of CEQA Findings



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ATTACHMENT A

California Environmental Quality Act Findings

PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

Section I provides a description of the proposed project at 1540 Market Street, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

Section II lists the Project's less-than-significant impacts that do not require mitigation.

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

Section IV identifies one significant impact that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The Final EIR identified a mitigation measure to address this impact, but implementation of the mitigation measure will not reduce the impact to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures identified in the Final EIR. (The Draft EIR and the Comments and Responses document (the "RTC document") together comprise the Final EIR, or "FEIR.") Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report that is required to reduce a significant adverse impact and is deemed

feasible, identifies the parties responsible for carrying out the measure and reporting on its progress, and presents a schedule for implementation of each measure listed.

Section V evaluates the alternatives to the proposed project that were analyzed in the EIR and the economic, legal, social, technological and other considerations that support the approval of the Project and discusses the reasons for the rejection of the Project Alternatives, or elements thereof.

Section VI sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The Mitigation Monitoring and Reporting Program (MMRP) for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 and 15097. Attachment B provides a table setting forth each mitigation measure identified in the FEIR that would reduce a significant adverse impact and has been adopted as a condition of approval of the Project. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures adopted as conditions of approval is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments ("RTC") document, with together comprise the Final EIR, are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND

A. Project Description

The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The surface parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of 2016, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements would be constructed as part of the proposed Project.

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 310 unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface parking garage containing 136 spaces for residents. Bicycle parking accommodating 310 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (Assessor Block 0836/01) to the western portion of the project site (Assessor Block 0836/05), which would not result in any increased development potential.

B. Project Objectives

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

- ▶ to increase the City's supply of housing in an area designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ to create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ to permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ to realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.
- ▶ to construct a high-quality project with enough residential floor area to produce a return on investment sufficient to attract private capital and construction financing.
- ▶ to encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ to improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

- ▶ to provide adequate parking and vehicular and loading access to serve the needs of project residents and their visitors.

C. Project Approvals

The Project requires the following Board of Supervisors approvals:

- ▶ Approval of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 3 of the Market and Octavia Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 5 of the Downtown Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ If required, adoption of the proposed Oak Plaza into the City's Plaza Program, pursuant to SF Administrative Code Section 94.3.
- ▶ If required, approval of a Street Encroachment Permit for improvements (including retail kiosks) within the proposed Oak Plaza and wind canopies in the public right of way (at Oak Plaza and at the northeast corner of Polk and Market Streets).

The Project requires the following Planning Commission approvals:

- ▶ Initiation Hearing of the *San Francisco General Plan (General Plan)* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the *Downtown Area Plan* and amendment to Height and Bulk Map HT07 to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, between Lot 001 and Lot 005.
- ▶ Certification of the Final EIR and adoption of CEQA Findings and adoption of a Mitigation Monitoring and Reporting Program.
- ▶ *General Plan* referral to allow construction in the Oak Street right-of-way, and installation of proposed wind canopies within an Oak Street Plaza and the public right-of way.
- ▶ Approval of the project under Planning Code Section 309, including exceptions with regard to ground-level winds and maximum lot coverage.
- ▶ Approval of a conditional use authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and 303.

- ▶ Approval of an In-Kind Improvements Agreement under Planning Code Section 424.3(c) for community improvements for the Complete Streets infrastructure portion of the Van Ness and Market Downtown Residential Special Use District Neighborhood Infrastructure Fee.
- ▶ Recommendation of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 3 of the *Market and Octavia Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 5 of the *Downtown Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ Joint determination with the Recreation and Park Commission under Planning Code Section 295 that net new project shadow being cast on Patricia's Green, or other parks subject to Section 295, would not adversely affect the use of the park.

The Project requires the following Historic Preservation Commission approvals:

- ▶ A Permit to Alter would be required for the proposed retail kiosks at 11 Van Ness Avenue. If the proposed kiosks are determined to constitute as a Minor Permit to Alter, review is delegated to Planning Department Staff and would not need to be reviewed by the Historic Preservation Commission. If the work is determined to constitute as a Major Permit to Alter, a hearing before the Historic Preservation Commission may be required.

Department of Public Works (DPW)

- ▶ Approval of changes in public rights-of-way and conversion of a portion of Oak Street into a publicly owned pedestrian plaza. This approval may proceed under the City's newly adopted Plaza Program, San Francisco Administrative Code Sections 94.1-94.7.
- ▶ Permit for planting of street trees.
- ▶ Approval of subdivision map and condominium map applications.
- ▶ Approval of a lot line adjustment.
- ▶ Approval of a Street Space Permit from the Bureau of Street Use and Mapping for use of a public street space during project construction.
- ▶ Approval of a Memorandum of Understanding (MOU) regarding the maintenance and availability of curbside loading zones on Oak Street and Market Street.
- ▶ Street Encroachment Permit, to be approved by the Director of Public Works, and by the Board of Supervisors if required by the Director, for wind canopies in the public right of way to be located at Oak Plaza and at the corner of Market and Polk streets and for improvements (including retail kiosks) within the proposed Oak Plaza.

Actions by Other City Departments and State Agencies

- ▶ Demolition, grading, building and occupancy permits (Department of Building Inspection)
- ▶ Approval of Planning Code variances under Planning Code Section 305 related to dwelling unit exposure and garage entrance width and an elevator penthouse height exemption under Planning Code Section 260(b)(1)(B). (Zoning Administrator)
- ▶ Approval of the recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Muni-Zone-of-Influence; approval of Oak Plaza conversion; approval of Special Traffic Permit from the Department of Parking and Traffic for use of a public street space during project construction; approval of the passenger loading (white) zone on the south side of the proposed Oak Street shared street pursuant to the SFMTA Color Curb program (San Francisco Municipal Transportation Agency)
- ▶ Approval of recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Bart-Zone-of-Influence (Bay Area Rapid Transit).
- ▶ Approval of the proposed Oak Plaza design by the Civic Design Review Committee and approval of the wind canopies design at the project site and at the corner of Market and Polk streets by the Visual Arts Committee; approval of 1 percent Art Fee for art canopies or other art pieces within the Plaza (San Francisco Arts Commission)

- ▶ Determination and recommendation to the Planning Commission that shadow would not adversely affect open spaces under Commission jurisdiction (San Francisco Recreation and Park Commission)
- ▶ Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) (San Francisco Department of Public Health)
- ▶ Recommendation of conditions of approval for residential development proposals under Administrative Code Chapter 116 (San Francisco Entertainment Commission)

D. Environmental Review

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessors Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).. For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project. The NOP was accompanied by an Initial Study ("IS") that fully analyzed some environmental topics, supporting preparation of a focused EIR. Publication of the NOP initiated a 30-day public review and comment period that began on June 17, 2015 and ended on July 17, 2015.

On November 16, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR"), including the NOP and IS, and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project Site on November 18, 2016.

On November 18, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners and tenants, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.

The Commission held a duly advertised public hearing on the DEIR on January 5, 2017, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017.

The Department prepared responses to comments on environmental issues received during the 55 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. This material was presented in the RTC document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Planning Commission recognizes that minor changes have been made to the Project and additional evidence has been developed after publication of the DEIR. Specifically, as discussed in the RTC document, after publication of the DEIR, the Project Sponsor has proposed Project refinements that are described in Chapter 2 of the RTC document. The Project refinements constitute minor Project changes which include (i) selection of the project variant as the preferred project, (ii) reduction in project parking spaces, (iii) specifying that the existing Market Street loading zone would not be used for proposed project loading, (iv) addition of retail kiosks in the proposed Oak plaza, and (v) other minor revisions to clarify or address more accurately specific details of the proposed project or setting described in the DEIR.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document all as required by law. The IS is included as Appendix A to the DEIR and is incorporated by reference thereto. As described in the FEIR, the refinements discussed above would result in either no changes to the impact conclusions or a reduction in the severity of the impact presented in the DEIR.

[Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Here, the FEIR includes supplemental data and information that was developed after publication of the DEIR to further support the information presented in the DEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the DEIR, or to the significance of impacts as disclosed in the DEIR. Nor does it add any new mitigation measures or alternatives that the project sponsor decline to implement. The Planning Commission finds that none of the changes and revisions in the FEIR substantially affects the analysis or conclusions presented in the DEIR; therefore, recirculation of the DEIR for additional public comments is not required.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

E. Content and Location of Record

The record upon which all findings and determinations related to the adoption of the proposed Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP; and,

- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

F. Findings about Environmental Impacts and Mitigation Measures

The following Sections II, III and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures identified in the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

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

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which to the extent feasible are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure that is deemed feasible and should have been included in the MMRP but was inadvertently omitted is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall

control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

II. LESS-THAN-SIGNIFICANT IMPACTS

The FEIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Recreation, Utilities and Services Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Mineral and Energy Resources, Agriculture and Forest Resources, and Wind and Shadow.

Note: Senate Bill (SB) 743 became effective on January 1, 2014. Among other things, SB 743 added § 21099 to the Public Resources Code and eliminated the requirement to analyze aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed Project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Public Resources Code § 21099. Accordingly, the FEIR did not discuss the topic of Aesthetics, which is no longer considered in determining the significance of the proposed Project's physical environmental effects under CEQA. The FEIR nonetheless provided renderings illustrating the proposed project for informational purposes. Similarly, the FEIR included a discussion of parking for informational purposes. This information, however, did not relate to the significance determinations in the FEIR.

III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern 8 potential impacts and mitigation measures proposed in the IS and/or FEIR. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential cultural and paleontological resources, air quality, and noise impacts identified in the IS and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project Sponsor will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or to avoid significant or potentially significant environmental

impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or Final EIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Downtown Project Authorization under Planning Code Section 309 and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce 16 impacts identified in the Initial Study and/or FEIR to a less-than-significant level:

Impacts on Cultural and Paleontological Resources

- **Impact CP-2:** Construction activities for the proposed project could cause a substantial adverse change in the significance of archaeological resources and human remains, if such resources are present within the project site. With implementation of Mitigation Measure M-CP-2 (Archeological Testing, Monitoring, Data Recovery and Reporting), Impact CP-2 is reduced to a less-than-significant level.
- **Impact CP-3:** Construction activities of the proposed project could affect a unique paleontological resource or a unique geologic feature. With implementation of Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact CP-3 is reduced to a less-than-significant level.
- **Impact C-CP-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to significant cumulative impacts on cultural resources. With implementation of Mitigation Measure M-CP-2 (Archaeological Testing, Monitoring, Data Recovery and Reporting) and Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact C-CP-1 is reduced to a less-than-significant level.

Impacts on Air Quality

- **Impact AQ-2:** The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality), Impact AQ-2 is reduced to a less-than-significant level.
- **Impact AQ-4:** The proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact AQ-4 is reduced to a less-than-significant level.
- **Impact C-AQ-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project area would contribute to cumulative air quality impacts. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality) and Mitigation

Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact C-AQ-1 is reduced to a less-than-significant level.

Impacts from Noise

- **Impact NO-2:** Project demolition and construction would temporarily and periodically increase ambient noise and vibration in the project vicinity compared to existing conditions. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact NO-2 is reduced to a less-than-significant level.
- **Impact C-NO-1:** Construction of the proposed project, in combination with other past, present, and reasonably foreseeable future projects in the site's vicinity, would not result in a cumulatively considerable contribution to significant temporary or periodic increases in ambient noise or vibration levels in the project vicinity above levels existing without the proposed project.. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact C-NO-1 is reduced to a less-than-significant level.

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there is a significant cumulative impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. Specifically, the FEIR identifies one significant and unavoidable cumulative construction related transportation impact. The Planning Commission finds that, although a mitigation measure has been included in the FEIR and MMRP to address this impact, this impact would remain significant and unavoidable even with mitigation.

Thus, the following significant impact on the environment, as reflected in the FEIR, is unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Planning Commission finds that this impact is acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impact for which no feasible mitigation measures were identified that would reduce this impact to a less than significant level:

Impact on Transportation and Circulation – Impact C-TR-7

The proposed Project in combination with past, present, and reasonably foreseeable future development in the project's vicinity would contribute considerably to significant cumulative construction-related transportation impacts. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement one mitigation measure, as follows:

- Mitigation Measure M-C-TR-7 (Cumulative Construction Coordination)

The Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measure M-C-TR-7 would reduce the Project's contribution to cumulative transportation and circulation impacts during the construction phase of the Project, this impact would nevertheless remain significant and unavoidable.

V. EVALUATION OF PROJECT ALTERNATIVES

A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative and the Podium-only Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission’s and the City’s independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

B. Reasons for Selecting the Project

The Proposed Project would meet the Project Sponsor’s Objectives, and would provide numerous public benefits, including the following:

- ▶ Build a substantial number of residential dwelling units within a transit rich neighborhood designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ Create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City’s Better Streets Plan and celebrates the cultural arts..
- ▶ Permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ Contribute to the development of permanently affordable housing in the City through the payment of an in lieu fee under the City’s Inclusionary Housing Ordinance. Additionally, the fee could potentially be used for the development of affordable housing in the vicinity of the project pursuant to a letter agreement and conditions imposed by the Mayor’s Office of Housing and Community Development (MOHCD) (including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA), will be directed towards the future development of 72 permanently affordable housing units on three Octavia Boulevard Parcels (R, S & U) (collectively, “the Octavia BMR Project”) within 1/3 mile of the project site.
- ▶ Realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.

- ▶ Create a residential building with ground floor retail and public open space generally consistent with the land use, housing, open space and other objectives and policies of the Market & Octavia Area Plan.
- ▶ Encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ Improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

C. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR.” (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning Commission is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The Commission is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Three alternatives were considered as part of the FEIR’s overall alternatives analysis, but ultimately rejected from detailed analysis. Those alternatives are as follows:

- **Off-site Alternative.** This alternative was rejected because the Project Sponsor does not have control of another site that would be of sufficient size to develop a mixed-use project with the intensities and mix of uses that would be necessary to achieve most of the basic Project objectives listed in the FEIR.
- **Code Compliant with Tower Alternative.** An alternative that would consider project development of the site compliant with the site’s existing Height and Bulk districts by shifting the placement of a 400-foot-tall tower eastward so that the tower would be located entirely outside of the existing 120-R-2 Height and Bulk District at the western end of the project site and entirely within the existing 120/400-R-2 Height and Bulk District (a shift eastward of 4 feet, 7.5 inches) was not considered for further analysis because such an alternative would not improve, and could worsen, wind impacts from the less-than-significant impact identified for the proposed project, and furthermore, would reduce the amount of public open space offered under the proposed project, while offering no environmental advantages over the proposed project.

- **Lower Podium-Only Alternative.** An alternative that would include a lower podium only was considered but rejected because such an alternative would fail to meet key project objectives and would fail to reduce to a less-than-significant level the proposed project's significant and unavoidable transportation impact related to construction traffic.
- **Lower Podium with Tower Alternative.** An alternative that would include a lower podium with tower was considered but rejected because such an alternative would not substantially reduce environmental impacts as compared to the proposed project.

The following alternatives were fully considered and compared in the FEIR:

1. No Project Alternative

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition. The existing commercial buildings and 47-car surface parking lot on the project site would remain, and the proposed 499,580 combined square feet residential building with ground floor retail, and approximately 14,000 square foot neighborhood serving public plaza would not be constructed. Because no directed in lieu fee would be provided, no offsite below market rate units would be provided. No improvements would be made to the existing Muni Van Ness station elevator. The project site would not be rezoned to shift the existing 120/400-R-2 Height and Bulk District from the easternmost portion of the building site (Lot 1) to the westernmost portion (Lot 5).

This alternative would not preclude development of another project on the project site should such a proposal be put forth by the project sponsor or another entity. However, it would be speculative to set forth such an alternative project at this time.

The Planning Commission rejects the No Project Alternative as unreasonable because it would fail to meet the Project Objectives and the City's policy objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project Sponsor's objectives;
- 2) The No Project Alternative would be inconsistent with key goals of the General Plan with respect to housing production. With no new housing created here and no construction, the No Project Alternative would not increase the City's housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, and would not expand the City's property tax base.
- 3) The No Project Alternative would leave the Project Site physically unchanged, and thus would not result in the redevelopment of an underutilized site (consisting of underdeveloped commercial buildings and a surface parking lot), creation of a residential project with ground floor retail that provides a substantial number of new residential dwelling units and affordable housing through the payment of a directed in lieu fee, in immediate proximity to mass transit and jobs within the Downtown Core.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

2. Podium-only Alternative

The Podium-only Alternative would comply with the existing height and bulk limits by reducing the height of the proposed building to include the podium only, thus not requiring the legislative amendments required for the proposed project to shift the existing Height and Bulk District 120/400-R-2 designation from Lot 1 to the western half of Lot 5 on Assessor's Block 0836. Under this alternative, a new 12-story residential building measuring 120 feet tall (136 feet tall including a mechanical penthouse) would be constructed within the building site.

In plan, this alternative would resemble the site plan and corresponding floor level plans of the proposed project. However, the Podium-only Alternative would contain 119 dwelling units (191 fewer units than under the proposed project), consisting of 35 studio units, 36 one-bedroom units, and 48 two-bedroom units. No three-bedroom units would be constructed. Like the proposed project, this alternative would also provide for approximately 4,025 gsf of ground-floor retail/restaurant uses. Parking uses would total 53,308 gsf (6,782 gsf less than the proposed project). The alternative would provide 59 residential parking spaces, as compared to 136 spaces with the proposed project. Like the proposed project, the Podium-only Alternative would provide two carshare spaces, one off-street truck loading space, and two service vehicle loading spaces. The number of bicycle parking spaces would total 127 (119 Class 1 and 8 Class 2 spaces), fewer spaces than with the proposed project (366 spaces consisting of 310 Class 1 and 62 Class 2 spaces). This alternative would also include the same right of way improvements as the proposed project, including the construction of the proposed Oak Plaza and wind canopies.

Construction activities associated with the Podium-only Alternative would be similar to those described for the proposed project. Accordingly, as with the proposed project, the Podium-only Alternative would result in a considerable contribution to a significant and unavoidable cumulative impact related to transportation (construction traffic), and the same less-than-significant impacts related to other transportation subtopics, air quality, wind and shadow, and cultural resources impacts as the proposed project. Additionally, this alternative meets many but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it reduces the number of residential units by roughly 62%.

The Planning Commission rejects the Podium-only Alternative because it would not eliminate the significant unavoidable impact of the proposed Project and it would not meet the Project Objectives or City policy objectives for reasons including, but not limited to, the following:

- 1) The Podium-only Alternative would limit the Project to 119 dwelling units; whereas the proposed Project would provide up to 310 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Podium-only Alternative would not fulfill the objective of the Market & Octavia Plan to increase housing density by eliminating density maximums close to transit (Policy 2.2.1) and to encourage the development of slender residential towers above the base height along the Market Street corridor (Policy 1.2.8).
- 3) The Podium-Only Alternative would also reduce the Project's in lieu fee contribution under the City's Inclusionary Housing Program by approximately 11.9 million, thus reducing the

project's inclusionary housing fee and the potential directed fee contribution toward the development of permanently affordable housing units on and potentially delaying the production of those units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.

- 4) The Podium-only Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others. The alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities as well as the proposed Project does, and would not remove all significant unavailable impacts.

For the foregoing reasons, the Planning Commission rejects the Podium-only Alternative as infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, one impact related to Transportation and Circulation will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs this significant and unavoidable impact and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impact, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures identified in the FEIR/IS and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would add up to 310 dwelling units (approximately 57 studios, 100 1-bedroom units, 138 2-bedroom units, and 15 3-bedroom units), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes

the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.

2. The Project would increase the stock of permanently affordable housing by paying an in lieu fee. Further, subject to a letter agreement and certain conditions imposed by the Mayor's Office of Housing and Community Development (including the requirement for environmental review of the Octavia BMR project under CEQA), such fee would potentially be "directed" and used to fund the creation of approximately 72 new residential units affordable to low-income households at the Octavia BMR Project, within 0.3 mile of the project site. In addition to the directed in lieu fee, the project would also pay approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, would fund additional affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing underdeveloped commercial structures and surface parking lot with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the surface parking lot and its replacement with active street frontages will improve pedestrian and neighborhood safety. By including a ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would include an inviting public plaza and significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
4. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity, and with that envisioned for the site under the Planning Code and General Plan.
5. The Project's iconic and attractive design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
6. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of a surface commercial parking lot with private residential underground parking will bring the site into greater conformity with current Planning Code and urban design principles.
7. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
8. The Project adds approximately 4,110 gross square feet of neighborhood serving retail and restaurant space in an area with a growing residential and workplace population, consistent with the policies of the Downtown Area Plan and Market & Octavia Area Plan.

9. The Project will include an approximately 14,000 square foot high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, which would activate the streetscape, serve to calm traffic on the street and build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.
10. The Project includes a massing scheme and wind reduction elements, including wind canopies, to avoid the creation of any net new hazardous wind conditions on any nearby public sidewalks or seating areas and would reduce hazardous wind hours over current conditions.
11. The Project provides a total of 310 Class 1 secure indoor bicycle parking spaces and 62 Class 2 sidewalk bike rack spaces, both in excess of the number required by the Planning Code, encouraging residents and visitors to access the site by bicycle.
12. The Project promotes a number of Downtown Area Plan Objectives and Policies, including Policy 5.1, which encourages the provision of space for commercial activities; and Policies 7.1 and 7.2, which further the Objective of expanding the supply of housing in and adjacent to Downtown. The Project also promotes several Market and Octavia Area Plan Objectives and Policies, including Objectives 2.3 and 2.4, which encourage increasing the existing housing stock, including affordable units.
13. The Project promotes a number of City urban design and transportation policies, including: reducing curb cuts; slowing vehicular traffic; providing street trees, landscaping, seating, bike racks and other street furniture for public use and enjoyment; widening sidewalks, using high-quality materials; activating the street frontage; maximizing ground floor transparency; and providing adequate lighting.
14. The Conditions of Approval for the Project include all the mitigation and improvement measures that are deemed feasible and that would mitigate the Project's potentially significant impact to insignificant levels except for its cumulative construction impact on Transportation and Circulation which would remain significant and unavoidable even with the implementation of mitigation measures.
15. The Project will create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR and/or IS, and that those adverse environmental effects are therefore acceptable.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft General Plan Amendment Resolution

HEARING DATE: JUNE 15, 2017

Project Name: 1540 Market Street (a.k.a One Oak)
Case Number: 2009.0159EGPAMAPDNXCUA VARK
Project Sponsor: Steve Kuklin, 415.551.7627
Build
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Recommendation: **Adopt the Draft Resolution to Adopt the General Plan Amendment**

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RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN AMENDMENT TO THE GENERAL PLAN TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL, INCLUDING AN AMENDMENT TO MAP 3 OF THE MARKET AND OCTAVIA AREA PLAN AND MAP 5 OF THE DOWNTOWN AREA PLAN OF THE GENERAL PLAN TO CHANGE THE HEIGHT AND BULK OF A PORTION OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the Planning Code and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed General Plan and Zoning Map Amendments would not result in increased development potential from what is permitted under the existing height and bulk district; and

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [] to make the necessary amendments to Zoning Map HT07 to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. []; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

The Commission has reviewed the proposed General Plan Amendment Ordinance; and

RESOLVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed General Plan Amendment Ordinance, and adopts this resolution to that effect.

FINDINGS

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

1. The Commission finds that the General Plan amendments, Zoning Map Amendments and the associated Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 junior one-bedroom units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA..
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.
7. The General Plan Amendments are necessary in order to approve the Project;

8. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.
9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.
10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. Based on the foregoing and in accordance with Section 340, the public necessity, convenience and general welfare require the proposed General Plan Amendment.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 15, 2017

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[General Plan Amendments - One Oak Street Project]

Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness / Oak Street / Market Street Intersection, Assessor's Block 0836 Lots 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code Section 340.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The One Oak Street project (Assessor's Block 0836, Lots 001 and 005, referred to herein as the "Project") is planned for an approximately 0.43 acre site located at the western corner of the Van Ness Avenue, Oak Street and Market Street intersection. The easternmost portion of the building site, at 1500 Market Street, is currently occupied by an existing three-story, 2,750-square-foot commercial building, built in 1980. Immediately west of the 1500 Market Street building is an existing 30-car surface parking lot. The westernmost portion of the site at 1540 Market Street is occupied by a four-story, 48,225-square-foot commercial office building, built in 1920.

1 (b) The Project would demolish existing improvements and construct a 40-story
2 residential building with ground floor retail space and three levels of underground parking at
3 One Oak Street. The proposed building would include 310 dwelling units, 4,025 square feet
4 of retail, and 155 vehicular parking spaces.

5 (e) On _____, 2016, in Resolution No. _____, the Planning
6 Commission initiated this legislation in accordance with Planning Code Section 340. This
7 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

8 (f) On _____, 2017, in Motion No. _____, the Planning
9 Commission certified as adequate and complete the One Oak Street Final Environmental
10 Impact Report (the "FEIR" found in Planning Case No. 2009.0159E) in accordance with the
11 California Environmental Quality Act ("CEQA", California Public Resources Code Sections
12 21000 et seq.) and Administrative Code Chapter 31. Said Motion is on file with the Clerk of
13 the Board of Supervisors in File No. _____ and is incorporated herein by reference.
14 Copies of the FEIR and Motion No. _____ are on file with the Clerk of the Board of
15 Supervisors in File No. _____ and are incorporated herein by reference. In
16 addition, other documents, reports, and records related to the FEIR and Project approvals are
17 on file with the Planning Department custodian of records, and located at 1650 Mission Street,
18 Fourth Floor, San Francisco, California, 94103. The Board of Supervisors treats these
19 additional Planning Department records as part of its own administrative record and
20 incorporates such materials by reference herein.

21 (g) At the same hearing, in Motion No. _____, the Planning Commission
22 adopted CEQA Findings, including a Mitigation Monitoring and Reporting Program. In
23 accordance with the actions contemplated herein, this Board has reviewed the FEIR and the
24 record as a whole, and adopts and incorporates by reference, as though fully set forth herein,
25 the CEQA Findings pursuant to CEQA. A copy of said Motion No. _____ is on file with

the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(h) On _____, in Resolution No. _____, the Planning Commission adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan as proposed for amendment and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

(i) In this same Resolution, the Planning Commission in accordance with Planning Code Section 340 determined that this ordinance serves the public necessity, convenience, and general welfare. The Board of Supervisors adopts as its own these findings.

(j) This ordinance is companion legislation to an ordinance that revises the Zoning Map for the One Oak Street project. That ordinance is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 2. The General Plan is hereby amended by revising the Market and Octavia Area Plan as follows:

Revise Map 3 to reclassify the height limit of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and a 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120' to 400' tower/120' podium as described below:

Description of Property	Height Districts to be Superseded
Assessor's Block 0836, Lot 001 (eastern 15 feet)	400' Tower / 120' Podium

Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120'
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Description of Property	Height Districts Hereby Approved
Assessor's Block 0836, Lot 001 (eastern 15 feet)	120'
Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	400' Tower/120' Podium

Section 3. The General Plan is hereby amended by revising the Downtown Area Plan as follows:

Revise Map 5 to reclassify the height and bulk of the same Assessor's Block and Lots from 150-S and 120-F to 120-R-2 and 120/400-R-2 as described below:

Description of Property	Height Districts to be Superseded
Assessor's Block 0836, Lot 001 (eastern 15 feet)	150-S
Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120-F

Description of Property	Height & Bulk Districts Hereby Approved
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Assessor's Block 0836, Lot 001 (eastern 15 feet)	120-R-2
Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120/400-R-2

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By:



ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Planning Code Text and Zoning Map Amendment Resolution

HEARING DATE: JUNE 15, 2017

Project Name: 1540 Market Street (a.k.a One Oak)
Case Number: 2009.0159EGPAMAPDNXCUA VARK
Project Sponsor: Steve Kuklin, 415.551.7627

Build, Inc.

315 Linden Street

steve@bldsf.com

San Francisco, CA 94102

Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197

Recommendation: **Approve Planning Code Text and Zoning Map Amendments and Adopt the Draft Resolution**

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Information:
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RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS THE APPROVAL OF AN AMENDMENT TO THE PLANNING CODE TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL AND AMEND HEIGHT AND BULK MAP HT07 TO REDESIGNATE A PORTION OF THE HEIGHT AND BULK OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the Planning Code and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E). .

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed Zoning Map Amendment would not result in increased development potential from what is permitted under the existing height and bulk district; and

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [] to make the necessary amendments to Zoning Map HT07 to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. []; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

RESOLVED, that pursuant to Planning Code Section 302, the Commission hereby recommends approval of the amendment to the Zoning Map, and adopts this resolution to that effect;

AND BE IT FURTHER RESOLVED, that the findings set forth in the Downtown Project Authorization, Motion No. [] adopted by the Commission on this date are hereby incorporated by reference.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

FINDINGS

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

1. The Commission finds that the Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 junior one-bedroom units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA.
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.
7. The Project would create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs would provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

8. The Zoning Map Amendment is necessary in order to approve the Project;
9. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.
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, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. Based on the foregoing and in accordance with Section 302, the public necessity, convenience and general welfare require the proposed Zoning Map Amendment.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 15, 2017

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[Planning Code, Zoning Map - One Oak Street Project]

Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. Findings.

(a) On November 18, 2015, One Oak Owner, LLC ("Project Sponsor"), filed an application to amend Sheet HT07 of the Zoning Map of the City and County of San Francisco to change the height and bulk classification of (1) the eastern portion (along Van Ness Avenue) of the property located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2 in a trapezoidal area measuring 668 square feet and (2) a central portion of the property located at Assessor's Block 0836, Lot 005 (1540 Market Street) from

1 120-R-2 to 120/400-R-2 in a trapezoidal area measuring 668 square feet (collectively
2 "Proposed Zoning Map Amendment").

3 (b) The Proposed Zoning Map Amendment is part of a project proposed by the
4 Project Sponsor to demolish existing improvements and construct a 40-story residential
5 project with ground floor retail space and three levels of underground parking at One Oak
6 Street ("Proposed Project").

7 (c) On _____, at a duly noticed public hearing, by Motion No. _____, the
8 Planning Commission certified a Final Environmental Impact Report ("FEIR") for the Proposed
9 Project, including the Proposed Zoning Map Amendment. The Planning Commission certified
10 that the FEIR for the Proposed Project reflects the independent judgment and analysis of the
11 City and County of San Francisco, is adequate, accurate, and objective, and contains no
12 significant revisions to the Draft EIR, and that the content of the FEIR and the procedures
13 through which it was prepared, publicized and reviewed comply with the provisions of the
14 California Environmental Quality Act ("CEQA") (California Public Resources Code section
15 21000 et seq.), the State CEQA Guidelines (California Code of Regulations Title 14 sections
16 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A
17 copy of the FEIR is on file with the Clerk of the Board of Supervisors in File No. _____.

18 (d) On _____ the Planning Commission adopted Motion No. _____,
19 adopting CEQA Findings with respect to the approval of the Proposed Project, including the
20 Proposed Zoning Map Amendment. A copy of such motion is on file with the Clerk of the
21 Board of Supervisors in File No. _____. The Board of Supervisors hereby affirms and
22 adopts said findings based on the reasons set forth therein, and incorporates such reasons by
23 reference.
24
25

1 (e) On _____ the Planning Commission adopted Resolution No. _____,
2 approving and recommending adoption by the Board of Supervisors of the Proposed Zoning
3 Map Amendment.

4 (f) The letter from the Planning Department transmitting the Proposed Zoning Map
5 Amendment to the Board of Supervisors, the FEIR, the CEQA Findings adopted by the
6 Planning Commission with respect to the approval of the Proposed Project (including a
7 mitigation monitoring and reporting program) are on file with the Clerk of the Board in File No.
8 _____. These and any and all other documents referenced in this Ordinance have been
9 made available to, and have been reviewed by, the Board of Supervisors, and may be found
10 in both the files of the City Planning Department, as the custodian of records, at 1650 Mission
11 Street in San Francisco, or in File No. _____ with the Clerk of the Board of Supervisors at
12 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by reference.

13 (g) The Board of Supervisors has reviewed and considered the FFEIR, the
14 environmental documents on file referred to herein, and the CEQA Findings adopted by the
15 Planning Commission in support of the approval of the Proposed Project, including the
16 mitigation monitoring and reporting program. The Board of Supervisors has adopted the
17 Planning Commission's CEQA Findings as its own and hereby incorporates them by
18 reference as though fully set forth herein.

19 (h) Pursuant to Planning Code Section 302, this Board of Supervisors finds that the
20 Proposed Zoning Map Amendment will serve the public necessity, convenience and welfare
21 for the reasons set forth in Planning Commission Motion No. _____ (adopting findings
22 relating to a determination of compliance under Planning Code Section 309 for the Project),
23 Motion No. _____ (approving the Conditional Use Authorization for the Proposed
24 Project) and Motion No. _____ (adopting environmental findings and recommending
25

1 that the Board of Supervisors approve this Proposed Zoning Map Amendment), and
2 incorporates such reasons by reference herein.

3 (i) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that
4 the Proposed Zoning Map Amendment is consistent with the General Plan, as amended, and
5 with the Priority Policies of Section 101.1(b) of the Planning Code, and hereby adopts the
6 findings of the Planning Commission, as set forth in Planning Commission Motion Nos.
7 _____ and _____, and incorporates said findings by reference herein.

8 (j) This ordinance is companion legislation to an ordinance that amends the General
9 Plan for the One Oak Street project. That ordinance is on file with the Clerk of the Board of
10 Supervisors in File No. _____ .
11

12 Section 2. The Planning Code is hereby amended by revising Sheet HT07 of the
13 Zoning Map, as follows:

<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts to Be Approved</u>
Assessor's Block 0836 Lot 001 (Western 668 square feet)	120/400-R-2	120-R-2
Assessor's Block 0836 Lot 005 (Central 688 square feet)	120-R-2	120/400-R-2

20 Section 3. Effective Date. This Ordinance shall become effective 30 days from the
21 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
22 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the
23 Board of Supervisors overrides the Mayor's veto of the ordinance.
24
25

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By:

4 
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

5 n:\legana\as2017\1700102\01170522.doc

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1) |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017
Case No.: **2019.0159EGPAMAPDNXCVAVARSHD**
Project Address: 1540 Market Street (aka One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: Block 0836; Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, Build Inc.
315 Linden Street
San Francisco, CA 94102
steve@bldsf.com, 415.551.7627
Staff Contact: Tina Chang, AICP
tina.chang@sfgov.org, 415-575-9197
Reviewed by: Mark Luellen, Northeast Team Manager
mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR LOT COVERAGE PER PLANNING CODE SECTION 249.33(b)(5) AND REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148 TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING WITH 304 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE AND COMMON OPEN SPACE, 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2), AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application 2019.0159EGPAMAPDNXC~~U~~AVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Commission Secretary, is the custodian of records; all pertinent documents are located in the File for Case No. 2019.0159GPAMAPDNXC~~U~~AVARSHD, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2019.0159GPAMAPDNXC~~U~~AVARSHD, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco’s Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project’s building site is made up of five contiguous privately owned lots within Assessor’s Block 0836, Lots 001, 002, 003, 004, and 005, an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as “All Star Café” on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor retail and offices on the upper floors. The building also houses the San

Francisco New Conservatory Theater. Further north along the west side of Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005).

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

General Community Engagement: The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

Arts and Culture Stakeholder Engagement: In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage

and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Floor Area Ratio.** Pursuant to Section 123, 249.33 and 424 of the Planning Code, Projects in the C-3-G Zoning District and the Van Ness and Market Residential Special Use District have a base floor area ratio (FAR) of 6.0:1 and may reach an FAR of 9.0:1 with payment into the Van Ness and Market Affordable Housing Fund as set forth in Sections 249.33 and 424. To exceed a floor area ratio of 9.0:1, all such projects must contribute to the Van Ness and Market Neighborhood Infrastructure Fund.

The Project Site has a lot area of approximately 18,219 square feet. As shown in the conceptual plans, the Project includes 499,539 square feet of development, of which 432,746 square feet would count towards FAR. Since the Project exceeds a FAR of 9.0:1, the Project would make a payment pursuant to Section 249.33 to the Van Ness and Market Affordable Housing Fund for the Floor Area exceeding the base FAR ratio of 6.0:1 up to a ratio of 9.0:1 and to the Van Ness and Market Neighborhood Infrastructure Fund pursuant to Section 424 for any Floor Area exceeding an FAR of 9.0:1.

- B. **Rear Yard Requirement.** Within the Van Ness and Market Downtown Residential Special Use District pursuant to Planning Code Section 249.33(b)(5), Rear Yard requirements do not apply. Rather, lot coverage is limited to 80 percent at all residential levels.

The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the landscaped podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. Accordingly, the Project does not comply with the Code's lot coverage requirements on the first residential floor up through level 12, and as such, requires an exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." While lot coverage requirements are technically not met, the Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to the new mid-block open space currently under construction as part of the 1554 Market Street project immediately to the west of the Project Site. See Section 7, below, for 309 findings.

- C. **Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open space be provided per dwelling unit. However, common usable open space for mixed-use, residential and non-residential projects may be used to count against requirements contained in both Section 135 and 138. Further, projects within the Van Ness and Market Downtown Residential Special Use District may elect to meet up to 40 percent of

the open space requirements off-site if the space is within the Special Use District or within 900 feet of the project site and meets standards described in Section 249.33 indicated below.

The Project complies with the requirements of Section 135 and 249.33. The Project includes 304 dwelling units and provides at least 36 square feet of private open space for 74 units through private balconies. Therefore approximately 11,012 square feet of common open space is required for the remaining 230 units (230 units x 47.88 = 11,012). In all, the Project provides approximately 11,056 square feet of common open space of which 3,058 square feet is located off-site within the public right-of-way, and is incorporated into the proposed Oak Plaza. The remaining 7,998 square feet of common open space is located within the sponsor's private property, within the front ground-level setback, within a solarium at the third level, and a terrace at the 14th level.

As permitted by Section 249.33(4)(C)(v), the Project is electing to meet a portion (approximately 22 percent) of its open space requirement off-site as part of the proposed Oak Plaza and in the form of streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market and Octavia Area Plan. The Plaza would additionally be characterized as an unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service. The portions qualified to meet the Project's open space requirement consist of two sidewalk bulb-out areas on the north and south sides of Oak Street. These areas are integrated into a larger, contiguous Plaza that also includes improvements to the pre-existing sidewalks on both sides of Oak Street and Van Ness Avenue, plus the Oak Street roadway, and the sponsor's private property. The qualified off-site open space areas must meet the following standards:

Be within the SUD or within 900 feet of the project site;

As noted above, the proposed off-site open space will be located within the shared public way within the Oak Street right-of-way fronting the project site. Thus, the proposed off-site open space will be within the SUD and within 900 feet of the Project Site.

Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

The proposed open space includes a sidewalk widening along the north and south sides of Oak Street, resulting in additional space beyond the pre-existing sidewalk width and immediately adjacent to the Project Site, where security would be present. Accordingly, the open space would provide a convenient, safe, secure and easily accessible public area for the enjoyment of the general public.

Be appropriately landscaped;

Underground utilities render street trees and other underground plantings infeasible on the south side of Oak Street. However, the open space would be landscaped appropriately for its intended use and, to the degree feasible, with above-ground planters on the south side of Oak Street, and in-ground street trees within a continuous planter along the north side of Oak Street.

Be protected from uncomfortable winds;

The Plaza features wind canopies that would protect pedestrians from hazardous wind conditions in the open space, and would reduce hazardous wind conditions near the site compared to existing conditions.

Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;

The open space would include movable tables and chairs as well as fixed seating collocated with planters on the south side of Oak Street, and within the open space area on the north side of Oak Street. In addition, four “micro-retail” kiosks would be located on the northern sidewalk to activate the Plaza with neighborhood-serving retail uses, potentially serving limited food and beverages.

Be well signed and accessible to the public during daylight hours;

The privately owned, publicly accessible open space will have signage indicating that the space is publicly accessible during the day. The streetscape improvements that will satisfy Planning Code requirements as permitted by Section 249.33(4)(C)(v) within the public right-of-way will be open to members of the public 24 hours a day.

Be well lighted if the area is of the type requiring artificial illumination;

The open space will be within the public right of way and well-lit with regularly spaced street lights on the north side of Oak Street. In addition, project lighting on the canopy supports, and foot lighting under planters would be provided within the privately-owned portions of the public open space and in the public right-of-way.

Be designed to enhance user safety and security;

The proposed ground-floor restaurant / café and micro-kiosks located on the north side of Oak Street would provide essential “eyes” on the proposed Plaza from early morning to late evening. In addition, 24-hour security and valet staff associated with building operations would collectively help ensure user safety and security with the open space and Plaza.

Be of sufficient size to be attractive and practical for its intended use; and

The Project would add approximately 3,058 square feet of open space within the existing right-of-way, and would improve the existing sidewalks, and street envisioned to become a shared public way. In total, the Plaza would consist of publicly accessible open space of approximately 16,050 square feet, of which 13,932 square feet would be in the public right-of-way, and approximately 2,118 square feet would be on the sponsor’s private property. The public realm would be improved with quality paving materials, landscaping and other pedestrian amenities including seating, lighting, bicycle parking, kinetic wind-based artwork, and micro-retail kiosks (subject to partial In-Kind fee waivers for improvements that exceed required Project improvements pursuant to the Planning Code).

Have access to drinking water and toilets if feasible.

The open space would be adjacent to retail space envisioned to become a restaurant / café. Patrons of the restaurant / café would have access to toilets and water. SFMTA also operates two public toilets which are located at the concourse level of the MUNI/Van Ness station, which is directly adjacent to the public plaza.

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

Ground floor retail space in the C-3 Districts that is less than 5,000 sq. ft. is excluded from gross floor area and is therefore not required to provide the associated publicly accessible open space. The Project includes approximately 4,110 square feet of ground floor retail space, and thus the provision of public open space is not required. However, the Project proposes to provide approximately 1,438 square feet of privately owned public open space within the front setback, and furthermore intends to provide approximately 3,058 square feet (or 22 percent of its open space requirements), off-site within the Oak Street public right-of-way as described under item C., "Residential Open Space" above.

- E. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District and is on a lot that is greater than half an acre in area and contains 250 feet of total lot frontage pedestrian elements in conformance with the Better Streets Plan shall be required.

The Project is located on an assemblage of five lots that measure 18,219 square feet, approximately 0.42 acres and contains approximately 434.33 linear feet of frontage. Due to planned improvements within the Van Ness Avenue and Market Street rights-of-way, physical widenings along these two frontages are not possible. However, the Project proposes streetscape improvements that include sidewalk widenings, landscaping and seating elements along both the northern and southern portions of Oak Street. Therefore, the Project complies with Planning Code Section 138.1.

- F. **Exposure.** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The proposed Special Use District caps the horizontal dimension to which the open space must expand at each subsequent floor to 65 feet.

Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140. Therefore, a variance from dwelling unit exposure is required and being sought as part of the Project for a total of 18 units that do not comply with the exposure requirements of the Code.

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

The Project includes a single entrance for both parking and off-street loading. Vehicular access is not provided along the Project's Van Ness Avenue or Market Street frontages. Rather all vehicular parking and loading is directed to Oak Street where a combined off-street parking and loading entrance of 24-

feet is provided. The project sponsor's traffic engineer and valet consultant have indicated that an entrance narrower than 24' would likely lead to automobile queuing outside of the drop-off area, potentially contributing to automobile, bicycle and pedestrian conflicts on the proposed sidewalk and shared public way/plaza. Since this dimension exceeds the 20-feet permitted by the Planning Code, a variance is required.

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

The ground floor space along the Van Ness Avenue, Market Street, and Oak Street have active uses with direct access to the sidewalk within the first 25 feet of building depth, except for space allowed for parking and loading access, building egress, and access to mechanical systems, which are specifically exempt from the active use requirement. Therefore, the Project complies with Section 145.1(c)(3).

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

The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 78.0 percent of the Project's frontage on Market Street, and 84.1 percent of the Project's frontage along Oak Street are fenestrated with transparent windows and doorways. Therefore, the Project complies with Section 145.1(c)(6). Note that due to the curvature of the façade, the Van Ness Avenue frontage is incorporated within the Market Street and Oak Street transparency calculations because there is no definitive building frontage on Van Ness Avenue.

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

The shadow analysis determined that the Project would not cast shadow on any public plazas or other publicly accessible open spaces other than those protected under Section 295. Therefore, the requirements of Section 147 do not apply to the Project.

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

eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.

Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.

The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted pursuant to Section 309. Taken as a whole, the Project does not substantially change wind conditions. The proposed tower was re-designed through a lengthy process of iterative wind testing. After nearly two years of wind sculpting, the Planning Department and the Project Sponsor concluded that the 400-foot-tall tower cannot be sculpted in a manner that would eliminate all 37 existing comfort exceedances or the 8 new comfort exceedances caused by the Project without unduly restricting the site's high-rise development potential or causing new hazardous conditions. On the other hand, the Project's redesign would reduce three wind hazard hours compared to existing conditions. The Project will include wind canopies in the public right of way at the proposed Oak plaza and the corner of Market and Polk Streets to lessen the wind conditions in the vicinity. (See Section 7, below, for 309 findings.)

- L. **Parking.** Planning Section 151.1 principally permits up to one car for each four dwelling units (0.25 ratio) and up to one car for each two dwelling units (0.5 ratio) as a Conditional Use in the Van Ness & Market Downtown Residential Special Use District. Parking for the proposed retail use shall not exceed 7% of gross floor area for that use.

The Project contains 304 dwelling units. Thus, a total of 76 spaces are principally permitted ($304 \times 0.25 = 76$) for the dwelling units and a maximum of 152 spaces ($304 \times 0.5 = 152$) may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces for the residential use, requiring a Conditional Use Authorization for the 60 ($136 - 76 = 60$) spaces in excess of the principally permitted 76 parking spaces. An additional space would be principally permitted for the 4,110 square foot retail space, but the Project proposes no parking for this commercial use.

- M. **Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include between 200,001 and 500,000 square feet of residential development must provide two off-street freight loading spaces. Pursuant to Section 153, two service vehicles may be substituted for each off-street freight loading space provided that a minimum of 50 percent of the required number of spaces are provided for freight loading.

The Project includes 499,539 square feet of development (432,746 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street freight loading space is provided and the second required loading space is substituted with two service vehicle spaces as permitted by Section 153 of the Planning Code. Accordingly, the Project complies with Section 152.1 of the Planning Code. Access to all freight loading spaces is from Oak Street.

- N. **Bicycle Parking.** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For Eating and Drinking uses, 1 Class 1 space is required for every 7,500 square feet of Occupied Floor Area and one Class 2 space is required for every 750 square feet of Occupied Floor Area.

The Planning Code would require the Project to provide 151 Class 1 (100 units x 1 stall = 100 + 204 X 1 stall / 4 units = 151 stalls for Residential Uses, and 1 stall / 7,500 square feet of Occupied Floor Area = 0 spaces for Retail Uses). In addition, the Project would require 20 Class 2 spaces (304 units x 1 stall/20 units = 15 stalls for Residential Uses, plus 4,110 square feet x 1 stall / 750 square feet = 5 stalls for Retail Eating and Drinking Uses). The Project complies with Section 155.2 because it provides 304 Class 1 and 62 Class 2 bicycle parking spaces, significantly exceeding the Code requirements. All Class 1 spaces would be located at the second level, accessible from a dedicated bike elevator, and the Class 2 spaces would be located on sidewalks adjacent to the Project, and on the north side of Oak Street.

- O. **Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with 201 dwelling units plus an additional parking space for every 200 dwelling units over 200. The required car share parking spaces may be provided on the building site or on another off-street site within 800 feet of the building site.

The Project requires a total of two car share spaces, which are to be provided off-site at the 110 Franklin Street parking lot within 180 feet of the Project. Should the 110 Franklin Street property be developed, the Project Sponsor shall be responsible for relocating the car share spaces on-site or off-site within 800 feet of the Project Site without disrupting continuity of the availability of the car share spaces. Therefore, the Project complies with Planning Code Section 166.

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, any development project resulting in 10 or more dwelling units, or 10,000 occupied square feet or more of any use other than residential shall be required to comply with the City's TDM Program, and shall be required to finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Development projects with a development application filed or an environmental application

deemed complete on or before September 1, 2016 shall be subject to 50% of the applicable target, as defined in the TDM Program Standards.

The Project would include 304 residential units with total of 136 vehicle parking spaces (0.45 spaces per unit), and 4,110 gross square feet of ground-floor retail/restaurant use. Because less than 10,000 gross square feet of retail/restaurant uses are proposed, the retail/restaurant use is not subject to the TDM Program. Therefore, the 136 residential parking spaces are used to calculate the TDM Program target points. The target points take into account the proposed parking rate compared to the neighborhood parking rate, and are calculated as follows: base target of 13 points, plus an additional 12 points for each additional 10 parking spaces over 20 parking spaces (thus, 136 minus 20 = 116 spaces, divided by 10 = 12 points), for a total of 25 points. Because the proposed Project's development and environmental applications were completed before September 4, 2016, it is only required to meet 50 percent of its applicable target, or 13 points. The project sponsor has preliminarily identified the following TDM measures from TDM Program Standards: Appendix A to meet the 13 target points.

- **Parking-1: Unbundled Parking, Location D – 4 points** (residential neighborhood parking rate less than or equal to 0.65, and all spaces leased or sold separately from the retail or purchase fee).
- **Parking-4: Parking Supply, Option D – 4 points** (residential parking less than or equal to 70 percent, and greater than 60 percent of the neighborhood parking rate).
- **Active-1: Improve Walking Conditions, Option A – 1 point** (streetscape improvements consistent with Better Streets Plan).
- **Active-2: Bicycle Parking, Option B – 2 points** (exceeding Planning Code required Class 1 and Class 2 bicycle parking).

Active 5A: Bicycle Repair Station – 1 point (bicycle repair station within a designated, secure area within the building, where bicycle maintenance tools and supplies are readily available on a permanent basis).

- **Delivery-1: Delivery Supportive Services – 1 point** (provide staffed reception area for receipt of deliveries and temporary parcel storage, including clothes lockers and refrigerated storage).

In addition to the TDM measures identified above, the Project Sponsor has voluntarily offered to provide an additional 12 points of TDM measures, for a total of 25 points, if the Conditional Use authorization for 136 parking spaces is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces.

- **Active-4: Bike Share Membership – 2 points** (offer bike share membership to each unit and/or employee, at least once annually, for the life of the Project or a shorter period should a bike sharing program cease to exist. 2 points are achieved since the project is located within 1,000 feet of a bike share station.).
- **Active-5B: Bicycle Maintenance Services – 1 point** (provide bicycle maintenance services to each unit and/or employee, at least once annually, for 40 years).

- **CShare-1C: Car-Share Parking, Option C – 3 points** (provide car-share memberships to each unit, and provide car-share parking as required by the Planning Code).
- **Family-1: Family TDM Amenities – 1 point** (provide amenities that address particular challenges that families face in making trips without a private vehicle).
- **Info-1: Multimodal Wayfinding Signage – 1 point** (provide multimodal wayfinding signage in key location to support access to transportation services and infrastructure).
- **Info-2: Real Time Transportation Display – 1 point** (provide real time transportation information screen in a prominent location on-site).
- **Info-3C: Tailored Transportation Services, Option C – 3 points** (provide individualized, tailored marketing and communication campaigns to encourage alternative transportation modes).

The Project Sponsor could choose to revise the selected TDM measures to exceed the target points prior to issuance of a Site Permit, or to further reduce the parking supply to meet or exceed the target point requirement, but would not be required to do so.

- Q. **Height and Bulk.** The Project falls within the 120/400-R-2, 120-R-2 Height and Bulk Districts. In such Districts, no bulk limitations exist below 120 feet in height, with maximum height of 400 feet in height for any tower in the 120/400-R-2 Height and Bulk District. However, portions of buildings above 120 feet and between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. Additionally, floors may not exceed a maximum average floor area of 10,000 square feet.

The Project proposes a tower of 400 feet in height, with various features such as mechanical structures, and parapets extending above the 400-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b). The tower would also include a 26-foot elevator penthouse which would be required to meet state or federal laws and regulations, and which would require an elevator penthouse height exemption from the Zoning Administrator per Planning Code Section 260(b)(1)(B). The Project would necessitate approval of legislative map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. However, the Height and Bulk Districts within which the Project exists remains the same. The maximum diagonal dimension for the project is 144 feet whereas the maximum plan length is 90 feet, 4 inches. The average floor area of the tower is 9,637 square feet, therefore the Project complies Sections 260 and 270 of the Planning Code.

- R. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done

without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to construction on Oak Street, Van Ness Avenue, or the north side of Market Street, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace a surface commercial parking lot and underutilized commercial buildings with a 40-story residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.

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

A technical memorandum was prepared by Prevision Design dated April 19, 2017, analyzing the potential shadow impacts of the project to properties under the jurisdiction of the Recreation and Parks Department.

Patricia's Green

A shadow analysis was conducted and determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and be gone prior to 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units. The Project was not found to adversely impact the use of the Park by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

Page and Laguna Mini Park

It is anticipated that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21st, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units. The Project was not found to adversely impact the use of the Park by the Recreation and Parks Department at a duly noticed, regularly scheduled meeting on June 15, 2017.

Proposed Park and 11th and Natoma Street

The new shadow on the proposed park at 11th and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11th and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11th and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units.

- T. **Anti-Discriminatory Housing Policy (Administrative Code Section 1.61).** Projects proposing ten dwelling units or more must complete an Anti-Discriminatory Housing Affidavit indicating that the Project Sponsor will adhere to anti-discriminatory practices.

The Project Sponsor has completed and submitted an Anti-Discriminatory Housing Policy affidavit confirming compliance with anti-discriminatory practices.

- U. **Inclusionary Affordable Housing Program (Section 415).** **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, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was first submitted on February 26, 2009 and subsequently revised on August 27, 2012; 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 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos. 161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

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, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation

Application was submitted on February 26, 2009 and subsequently revised on August 27, 2012; 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 20%.

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

The Project would comply with this Section by dedicating one percent of the Project's construction cost to a kinetic wind sculpture located in the proposed plaza that is being developed by two NASA-based scientists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.

- W. **Signage (Section 607).** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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

- a. **Section 249.33: Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements do not apply pursuant to Planning Code Section 249.33. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street -- two of the widest streets in the entire City. Furthermore, units oriented toward Van Ness Avenue are set back an additional 28 feet or more from the public right-of-way. Units also benefit from the

curved building shape and projecting bay windows that allow the majority of units to have exposures in multiple directions with views along the street frontage, rather than harshly perpendicular to the opposing buildings. Similarly, ground floor and podium rooftop open spaces benefit significantly from the curved façade of the tower which reduces shadow on streets, sidewalks and open space throughout the day as the sun moves around the building. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.

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

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

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

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 57 test points throughout public areas in the general vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by BMT Fluid Mechanics, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.

Comfort Criterion

Under existing conditions, 37 of the 57 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured close to 11.8 mph.

With the Project, 45 of 57 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds, increased by 1.3 mph to approximately 13.9 mph from 12.6 mph. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 14.4 mph, with 46 of 57 points that exceed comfort criterion.

In conclusion, the Project does not result in substantial change to the wind conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. The tower has been substantially reshaped through a rigorous and iterative series of wind tests and wind canopies have been added to further diffuse pedestrian-level winds in the surrounding area. The Project could not be designed in a manner that could eliminate all 37 of the existing comfort exceedances or the 8 comfort exceedances caused by the Project, without unduly restricting the site's development potential, resulting in an ungainly building form or creating new hazard exceedances.

Hazard Criterion

The Wind Study indicated that the project does not cause any net new hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. Overall, the Project would decrease the total duration of existing hazardous wind conditions from 83 hours to 80 hours with the Project, an improvement of three fewer hours of hazardous wind conditions.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of

the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.

The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco,

providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.

OBJECTIVE 7:

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

In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including environmental review of the "Octavia BMR Project", will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, kiosks, in the Plaza. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.

URBAN DESIGN ELEMENT

Objectives and Policies

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.

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 3.6

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

The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.

The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.

The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks. The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.

The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.

Policy 1.3:

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

Policy 1. 6:

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

The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

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

Policy 11.3:

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

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

The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.

OBJECTIVE 18:

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

Policy 18.3:

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

Policy 18.5:

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.

MARKET AND OCTAVIA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.5:

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, several retail kiosks on the north side of Oak Street, sidewalk replacement along Van Ness Avenue, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

The Project is located within an existing high-density urban context and would transform underutilized retail/ office buildings and parking lot into high-density housing and ground-floor retail that has a

multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix the following dwelling unit mix: 54 junior one-bedroom units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%), which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.

OBJECTIVE 2.3:

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.

OBJECTIVE 4.1:

PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.

Policy 4.1.1:

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked

crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

OBJECTIVE 5.1:

IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.

Policy 5.1.2:

Restrict curb cuts on transit-preferential streets.

OBJECTIVE 5.2:

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the

Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.

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

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

The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.

- 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 improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.

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

There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including environmental review, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional

approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.

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

The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on-site.

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

The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was

determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.

In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.

10. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014-000362ENVGPAMAPDNXC~~U~~AVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2017 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FEIR and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. [] and MMRP, included as Attachment B. All required mitigation and improvement measures identified in Attachment B of Motion No. [] are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

Draft Motion
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAP~~DNX~~CUAVARK
1540 Market Street

ABSENT:

ADOPTED: June 15, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to Planning Code Sections **309, 134, 249.33(b)(5), and 148**, on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXC~~U~~AVARK** and subject to conditions of approval reviewed and approved by the Commission on **June 15, 2017** under Motion No. []. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. 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 15, 2017** under Motion No. [].

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

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. **Floor Area Ratio.** Pursuant to the Floor Area Ratio limits (FAR) per Sections 123, 249.33(b)(6)(B), and 424, the Project is required to make a payment to the Van Ness and Market Residential Special Use District Affordable Housing Fund for floor area that exceeds the base FAR of 6.0:1 and up to a maximum FAR of 9.0:1. For portions of the Project that exceed an FAR of 9.0:1, the Project must contribute to the Van Ness and Market Neighborhood Infrastructure Fee; provided, however, that the Project Sponsor may elect to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver from the payment of the Van Ness and Market Neighborhood Infrastructure Fee from the Planning Commission, subject to the rules and requirements set forth in Section 424.3.

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

7. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of these fees to off-set certain improvements within the Plaza.

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

8. **Market Octavia Affordable Housing Fee.** The Project is subject to the Market and Octavia Affordable Housing Fee, as applicable, pursuant to Planning Code Section 416.

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

9. **Market and Octavia – Van Ness & Market Street Affordable Housing and Neighborhood Infrastructure Fee.** The Project is subject to the Market and Octavia – Van Ness & Market Affordable Housing Fee and Neighborhood Infrastructure Fee, as applicable, pursuant to Planning Code Section 424.3. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of the Neighborhood Infrastructure fees to off-set certain improvements within the Plaza.

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

10. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Attachment B** of the CEQA Findings contained in Motion No. [] associated with the Subject Project are necessary to avoid potential significant impacts and further reduce less-than-significant impacts of the Project and have been agreed to by the Project Sponsor. Implementation of the Improvement and Mitigation measures is a condition of Project approval.

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission at a hearing held for the project on November 1, 2016. These conditions state:

11. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM and 5AM. Notice shall be made in person, written or electronic form.
12. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
13. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
14. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
15. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,

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

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

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

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

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

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

20. **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

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

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

22. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for

building management. The plaques shall be plainly visible from the public sidewalks on **Market, Van Ness Avenue and Oak** Streets and shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

23. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. 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

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

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

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

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

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

26. **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

27. **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

28. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

29. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.5 parking spaces per dwelling unit. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, which was authorized under Motion No. []. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

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

30. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide 1 off-street loading space, and spaces for two service vehicles, which may be used to substitute an off-street loading space.

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

31. **Car Share.** Pursuant to Planning Code Section 166, no less than two car share spaces 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. The car share spaces will be located off-site on a surface parking lot at 110 Franklin Street. Should the property at 110 Franklin Street no longer be available for such use, the Project Sponsor shall relocate the car share spaces on-site or at an off-site location within 800 feet of the Project Site without disrupting continuity of service, pursuant to Planning Code Section 166.

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

32. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 151 Class 1 spaces (151 stalls for Residential Use, 0 stalls for Retail Use) and 20 Class 2 spaces (15 stalls for Residential Use, 5 stalls for Retail Use).

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

33. **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

34. **Transportation Demand Management (TDM).** 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 Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PROVISIONS

35. **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

36. **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

37. **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

38. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. Portions of the Market Octavia and Van Ness Market Community Improvements Funds allocated to Child Care paid by the Project would be credited toward payment of the Child Care Fee.

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

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. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

39. **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 twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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. **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.

OPERATION

41. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

42. **Sidewalk & Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property, and the shared street that will be provided as part of the Project, 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>

43. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

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

44. **Odor Control.** 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

45. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

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

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

MONITORING - AFTER ENTITLEMENT

48. **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

49. **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

50. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
- ☒ Transit Impact Dev't Fee (Sec. 411)
- ☒ Childcare Fee (Sec. 414)

- ☒ First Source Hiring (Admin. Code)
- ☒ Better Streets Plan (Sec. 138.1)
- ☒ Public Art (Sec. 429)

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Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017
Case No.: **2019.0159EGPAMAPDNXCUA VARK**
Project Address: 1540 Market Street (a.k.a. One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Reviewed by: Mark Luellen, Northeast Team Manager
mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 151.1 TO ALLOW ACCESSORY OFF-STREET PARKING EXCEEDING PRINCIPALLY PERMITTED AMOUNTS, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE AND COMMON OPEN SPACE; 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application 2019.0159EGPAMAPDNXCUAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2019.0159GPAMAPDNXCUAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2019.0159GPAMAPDNXCUAVARK, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco’s Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project’s building site is made up of five contiguous privately owned lots within Assessor’s Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as “All Star Café” on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor retail and offices on the upper floors. The building also houses the San

Francisco New Conservatory Theater. Further north along the west side of Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005).

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

General Community Engagement: The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

Arts and Culture Stakeholder Engagement: In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage

and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Parking.** Pursuant to Section 151.1, residential uses in the Van Ness and Market Special Use District may provide up to 0.25 spaces per dwelling unit as a principally permitted accessory use, and up to 0.5 spaces per dwelling unit with a Conditional Use authorization. In addition, under Section 151.1, commercial parking is principally permitted in an area equivalent to 7% of the gross floor area of the Project's non-residential uses.

The Project contains 304 dwelling units. Thus, a total of 76 spaces would be principally permitted and up to 152 spaces may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces (which equates to a 0.45 parking ratio) for the residential use which exceeds the principally permitted amount. The Project would not provide any parking for the proposed 4,110-sf retail/restaurant use. Therefore, a Conditional Use Authorization would be required to provide the 60 parking spaces in excess of the 76 spaces principally permitted for the Project, if the Project is developed as a for-sale condominium project after final entitlements. In the event the Project Sponsor elects to construct a condominium project utilizing the additional spaces authorized by this Conditional Use Authorization, the Project Sponsor will voluntarily provide an additional 12 TDM points in its TDM program, as set forth in the Project Section 309 Authorization pursuant to Motion [____]. If the proposed Project is developed as a multi-family rental project after entitlements, the maximum parking in the project will be provided at a ratio of 0.25 spaces per dwelling unit, and the Project shall only be required to provide TDM measures consistent with applicable law.

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

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

The Project will replace an existing 47-space commercial surface parking lot and 19 publicly owned on-street parking spaces (a total of 66 existing surface parking spaces) with a residential high rise tower with 3 underground levels of residential parking for 136 cars and 2 van loading spaces.

Accordingly, if the Project is approved, there would be a net increase of 70 new parking spaces within the Project area, equivalent to a 0.23 "net" parking ratio, well within the 0.25 ratio otherwise principally permitted for new residential uses. The replacement of 66 surface level parking spaces available to general users with 136 underground residential parking spaces limited solely to project

residents will bring the site into greater conformity with the Planning Code and would greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. In addition, because the proposed 136 spaces would be located on three underground levels and only be accessed by valet operators using two car elevators, retrieval times will be substantially longer than valet operations at a conventional ramped garage, effectively discouraging daily use. Since future residents will have extraordinary walking, bicycling and high-frequency public transit access to local, Central Business District and regional jobs and services, there is reason to assume that residents will not use cars for daily commuting purposes.

The Project Sponsor has stated that it is requesting this Conditional Use Authorization to provide up to 136 spaces in order to ensure the Project's financial viability as a for-sale, high-rise condominium with over 50% two-, three-, and four-bedroom units. The Project's 0.45 parking ratio would be the lowest ratio ever proposed or built for a high-rise condominium project greater than 25 stories in San Francisco, with almost half as much parking as the lowest comparable condominium tower. According to a survey prepared by the Mark Company, a leading condominium market research company, of all San Francisco residential high-rise condominium developments greater than 25-floors in height (built or approved over the past ten years) provide an average 1.04 parking ratio. Shorter condominium buildings including 13 to 25 story high-rises and under 13 story low-rise and mid-rise buildings have average parking ratios of 0.92 and 0.78, respectively. Institutional real estate investors and commercial lenders for condominium projects of this size require detailed, independent and professional market studies to substantiate a developer's financial underwriting and ultimately, their own decision whether to invest in a high-rise condominium project. They rely on these studies as part of their fiduciary obligations to their own investors. As described in a letter from the Mark Company, the lowest parking ratio that the current market can support for high-rise condominium projects in San Francisco is not less than one space for every 2-bedroom or larger unit. Anything lower than this ratio could adversely impact sales and absorption rates, undermining the financial returns necessary to attract private capital for this project. The proposed 0.45 ratio only provides parking for 88% of the 2-, 3- and 4-bedroom units included in the Project. According to the Project Sponsor, they are willing to accept this risk, but they cannot reduce the ratio further without jeopardizing their ability to attract the investors and lenders necessary to provide capital and construction loans for the proposed condominium Project, thereby making the Project infeasible to build.

Since this market constraint is limited to the financing of high-rise condominiums, the Project Sponsor has agreed to restrict the Project's parking ratio to no more than 0.25 spaces per dwelling unit in the event the Project is financed and built as a high-rise rental project. For this reason, the Planning Department's support for this Conditional Use Authorization to provide parking more than the principally permitted 0.25 ratio would not set a precedent for other high-rise rental towers within the Van Ness and Market SUD to receive similar increases above the 0.25 ratio.

In further support of the Project Sponsor's concerns regarding the financial viability of its high-rise condominium project, the Project is targeted in part to families, with over 50% two bedroom, three bedroom and four bedroom units, and includes a children's playroom, among many other family-friendly amenities. Families with children generally have a greater need for parking because they require flexibility due to dual commutes, school, child care, urgent care, grocery shopping and other trips with small children, babies and their attendant equipment (required car seats, strollers, diaper bags, and the like). Marketing data for condominiums support a minimum parking ratio of 1 parking

space for each 2 bedroom or larger unit due to family needs. As noted above, the requested 136 parking spaces could serve, at most, only 88% of the large units (2+ bedrooms), below the likely demand from families residing within the Project. Thus, the requested 136 parking spaces do not represent an excessive amount of off-street parking necessary to support the Project's family-oriented residential units.

The provision of adequate on-site parking is consistent with the concerns of neighboring businesses and institutions. Adjacent arts and educational institutions, such as the French American International School, Conservatory of Music, and the New Conservatory Theater, have all expressed concern that an under-supply of on-site resident parking at the Project will force residents to compete with their patrons, staff and students for a dwindling supply of publicly accessible parking in the immediate vicinity, thereby threatening the operation and survival of their institutions.

The Project as a whole is desirable because it would replace the existing 47 space surface parking lot and underdeveloped commercial structures on the site with a residential high-rise tower, ground floor retail, and a public plaza that are more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and commercial buildings and replacing them with a beautifully designed residential building. In addition, the Project will

Thus, the proposed uses are desirable and compatible with the neighborhood, and strongly encouraged by the Market and Octavia Area Plan. Accordingly, parking in excess of principally permitted amounts would be compatible with the existing zoning of the Project, as well as the character of the neighborhood, because, unlike the existing surface parking lot on the Project site, it would be located entirely underground, freeing the ground floor of the building for occupation by active uses. All parking and loading would be accessed by a single service entrance from Oak Street. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project, and to the contrary, the Project will include substantial streetscape improvements including a public plaza.

- B.** The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

Other than passenger drop-offs at the Conservatory of Music, the only reason for passenger vehicles to drive down this section of Oak Street today is to access the abundant commercial surface parking currently available on this block, which currently includes 40 metered public street spaces and 3 commercial parking lots providing 183 spaces. The nature of this type of commercial parking is generally short-term occupancy with high turnover rates. However, future residential projects such as

1554 Market Street (currently under construction), the proposed Project, and the French American School's proposed project at 98 Franklin are likely to remove most, if not all, of the existing commercial parking lot spaces on this block of Oak Street and replace them with hundreds of new residences, and additional retail and institutional uses. Furthermore, the Planning and Public Works Departments are proposing additional street parking reductions on this block as part of the HUB Area Plan. The transition from commercial surface parking lots and public metered spaces to underground residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis that found the existing metered spaces average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours – this estimated trip generation is irrespective of the amount of parking provided on-site. Moreover, the CEQA Transportation Analysis for the proposed Project concluded that on-site parking of up to 155 spaces would have no significant environmental impact. The proposed parking has since been reduced to 136 spaces.

Notably, permanent residents are also more likely to know the roadways and efficient vehicular routes to and from their building, and are generally more safety conscious when driving through their neighborhood, whereas visitors seeking public parking in the neighborhood often circulate around multiple blocks due to unfamiliarity with the one-way street patterns, and/or the absence of available parking at or near their destination.

Lastly, but perhaps most importantly, the One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, a proposed widening of the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. As a result, the proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

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

Planning and SFMTA restrictions prohibit curb cuts or parking along the Van Ness Avenue and Market Street frontages. Therefore, all parking, passenger loading, move-ins, freight loading and deliveries are required to be located on or accessed from Oak Street. Due to the awkward size and shape of the site, it is impractical to provide a ramp to access below-grade parking without eliminating most of the ground floor lobby and retail space. Therefore, the 136 underground parking spaces proposed by the Project Sponsor would be accessed via two car elevators, which would be the only access points for vehicle storage. Safety and insurance requirements dictate that the car elevators be operated solely by trained valet personnel. Wait times for valet service, particularly during peak hours, will be inconvenient. This inconvenience will serve as a strong disincentive for residents to frequently use

private vehicles. Furthermore, the location of the proposed parking underground would further allow the Project to provide an active pedestrian ground floor with significant streetscape improvements which would calm traffic and minimize conflicts with pedestrians in the surrounding area.

Additionally, the proposed size, shape and arrangement of the Project is consistent with the existing site-layout and the character of the surrounding neighborhood. The Project site is trapezoidal in shape and relatively small (18,219 square feet), with only 39 feet of frontage on Van Ness Avenue. By design, the building has been shifted roughly 28 feet west from the Van Ness Avenue property line to create a generous public plaza and pedestrian thoroughfare fronting the building at this important transit-rich corner. Accordingly, the proposed Project would likely promote, rather than impede, development potential in the vicinity by increasing the housing supply and customer base, and creating an attractive residential tower with neighborhood-serving public plaza and ground floor retail uses which would continue the pattern of active ground floor retail along the Market and Van Ness Street frontages.

- D.** 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;

In general, the Project would provide a sufficient, but not excessive, amount of off-street parking. The Project would provide 136 off-street parking spaces in an underground garage, which exceeds the number of spaces principally permitted and therefore is the subject of this Conditional Use authorization. Because all of the Project's on-site parking is accessible exclusively by valet (other than one space for vehicles designed exclusively for use by disabled drivers which a valet cannot operate), the Project will provide 2 required car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. The proposed on-site parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will prioritize walking, bicycle travel, or transit use over private automobile travel.

Oak Street is a unique roadway on the Project block, running one-way westbound for only one block between Van Ness Avenue and Franklin Street. Inbound vehicular traffic can only enter Oak Street from southbound Van Ness Avenue. Outbound trips must travel eastbound on Oak Street, with a forced right turn at Franklin Street heading northbound. Buyers who intend to regularly commute by car to and from the South Bay would be better served by alternative residential choices in SOMA, Transbay or other freeway accessible areas with more convenient vehicular access and greater parking supply. In addition, the vehicles will only be accessible by valet via two car elevators, which will further discourage frequent use of vehicles for shorter trips. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide an adequate, but not excessive amount of parking to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

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

The additional parking requested pursuant to this Conditional Use request will not generate noxious or offensive noise, glare, or dust. Since all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. As required by building, health and safety codes, the underground parking garage area will include a Carbon Monoxide exhaust system to expel potentially noxious vehicle emissions from the building. Garage exhaust would be discharged in compliance with all Building Code requirements and will meet or exceed all code required separation clearances between garage exhaust and exterior and interior uses. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application would include air cleaning or odor control equipment details and manufacturer specifications on the plans. Additionally, plans submitted with the building permit application for the approved project would incorporate acoustical insulation and other sound proofing measures to control noise.

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

All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Oak Street. To create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating, performance spaces, and quality materials. Up-lights would highlight the art canopies and street trees, and foot-lighting would surround the base of the precast planters. The landscaping would consist of decorative, drought and wind-tolerant, native trees and shrubs.

With respect to the design of the proposed garage, substantial effort has been expended to ensure that the parking entrance and the valet reception area are as attractive as the main residential lobby. In-lieu of a typical roll-down utility/security door, a decorative custom steel lattice screen is proposed to enclose and secure the parking entrance. The decorative screen would secure the garage, while maintaining the valet staff's 24-hour surveillance of the public realm. At the rear of the Valet reception area, matching door enclosures at the two car elevators and the on-site freight loading bay would conceal those elements and reduce noise emanating from the Valet reception area. Signage would be tasteful and attractive, and would be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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

The additional 60 underground parking spaces proposed under this Conditional Use would comply with the applicable provisions of the Planning Code and would not adversely affect the General Plan. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and easily reach amenities and jobs by walking, transit, and bicycling. The Project would provide a merely sufficient, rather than excessive, amount of parking to accommodate the parking needs of the future residents of the Project, without unduly burdening the neighborhood parking supply, while still

supporting and encouraging walking, bicycle travel and public transit use. Overall, the proposed Project will promote many General Plan objectives, as described in further detail below.

8. **Planning Code Section 151.1** establishes criteria for the Commission to consider when reviewing any request for accessory parking in excess of what is permitted by right. On balance, the Project complies with the criteria of Section 151.1, in that:

- a. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

The residential parking proposed does not exceed 0.5 space per unit, thus this requirement is not applicable. Nonetheless, all parking is below grade (with the exception of one van-accessible space for persons with disabilities) and accessed by mandatory valet via two car elevators to discourage use of vehicles for commuting or daily errands and one level will have mechanical stackers.

- b. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The requested parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. The parking spaces will be accessed from a single curb cut on Oak Street and vehicle movement associated with the underground garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity. The CEQA transportation analysis completed for the Project confirmed that the proposed on-site parking would have no significant environmental impact. Furthermore, in order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along Oak Street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating, performance spaces, and quality materials. Given the proximity of the Project site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the parking will be accessible only by valet via two car elevators, thus discouraging frequent use of vehicles for shorter trips. Furthermore, Oak Street is a lightly travelled local service street and there are no transit routes or bicycles routes on this block of Oak Street. The Project will also eliminate a 47-space surface commercial parking lot and 19 public street parking spaces. The transition from public parking to residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis at the existing Oak Street metered parking spaces and found that they average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours, irrespective of the amount of parking provided on-site.

- c. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

The Project design is not degraded by the proposed parking because all parking is below grade (with the exception of one van-accessible space for persons with disabilities), the single parking entrance is integrated into the architectural design of the Project, and the more prominent Market Street and Van Ness Avenue frontages have no curb cuts or parking entrances. Thus, the ground floor will be occupied by active uses, as anticipated by the Code. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project.

- d. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

All proposed parking will be below grade, thus permitting active uses and streetscape improvements to be located on the ground floor. Furthermore, the planned streetscape enhancements are primarily located on Market Street and in Oak Plaza, which is located to the east of the garage entrance, such that the parking does not diminish the quality and viability of the planned streetscape enhancements.

- e. All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

All parking for the Project will meet the active use and architectural screening requirements in Section 145.1.

- f. In granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the following findings are made by the Commission:

- i. That the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood.
- ii. That these localized transportation impacts may be lessened for the neighborhood by the provision of car-share memberships to residents.

The Project includes the construction of residential condominiums and includes the provision of 2 car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot located at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. Should this off-site location no longer be available, the Project Sponsor shall relocate the car-share spaces on-site or at an off-site location within 800 feet of the Project Site, pursuant to Section 166 of the Planning Code. The Project would not encourage additional private automobile use, nor create localized transportation impacts for the neighborhood, given that 66 existing high-trip-generating publicly

accessible parking spaces are being removed from the block by the Project. Moreover, the Project Sponsor has proposed voluntary TDM measures to be implemented if the Project Sponsor elects to construct the additional spaces authorized by this Conditional Use Authorization, exceeding Planning Code requirements, that would include payment of annual membership fees to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the Project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.

The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of

certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals including environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.

OBJECTIVE 7:

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

In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a “directed” in-lieu fee under the City’s Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including environmental review under CEQA, will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees “directed” to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, kiosks, in the Plaza. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.

URBAN DESIGN ELEMENT

Objectives and Policies

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.

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 3.6

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

The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent

with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.

The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.

The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks. The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.

The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.

Policy 1.3:

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

Policy 1.6:

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

The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic

that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.

OBJECTIVE 11:

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

Policy 11.3:

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily

trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

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

The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.

OBJECTIVE 18:

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

Policy 18.3:

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

Policy 18.5:

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.

MARKET AND OCTAVIA PLAN

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.5:

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, several retail kiosks on the north side of Oak Street, sidewalk replacement along Van Ness Avenue, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

The Project is located within an existing high-density urban context and would transform underutilized retail/ office buildings and parking lot into high-density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix of one-, two-, three-, and 4-bedroom units, which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.

OBJECTIVE 2.3:

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.

OBJECTIVE 4.1:

**PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE
AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.**

Policy 4.1.1:

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization (www.transformca.org) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.

OBJECTIVE 5.1:

**IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE,
CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.**

Policy 5.1.2:

Restrict curb cuts on transit-preferential streets.

OBJECTIVE 5.2:

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.

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 supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.

- 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 improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.

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

There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH, including environmental review under CEQA. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.

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

The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.

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

The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.

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

The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on-site.

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

The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.

In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.

11. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
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 Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2009.0159EGPAMAPDNXCUAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 15, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to **Planning Code Sections 303 and 151.1** on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXCUAVARK** and subject to conditions of approval reviewed and approved by the Commission on **June 15, 2017** under Motion No. []. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. [], Case No. **2009-0159EGPAMAPDNXCUAVARK** (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances that require approval from the Zoning Administrator from Sections 140, for units that do not meet exposure requirements and Section 145.1, for a combined parking / loading entrance exceeding 20-feet in width.

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 15, 2017 under Motion No. [].

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not

affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

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



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1) |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JUNE 15, 2017

Date: May 29, 2017
Case No.: **2019.0159EGPAMAPDNXCUA~~VARK~~**
Project Address: 1540 Market Street (a.k.a. One Oak)
Zoning: C-3-G (Downtown General)
120/400-R-2, 120-R-2 Height and Bulk Districts
Van Ness & Market Downtown Residential Special Use District
Block/Lot: 0836, Lots 001, 002, 003, 004 and 005
Project Sponsor: Steve Kuklin, 415.551.7627
Build, Inc.
315 Linden Street
steve@bldsf.com
San Francisco, CA 94102
Staff Contact: Tina Chang, AICP, LEED AP
tina.chang@sfgov.org, 415-575-9197
Reviewed by: Mark Luellen, Northeast Team Manager
mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, AND THE PROPOSED 11TH AND NATOMA PARK DESIGNATED FOR ACQUISITION BY THE RECREATION AND PARK COMMISSION BY THE PROPOSED PROJECT AT 1540 MARKET STREET WOULD NOT BE ADVERSE TO THE USE OF PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, OR THE PROPOSED 11TH AND NATOMA PARK AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Patricia's Green is a 0.41 acre park located in the Western Addition neighborhood along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park is bounded by Hayes Street to the north and Fell Street to the south. Patricia's Green is characterized by a picnic seating area, a circular plaza, grassy areas, and a children's play area. The neighborhood immediately surrounding Patricia's Green is characterized by residential buildings of two to five stories in height, as well as ground floor retail and restaurant uses.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Patricia's Green (with no adjacent structures present) is approximately 66,622,661 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,034,236 square-foot hours, or approximately 18.06 percent of the TAAS.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Page and Laguna Mini Park (with no adjacent structures present) is approximately 24,402,522 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,098,693 square-foot hours, or approximately 49.58 percent of the TAAS.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the proposed 11th and Natoma Park (with no adjacent structures present) is approximately 72,829,287 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 14,449,512 square-foot hours, or approximately 19.480 percent of the TAAS.

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 002, 003, 004, and 005. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements

pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with

the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. [].

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. []. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. [].

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution [] recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution [] recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, In-Kind Fee Waiver Agreement, and Variance and Elevator Exemption application 2019.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

On June 15, 2017, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project on Patricia's Green, Page and Laguna Mini-Park, and the proposed park at 11th and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11th and Natoma Streets.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2019.0159GPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

FINDINGS

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Commission made and adopted environmental findings by its Motion No. [], which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of Patricia's Green, for the following reasons:
 - a. The proposed project would reduce the annual available insolation by about 0.22 percent (a reduction of 148,200 square foot hours of sunlight). This results in a total shadow load of 12,182,435 square foot hours and a reduction of the available insolation by 18.28 percent.
 - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon Patricia's Green from the Project would occur in the early mornings from February 17 through April 5, and again from September 8 through October 25.
 - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 28 minutes.
4. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Page and Laguna Mini Park, for the following reasons:

- a. The proposed project would reduce the annual available insolation by about 0.04 percent (a reduction of 9,576 square foot hours of sunlight). This results in a total shadow load of 12,108,269 square foot hours and a reduction of the available insolation by 49.62 percent.
 - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon Page and Laguna Mini Park from the Project would occur in the early mornings from May 19 through July 26.
 - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 15 minutes.
5. The additional shadow cast by the Project would be numerically insignificant, and therefore would not be adverse, and is not expected to interfere with the use of the proposed 11th and Natoma Park, for the following reasons:
 - a. The proposed project would reduce the annual available insolation by about 0.004 percent (a reduction of 2,838 square foot hours of sunlight). This results in a total shadow load of 14,452,350 square foot hours and a reduction of the available insolation by 19.844 percent.
 - b. The additional shadow cast by the proposed project has a numerically insignificant effect, and the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
 - c. The net new shadow cast upon the proposed 11th and Natoma Park from the Project would occur in the early evenings from June 9 through July 5.
 - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 18 minutes.
6. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [], which are incorporated by reference as though fully set forth herein.
7. **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, for the reasons set forth in the Downtown Project Authorization, Motion No. [] which are incorporated by reference as though fully set forth herein.

8. 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.
9. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project.

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. **2009.0159EGPAMAPDNXCUAVARK**, that the net new shadow cast by the Project on Patricia's Green and Page and Laguna Mini Park will not be adverse to the use of Patricia's Green or Page and Laguna Mini Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on June 15, 2017

Jonas P. Ionin
Commission Secretary

AYES:

NAYES:

ABSENT:

ADOPTED: June 15, 2017



SAN FRANCISCO
PLANNING
DEPARTMENT

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

T: 415.558.6378
F: 415.558.6409

SUPPLEMENTAL INFORMATION PACKET FOR Anti-Discriminatory Housing Policy

Pursuant to Administrative Code Section 1.61, certain housing projects must complete and submit a completed Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application that proposes an increase of ten (10) dwelling units or more.

Planning Department staff is available to advise you in the preparation of this application. Call (415)558-6377 for further information.

WHEN IS THE SUPPLEMENTAL INFORMATION FORM NECESSARY?

Administrative Code Section 1.61 requires the Planning Department to collect an application/form with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.

WHAT IF THE PROJECT SPONSOR OR PERMITTEE CHANGE PRIOR TO THE FIRST ISSUANCE OF CERTIFICATE OF OCCUPANCY?

If the permittee and/or sponsor should change, they shall notify the Planning Department and file a new supplemental information form with the updated information.

HOW IS THIS INFORMATION USED?

The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is routed to the Human Rights Commission.

For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please contact Mullane Ahern at (415) 252-2514 or mullane.ahern@sfgov.org.

All building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.

WHAT PART OF THE POLICY IS BEING REVIEWED?

The Human Rights Commission will review the policy to verify whether it addresses discrimination based on sexual orientation and gender identity. The policy will be considered incomplete if it lacks such protections.

WILL THE ANSWERS TO THE QUESTIONS EFFECT THE REVIEW OF MY PROJECT?

The Planning Department's and Planning Commission's processing of and recommendations or determinations regarding an application shall be unaffected by the applicant's answers to the questions.

INSTRUCTIONS:

The attached supplemental information form is to be submitted as part of the required entitlement application and/or Building Permit Application. This application does not require an additional fee.

Answer all questions fully and type or print in ink. Attach additional pages if necessary.

Please see the primary entitlement application or Building Permit Application instructions for a list of necessary materials required.

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**SAN FRANCISCO
PLANNING
DEPARTMENT**

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: One Oak Owner, LLC	
PROPERTY OWNER'S ADDRESS: 315 Linden Street, 2nd Floor San Francisco, CA 94102	TELEPHONE: (415)551-7627
	EMAIL: steve@bldsf.com

APPLICANT'S NAME: Build, Inc.		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS: 315 Linden Street, 2nd Floor San Francisco, CA 94102	TELEPHONE: (415)551-7627	
	EMAIL: steve@bldsf.com	

CONTACT FOR PROJECT INFORMATION: Steve Kuklin		Same as Above <input type="checkbox"/>
ADDRESS: 315 Linden Street, 2nd Floor San Francisco, CA 94102	TELEPHONE: (415)551-7627	
	EMAIL: steve@bldsf.com	

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Steve Kuklin		Same as Above <input type="checkbox"/>
ADDRESS: 315 Linden Street, 2nd Floor San Francisco, CA 94102	TELEPHONE: (415)551-7627	
	EMAIL: steve@bldsf.com	

2. Location and Project Description

STREET ADDRESS OF PROJECT: 1540 Market Street		ZIP CODE: 94102
CROSS STREETS: Van Ness Avenue & Oak Street		
ASSESSORS BLOCK/LOT: 0836-001 thru 005	ZONING DISTRICT: C-3-G	HEIGHT/BULK DISTRICT: 120-R-2 / 400-R-2

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	0	304	304

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California?

☒ YES ☐ NO

1a. If yes, in which States? California

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest?

☒ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?

☐ YES ☒ NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
Mullane Ahern at (415)252-2514 or mullane.ahern@sfgov.org

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: 

Date: May 15, 2017

Print name, and indicate whether owner, or authorized agent:

Steve Kuklin, Authorized Agent

Owner / Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**
☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):

DATE FILED:

RECORD NUMBER:

DATE FILED:

VERIFIED BY PLANNER:

Signature: _____ Date: _____

Printed Name: _____ Phone: _____

ROUTED TO HRC:

DATE:

☐ Emailed to: _____

Policy against harassment, discrimination and retaliation

Policy #205

BUILD's policy is to provide a workplace free of sexual harassment as well as unlawful harassment and discrimination based on race, color, national origin, ancestry, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, age, religious creed, medical condition (including cancer and genetic characteristics), genetic information, mental or physical disability, marital or registered domestic partnership status, veteran status, participation in military service, or any other characteristic protected by federal, state or local law ("Protected Characteristic").

BUILD will not tolerate harassment of or discrimination against applicants, employees, and interns, by anyone, and this policy applies to owners, managers, coworkers, consultants, clients, customers, and vendors. Furthermore, BUILD will not tolerate harassment or discrimination in the sale, leasing, or financing of dwelling units. To that end, BUILD seeks to prevent harassment and discrimination by taking all claims of harassment and discrimination very seriously, and by promptly taking disciplinary action in response to incidents of harassment and discrimination. This policy also protects independent contractors from harassment or discrimination by a Company employee.

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Date: August 16, 2016

To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*

From: San Francisco Planning Department

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

All projects that include 10 or more dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new residential units rather than offer them as rental units. Projects may be eligible to provide rental affordable units if it demonstrates the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing.

Before the Planning Department and/or Planning Commission can act on the project, this Affidavit for Compliance with the Inclusionary Affordable Housing Program must be completed. Please note that this affidavit is required to be included in Planning Commission packets and therefore, must comply with packet submittal guidelines.

The Affidavit is divided into two sections. This first section is devoted to projects that are subject to Planning Code Section 415. The second section covers projects that are located in the Urban Mixed Use (UMU) Zoning District and certain projects within the Mission Neighborhood Commercial Transit District that are subject to Planning Code Section 419. Please use the applicable form and contact Planning staff with any questions.

On June 7, 2016, Proposition C was passed by San Francisco voters to modify Affordable Housing Requirements and trailing legislation was passed by the Board of Supervisors (Ord No. 76-16 and File No. 160255) to implement the increased requirements. Please be aware that the inclusionary requirements may differ for projects depending on when a complete Environmental Evaluation Application (EEA) was submitted with the Department. Please also note that there are different requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached tables to determine the applicable requirement.

For new projects with complete EEA's accepted after January 12, 2016, the Inclusionary Affordable Housing Program includes provisions to allow for mixed income levels. Generally speaking, if the required number of units constructed on-site is 25%, a minimum of 15% of the units must be affordable to low-income households and 10% of the units affordable to low- or moderate/middle-income households. The Average Median Income (AMI) for low income is 55% for rental and 80% for ownership. The AMI for moderate/middle income units is 100% for rental and 120% for ownership. Projects subject to grandfathering must provide the all of the inclusionary units at the low income AMI.

Summary of requirements. Please determine what percentage is applicable for your project based on the size of the project, the zoning of the property, and the date that a complete Environmental Evaluation Application (EEA) was submitted. Chart A applies throughout San Francisco whereas Chart B addresses UMU (Urban Mixed Use District) Zoning Districts.

If the project received its first discretionary approval prior to January 12, 2016, please use the EEA accepted before 1/1/13 column to determine the applicable percentage because projects that received a first discretionary approval prior to January 12, 2016 are not subject to the new requirements included in the trailing legislation associated with Proposition C (Ord. No. 76-16 and File No. 160255).

The Project contains:	304 UNITS	The zoning of the property is:	C-3-G	Complete EEA was submitted on:	August 27, 2012
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CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
Fee or Off-site					
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects at or below 120'	20.0%	25.0%	27.5%	30.0%	33.0%
25+ unit projects over 120' in height *	20.0%	33.0%	33.0%	33.0%	33.0%
On-site					
10-24 unit projects	12.0%	12.0%	12.0%	12.0%	12.0%
25+ unit projects	12.0%	13.0%	13.5%	14.5%	25.0%

* except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet.

CHART B: Inclusionary Requirements for UMU Districts. Please note that the Middle Income Incentive Alternative regulated in Planning Code Section 419 was not changed by Code amendment (Ord. No. 76-16). Also, certain projects in the SOMA Youth and Family SUD rely upon UMU requirements as stipulated by the Planning Code.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
On-site UMU					
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%
Tier A 25+ unit projects	14.4%	15.4%	15.9%	16.4%	25.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	16.0%	17.0%	17.5%	18.0%	25.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	17.6%	18.6%	19.1%	19.6%	25.0%
Fee or Off-site UMU					
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	23.0%	28.0%	30.5%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	25.0%	30.0%	32.5%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	27.0%	32.0%	33.0%	33.0%	33.0%
Land Dedication in UMU or Mission NCT					
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier A 25+ unit > 30K	30.0%	35.0%	37.5%	40.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	45.0%	47.5%	50.0%	40.0%
Tier B 25+ unit > 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	50.0%	52.5%	55.0%	45.0%
Tier C 25+ unit > 30K	40.0%	45.0%	47.5%	50.0%	40.0%

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Date May 15, 2017

I, Steve Kuklin

do hereby declare as follows:

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

1500-1540 Market Street

Address

0836 - 001, 002, 003, 004, 005

Block / Lot

B The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

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

2009.0159

Planning Case Number

Building Permit Number

This project requires the following approval:

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

☐ This project is principally permitted.

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

Tina Chang

Planner Name

Is this project an UMU project within the Eastern Neighborhoods Plan Area?

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

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

☐ This project is 100% affordable.

☐ This project is 100% student housing.

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

☐ Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5).

☐ On-site Affordable Housing Alternative (Planning Code Sections 415.6).

☐ Off-site Affordable Housing Alternative (Planning Code Sections 415.7):

☐ Land Dedication

D If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.¹ The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
 - ☐ Development or density bonus, or other public form of assistance.
 - ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

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

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

F Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:

No. of Affordable Units:	% Affordable Units:	AMI Level:

G The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

H I am a duly authorized agent or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

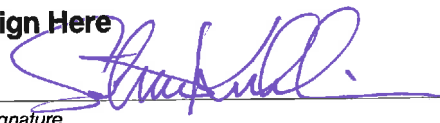
San Francisco

Location

May 15, 2017

Date

Sign Here



Signature

Steve Kuklin, Authorized Agent

Name (Print), Title

415-551-7627

Contact Phone Number

cc: Mayor's Office of Housing and
Community Development
Planning Department Case Docket

¹ California Civil Code Section 1954.50 and following.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below. If using more than one AMI to satisfy the requirement, please submit a separate sheet for each AMI level.

☐ **On-site Affordable Housing Alternative** (Planning Code Section 415.6): calculated at % of the unit total.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7): calculated at % of the unit total.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):	Off-Site Project Address:				
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):	Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:		

☐ **Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:**

Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

3. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):	Off-Site Project Address:				
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):	Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:		

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
1500-1540 Market Street		0836-001,002,003,004,005	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
	2009.0159		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
One Oak Owner, LLC	Steven Kuklin	415-551-7627	
ADDRESS			
315 Linden Street			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA 94102		steve@bldsf.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
304 units	4,110 sq. ft.	400 ft. / 40 floors	\$156,880,000
ANTICIPATED START DATE			
June, 2018			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input checked="" type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
NOTES:	
<ul style="list-style-type: none">If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.orgIf the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.	

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

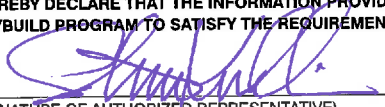
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer			TBD	Laborer			TBD
Boilermaker			TBD	Operating Engineer			TBD
Bricklayer			TBD	Painter			TBD
Carpenter			TBD	Pile Driver			TBD
Cement Mason			TBD	Plasterer			TBD
Drywall/Latherer			TBD	Plumber and Pipefitter			TBD
Electrician			TBD	Roofer/Water proofer			TBD
Elevator Constructor			TBD	Sheet Metal Worker			TBD
Floor Coverer			TBD	Sprinkler Fitter			TBD
Glazier			TBD	Taper			TBD
Heat & Frost Insulator			TBD	Tile Layer/Finisher			TBD
Ironworker			TBD	Other:			TBD
		TOTAL:				TOTAL:	

- | | | |
|--|-------------------------------------|--------------------------|
| | YES | NO |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | | <hr/> |

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Steve Kuklin, Authorized Agent	steve@bldsf.com	415-551-7627
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		May 15, 2017 (DATE)
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		

MEMO

Date:	05.05.17
To:	San Francisco Planning Department Staff
From:	Alan Mark
Subject:	Parking at One Oak & the economic feasibility of High-Rise Condominiums

This memo summarizes: (1) the role that residential real estate market research firms like the Mark Company play in guiding investment decisions in high-rise condominium development projects; and (2) The Mark Company's recent research and recommendations related to parking for the One Oak development project.

The Mark Company is one of the premier residential real estate sales and marketing firms in the western United States. Our expertise spans urban high-rises, complex mixed-use and suburban attached properties. We represent high-profile for-sale residential projects in leading cities throughout the Western United States, including in San Francisco, Los Angeles, Oakland, San Jose, San Diego, Las Vegas, Seattle and Denver.

A deep understanding of market and buyer analytics informs our recommendations to clients and investors. This approach results in well-designed, branded and marketed developments that produce industry-leading returns. Our analytics team combines local experience with innovative reporting tools and proprietary data to offer a powerful combination of complex quantitative and qualitative market research. This approach allows us to uncover trends in pricing, inventory and buyer preferences that inform smart decision-making. Our analytics include customized market reports, comprehensive pricing models, pipeline summaries and ongoing buyer profiles to track who is buying and why. I must emphasize that our professional credibility is our single greatest asset. Accordingly, our analytics team develops our recommendations from the best available market data, not wishful thinking. As a result, we produce independent market evaluations that stand up to scrutiny.

Institutional investors rely on our recommendations to make investment decisions. They review our studies to confirm whether a project's pro forma assumptions, especially its pricing and absorption projections, are realistic. Institutional investors have a fiduciary duty to thoroughly vet their potential real estate investment choices. In this capacity, The Mark Company has provided market recommendations to BUILD and several potential equity investors regarding the future condominium development proposed at One Oak. Our views are based on The Mark Company's experience advising and selling similar condominium projects in San Francisco. Some of our key conclusions are outlined below:

- One Oak's 0.45 parking ratio would be the lowest ever proposed (or built) for a high-rise condominium project in San Francisco. Because One Oak is providing over 50% 2-bedroom and 3-bedroom units, this ratio poses a sales and absorption risk for those large units that cannot be marketed with a parking space.
- Traditionally, new condominiums in San Francisco have provided one parking space per unit. Our survey of all San Francisco residential high-rise condominium developments greater than 25-floors in height (built or approved over the past ten years) shows an average 1.04 parking ratio. Shorter condominium buildings

including 13 to 25 story high-rises and under 13 story low-rise and mid-rise buildings, have average parking ratios of 0.92 and 0.78, respectively.¹

- In the past several years, condominium developments have offered an increasing portion of units *without* parking. These developments have been successful as a car-free lifestyle becomes more viable due to improved public transportation, the ubiquity of network vehicle services (Lyft and Uber), the rise in bicycle commuting and the increased prevalence of home-based work or non-traditional office environments.
- Recent market trends supporting car-free condominiums come with one important caveat: larger units – especially with two or more bedrooms – are still very difficult to sell without parking. Most households interested in spending more than \$1 million on a condominium will have at least one vehicle, even if they do not use it regularly. These households often require a parking space or “car storage.” As a result, two-bedroom condominiums must be substantially discounted when offered without an on-site parking space. Furthermore, the *absorption rate* (the pace at which units are sold) is much slower due to the rarity of a two-bedroom home buyer who does not require a parking space. A slower absorption rate not only increases “carry costs” (e.g., interest on outstanding construction loans, etc.) but also increases marketing costs as the sales period extends outward. These adverse impacts compound and reduce return margins, jeopardizing the financial feasibility of an otherwise sound project, all other factors held constant.
- Compact studios and one-bedroom units sold without parking have been successful. At the right price, these units sell quickly with less impact on the overall financial performance of the larger condominium project in which they are located.

The above information highlights another critical issue: all else being equal, the financial necessity of providing on-site parking for condominiums increases as per-square-foot construction costs increase. High-rise buildings, especially those exceeding 25 stories, rely on the added market value that on-site parking provides more than low- and mid-rise buildings. Because low-rise buildings cost less to build on a per-square-foot basis, they don’t need to generate as much revenue per-square-foot to provide returns sufficient to attract investor interest.

For example, The Mark Company has consulted, marketed and sold units in numerous low-rise condominium buildings with 0.5:1 parking in Hayes Valley. These include 300 Ivy, 8 Octavia, 400 Grove and 450 Hayes. In addition, we recently completed 388 Fulton with zero parking. The preponderance of units at 388 Fulton were studios and small one bedrooms, and were sold successfully. On the other hand, the small two-bedroom units in 388 Fulton were difficult to sell and prices had to be substantially reduced.

Because over 50% of the units at One Oak are proposed to be two- and three-bedroom homes, we have advised BUILD and its potential investor pool that reducing the project’s parking ratio from 0.45 to 0.25 would adversely affect its sales and absorption projections and jeopardize the project’s financial feasibility.

¹ Furthermore, among all low-rise residential condominium projects in Hayes Valley (typically providing fewer than 50 units in 8 stories or less), the average parking ratio is 0.45. Two low-rise condominiums, 1 Franklin and 388 Fulton provide no parking.



**History. Culture.
Government.**
It all happens
in Civic Center.

January 4, 2017

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

Dear Ms. Langlois:

The Civic Center Community Benefit District (CBD) Board of Directors supports BUILD's proposed in-kind waiver agreement to help pay for the extraordinary public realm improvements that they have voluntarily proposed as part of their One Oak project as consistent with the public interest and our broader vision for the area. Here is our detailed position.

The Civic Center CBD, chartered by the City in January 2011, covers some thirty blocks around Civic Center. These blocks contain more than 12,000 employees, performance and cultural venues with a capacity of nearly 20,000 seats and several thousand and growing units of housing. Two principal transit corridors serve the area - Grove Street starting at the Civic Center BART/MUNI Station and Van Ness Avenue centered on the Van Ness MUNI Metro Station.

The Market/Van Ness intersection should be one of the most prominent in the City. Instead it consists of older buildings with few street level amenities making the intersection unpleasant. However, at this time several key properties around the intersection are being prepared for ambitious development plans that could transform the area. We need to simultaneously transform the public streetscape and the Metro station so that the intersection will become welcoming and safe. This will require coordinated planning among the projects.

We realize that what we are asking for may require the property owner/developers to provide improvements beyond their properties or financial abilities. These extraordinary improvements will of course benefit not only the public but also the developers. We are aware that under various City policies and regulations, developers are required to pay fees or extractions to the City for transportation, open space and other amenities. The City then spends these fees, via its capital planning process, on various physical improvements. We are also aware that on occasion, developers can offer to design and build public realm improvements in lieu of paying some or all of these fees to the City. Such an arrangement is called an "in-kind fee waiver agreement". We think such an arrangement would be suitable for the development of the properties at the intersection.

Our CBD has followed the potential development of the parcels at the foot of Oak Street and Van Ness Avenue for years since this corner is particularly unattractive and unsafe. We were pleased when BUILD took over the project and incorporated the "donut shop" parcel into it to round out that corner. To fully develop the public realm around their project, they have prepared elaborate plans to convert the eastern end of Oak Street into a shared public way for pedestrians with a performance plaza, seating and retail kiosks installed next to the historic 25 Van Ness building. We understand that they are negotiating with the SFMTA to improve the entrance to the transit station and the general ambiance within the station, which should make it more welcoming to transit users. These improvements are well beyond what is normally expected of developers for the public areas of their project but are essential to the upgrade of the Van Ness Market intersection.

We would appreciate your passing this support letter to the Market Octavia Citizens Advisory Committee and to the Planning Commission.

Very truly yours.

A handwritten signature in black ink, appearing to read 'Donald W. Savoie'. The signature is fluid and cursive, with the first name 'Donald' being the most prominent.

Donald W. Savoie, Executive Director
Civic Center Community Benefit District



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator



John Updike
Director of Real Estate

May 15, 2017

Tina Chang & Lily Langlois
San Francisco Planning Department
1650 Mission St Suite #400
San Francisco, CA 94103

Subject: Support for Oak Plaza and the associated In-Kind Fee Waiver Agreement

Dear Ms. Chang and Ms. Langlois,

On behalf of the San Francisco Real Estate Division (RED), owner and occupant of the 25 Van Ness building, I am writing to express our support for Oak Plaza, an improved street scape in the heart of the Hub. I urge the Market-Octavia Citizens Advisory Committee (MOCAC) to support an In-Kind Fee Waiver Agreement (IKA) to help finance this unique public open space.

Over the past two years, the project team has engaged a diverse group of community stakeholders, City agencies, and arts-related nonprofit organizations to ensure that the design incorporates much of their input. The Real Estate Division has given input to help shape the design and vision for the plaza.

Oak Plaza would fulfill an important RED capital improvement project, the demolition and replacement of the existing Oak Street sidewalk, which covers a sub-sidewalk basement space that extends underneath the existing north sidewalk of Oak Street. The basement of 25 Van Ness is currently the home of the beloved non-profit New Conservatory Theatre Center.

If the IKA is approved, BUILD would demolish and replace the existing waterproofed sidewalk with a new waterproof surface and implement other mitigating measures that would protect our basement from potential water penetration due to the proposed tree landscaping along the north sidewalk of Oak Street. Furthermore, the project proposes adding four public market "micro retail" kiosks that would activate the Oak Street ground floor façade of 25 Van Ness, providing important "eyes-on-the-plaza" that will help support programming and activation of the space.

RED supports the proposed management structure, whereby RED would own the kiosks, and is encouraged by the opportunity of having the open space become part of the City's recently created Plaza Program.

By utilizing an IKA, we can leverage BUILD's construction resources to achieve time savings with no risk of cost overruns to the City. This is a win-win opportunity, whereby the City gets two valuable capital improvement projects in one project. Please let me know if I can provide you with further details.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J Updike', with a long, sweeping horizontal line extending to the right.

John Updike
Director
San Francisco Real Estate Division
25 Van Ness Ave # 400
San Francisco, CA 94102
(415) 554-9850

cc: Andrea Nelson, Market & Octavia Community Advisory Committee (MOCAC)
Simon Bertrang, San Francisco Public Works
Jill Manton, San Francisco Arts Commission
John Rahaim, San Francisco Planning Department



November 21, 2016

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

Dear Ms. Langlois,

On behalf of Walk San Francisco, I want to share our strong support for the **Oak Plaza** public realm improvements, which are being proposed via an In-Kind Agreement with BUILD, as part of the adjacent One Oak residential project. Walk SF has been involved in advocating for public space projects for the past 18 years. We've collaborated with many different organizations and community groups, such as Yerba Buena Community Benefit District, Hayes Valley Neighborhood Association, Central City SRO Collaborative and more, to develop innovative projects that reimagine our streets as shared public space.

The proposed performing arts plaza and Oak Street traffic calming will enhance the experience for people walking at an important intersection, which is currently lacking public space amenities that would invite people to safely enjoy this space. BUILD's proposed, public realm improvements support Walk SF's mission, which is to make walking in San Francisco safe for everyone, so our community is healthier and more livable.

BUILD's special focus on enhancing the public realm aligns with the unique character and proposed plan for the 'Market-Hub' neighborhood in particular. As a major transit hub, and with the incoming Van Ness Bus Rapid Transit (BRT), the Market-Van Ness intersection will only increase its importance to the city's overall transportation system. By converting Oak Street into a shared public, the project will provide a safe, convenient and pleasant passage for people going to and from work, residences, or performances in the area. The added pedestrian open space and traffic calming will enhance safety and access to both the BRT platform and to the Muni Station and stops. In addition, given the proximity of the French American International School, Chinese American International School, and the Conservatory of Music, which are all located on Oak Street, these improvements will support the City's Safe Routes to School goals.

Finally, BUILD's willingness to create a Community Facilities District (CFD) would fund maintenance of the plaza and provide a unique place making opportunity for the neighborhood and City. Voters, with the recent passage of Proposition E, have shown that sidewalk care and quality are a high priority; BUILD's funding will insure this busy intersection is properly maintained for a term of at least 100 years.

Walk SF strongly encourages the Market Octavia Community Advisory Committee (MOCAC) to support BUILD's place-making proposals for this project.

Sincerely,

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

Natalie Burdick
Outreach Director

cc: Jared Press, Program Manager, Build Public

11/17/2016
Lily Langlois
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
RE: Oak Plaza

Dear Ms. Langlois,
On behalf of the San Francisco Parks Alliance (SFPA), I want to express our strong support for the Oak Plaza public realm improvements that are being proposed via an In-Kind Agreement with BUILD, the developers of the adjacent One Oak residential project.

The Market-Van Ness intersection has no parks or public open space and needs significantly more, especially with the influx of residential development occurring on three of the four corners in the near future. The 2008 Market Octavia Area Plan states that “there is no central public square, park, or plaza that marks and helps give identity to this neighborhood... The streets afford the greatest opportunity to create new public parks and plazas” (p. 40). Oak Plaza will meet these needs, creating a much needed new, central public open space that defines the neighborhood as a cultural arts district.

SFPA supports the conversion of underutilized streets into public open spaces, particularly in neighborhoods that are under-served by open space and where land values are cost prohibitive to acquisition of private parcels for new parks. The Market-Van Ness intersection is one of San Francisco’s most important. It is already a major transit hub, and the incoming Van Ness BRT will only increase its significance. The proposed performing arts plaza, Oak Street traffic calming, and retail kiosks will dramatically enhance public life and safety with a well-activated public open space at one of the most important but least inviting public intersections in the City.

Lastly, BUILD’s willingness to create a Community Facilities District (CFD) that would fund maintenance of the plaza at a minimum (and potentially the larger Market-Van Ness intersection public realm depending on participation from additional developers) for 100 years represents an incredible opportunity for the neighborhood and City, and should not be passed up. The quality and cleanliness of our public open spaces has a major impact on our willingness to use them, and these funds will go a long way in improving the overall maintenance of such a busy intersection.

BUILD’s vision for the project represents a long overdue reinvestment at one of San Francisco’s most prominent intersections. SFPA strongly encourages the Market Octavia Community Advisory Committee to support BUILD’s proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it.

Sincerely,
Sahiti Karempudi
Pavement to Parks Partnerships Manager, San Francisco Parks Alliance

cc: Jared Press, Program Manager, Build Public

November 18, 2016

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

RE: **Oak Plaza and One Oak Project – 1500-1540 Market Street**

Dear Ms. Langlois,

On behalf of ArtSpan, I want to express our strong support for the proposed Oak Plaza public realm improvements and related One Oak residential project. Since July 2015, ArtSpan, along with numerous other nonprofits, has occupied 1540 Market St, the future site of the One Oak project, through a creative, temporary, and affordable lease with BUILD, the owners and developers of the site.

ArtSpan is also working with Build Public on another BUILD project, 660-680 Indiana St and the adjacent Dogpatch Arts Plaza, to curate the new public open space with rotating outdoor art installations as well as a mural on an adjacent building façade. This work is being funded through a \$100,000 arts endowment from BUILD, and will go a long way in supporting local artists by showcasing their work. BUILD's enthusiasm and willingness to leverage their projects to support local artists is commendable and should not be taken for granted. As our ongoing working relationship with BUILD demonstrates, I can attest to the fact that these are civic-minded partners who genuinely care about having a positive impact on the communities in which they work.

BUILD's proposal to use Oak Plaza as a public venue to promote the numerous nearby performing arts institutions, through live performances, a "box office" retail kiosk, and a rebranding of the Van Ness Muni Station with artwork and wayfinding signage will help establish the identity of the neighborhood as a cultural arts district, not to mention dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City

BUILD's vision for the project represents a long overdue reinvestment at one of San Francisco's most prominent intersections. ArtSpan strongly encourages the Market Octavia Community Advisory Committee to support BUILD's proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it. If you would like to speak with me further about our support for this project, please do not hesitate to contact me at your convenience.

Sincerely,



Joen Madonna
Executive Director, ArtSpan

cc: Jared Press, Program Manager, Build Public

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

November 16, 2016

RE: **Oak Plaza and One Oak Project – 1500-1540 Market Street**

Dear Ms. Langlois,

On behalf of the New Conservatory Theatre Center (NCTC), I want to express our strong support for the proposed Oak Plaza public realm improvements and related One Oak residential project. We are located in the Lower Lobby of 25 Van Ness Ave, directly below the plaza, and will benefit if BUILD's proposed transformation of this long-neglected corner moves forward.

BUILD's special focus on enhancing the public realm is a rare gift to the City. As you may know, the Market-Van Ness intersection has no parks or public open space and needs significantly more, especially with the influx of residential development occurring on three of the four corners in the near future. The 2008 Market Octavia Area Plan states that "there is no central public square, park, or plaza that marks and helps give identity to this neighborhood... The streets afford the greatest opportunity to create new public parks and plazas" (p. 40). Oak Plaza will meet these needs, creating a much needed new, central public open space that defines the neighborhood as a cultural arts district.

As a performing arts institution in the neighborhood for the past 30 years, NCTC is excited to use the plaza to promote its upcoming shows and programming through small-scale public performances. We are enthusiastic about the prospect of utilizing one of the plaza micro kiosks as a box office to provide a street presence and see this as a great means of activating the plaza as the "front porch" to the cultural arts of the neighborhood.

The proposed performing arts plaza, Oak Street traffic calming, retail kiosks, and ground floor restaurant will dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City. Furthermore, BUILD's willingness to create a Services Community Facilities District (CFD) that would fund maintenance of the plaza for 100 years represents an incredible opportunity for the neighborhood and City, and should not be passed up.

Lastly, we strongly urge the Planning Department to allow the project to provide the maximum amount of underground parking permitted under the Planning Code, which is one space for every two dwelling units, or approximately 150 parking spaces. As local surface parking lots slowly convert to new development, parking supply has grown increasingly scarce and now threatens many small businesses and cultural institutions such as NCTC in the neighborhood. While we welcome new residents, we do not think it is good planning to force them to compete for an ever-decreasing supply of neighborhood parking.

BUILD's vision for the project represents a long overdue reinvestment at one of San Francisco's most prominent intersections. We strongly encourage the Market Octavia Community Advisory Committee (MOCAC) to support BUILD's proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it.

Sincerely,

A handwritten signature in blue ink that reads "ED DECKER". The signature is stylized, with the first letters of the first and last names being larger and more prominent.

Ed Decker

Founder and Artistic Director
New Conservatory Theatre Center



November 18, 2016

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

RE: **Oak Plaza and One Oak Project – 1500-1540 Market Street**

Dear Ms. Langlois,

On behalf of the San Francisco Opera, I want to express our strong support for the proposed Oak Plaza public realm improvements and related One Oak residential project. We are located just a few blocks north on Van Ness Ave and will benefit if BUILD's proposed transformation of this long-neglected corner moves forward.

BUILD's special focus on enhancing the public realm is a rare gift to the City and, in particular, to this neighborhood at this time. As you may know, the Market-Van Ness intersection has no parks or public open space and needs significantly more, especially with the influx of residential development occurring on three of the four corners in the near future. The 2008 Market Octavia Area Plan states that "there is no central public square, park, or plaza that marks and helps give identity to this neighborhood... The streets afford the greatest opportunity to create new public parks and plazas" (p. 40). Oak Plaza will meet these needs, creating a much needed new, central public open space that defines the neighborhood as a cultural arts district.

SF Opera attended the Oak Plaza Cultural Workshop hosted by Build Public in January to discuss how this space might be programmed. We are excited for the creation of a new public open space that will be promoting the numerous performing arts institutions in the neighborhood. Our employees will also benefit from having a centrally located open space where they can gather and have lunch during the day. Additionally, SF Opera has been actively involved in creating a Living Innovation Zone (LIZ) in the area that would creatively engage pedestrians with other music partners from the neighborhood. In our meetings with Build Public, we have discussed the potential for the Oak Plaza project to be used as a long-term home for the LIZ. We are enthusiastic about this prospect as we continue to explore the LIZ project as it dovetails with that of the plaza as a "front porch" for the performing arts.

The proposed performing arts plaza, Oak Street traffic calming, retail kiosks, and ground floor restaurant will dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City. Furthermore, BUILD's willingness to create a Services Community Facilities District (CFD) that would fund maintenance of the plaza for 100 years represents an incredible opportunity for the neighborhood and City, and should not be passed up.

BUILD's vision for the project represents a long overdue reinvestment at one of San Francisco's most prominent intersections. San Francisco Opera strongly encourage the Market Octavia Community Advisory Committee to support BUILD's proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it.

Sincerely,

Matthew Shilvock
General Director, San Francisco Opera

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Michael Tilson Thomas
Music Director

Herbert Blomstedt
Conductor Laureate

Sakurako Fisher
President

Brent Assink
Executive Director

January 20, 2016

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

Re: **Oak Plaza and One Oak Project – 1500-1540 Market Street**

Dear Ms. Langlois,

On behalf of the San Francisco Symphony, I want to express our strong support for the proposed Oak Plaza public realm improvements that are being proposed via an In-Kind Agreement with BUILD, the developers of the adjacent One Oak residential project. Located just a block and a half away at 201 Van Ness Ave, the Symphony will benefit from the creation of a new public open space that will celebrate and promote the neighborhood as a cultural arts district.

For over a decade, attendees at the Symphony have reported feeling uncomfortable spending time near the Civic Center-Market-Van Ness corridor, particularly after dark. The proposed developments with One Oak Plaza will dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City. We are confident that the development will make a significant difference in how our Symphony community interacts with the neighborhood.

Lastly, we urge the Planning Department to allow the adjacent One Oak project to provide the maximum amount of underground parking permitted under the Planning Code, which is one space for every two dwelling units, or approximately 150 parking spaces. As local surface parking lots slowly convert to new development, parking supply has grown increasingly scarce and now threatens many small businesses and cultural institutions in the area, including the Symphony. While we welcome new residents, we do not think it is good planning to force them to compete for an ever-decreasing supply of neighborhood parking.

BUILD's vision for the project represents a long overdue reinvestment at one of San Francisco's most prominent intersections. The San Francisco Symphony strongly encourages the Market Octavia Community Advisory Committee to support BUILD's proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it.

Sincerely,



Marni Cook

Director, Community Engagement and Volunteer Services

SMUIN

CONTEMPORARY AMERICAN BALLET

February 28, 2017

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

RE: Support for Oak Plaza

Dear Ms. Langlois,

On behalf of Smuin, I want to express our support for BUILD's proposed In-Kind Fee Waiver Agreement to develop the "Oak Plaza" public realm improvements as part of their adjacent residential tower project. We are located just a few blocks away at 44 Gough St and our staff and dancers will benefit from the creation of a new, centrally located public open space where they can gather and have lunch during the day that also celebrates and promotes the neighborhood as a cultural arts district.

BUILD's proposal to use Oak Plaza as a public venue to promote the numerous nearby performing arts institutions through live performances, an interactive arts-focused kiosk, and a rebranding of the Van Ness Muni Station with artwork and wayfinding signage will help establish the identity of the neighborhood as a cultural arts district, not to mention dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City. The plaza, designed to accommodate public outdoor performance spaces, will serve as a unique space for pedestrians to enjoy a wide variety of entertainment while providing organizations such as Smuin a platform to interact with the public and promote our programs.

Again, we support BUILD's vision to transform one of San Francisco's most prominent intersections. We encourage the Market Octavia CAC and the San Francisco Planning Commission to approve BUILD's In-Kind Fee Waiver Agreement.

Sincerely,



Rhonda Grossman
Managing Director

cc: Jared Press, Program Manager, Build Public

44 GOUGH STREET, SUITE 103, SAN FRANCISCO, CA 94103 PHONE: 415-556-5000 SMUINBALLET.ORG

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5/12/17

Tina Chang & Lily Langlois
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Support for Oak Plaza

Dear Ms. Chang & Ms. Langlois,

On behalf of the San Francisco Music Alliance (SFMA), I want to express our support for Build Public's proposed development to the "Oak Plaza" public area. Our goal is to coordinate the local music industry to identify and pursue collaborative projects that help ensure the vibrancy, success, and sustainability of the San Francisco music community. In positive conversations with the Build Public team we've identified that Oak Plaza presents a unique opportunity for the numerous institutions in the neighborhood and city at large to collaboratively create a special space that celebrates the local music scene. SFMA engages in a variety of initiatives and educational activities that could utilize a public open space such as Oak Plaza, and is excited to work with Build Public and the future plaza steward to program the space.

Build Public's proposal to use Oak Plaza as a venue to promote the numerous nearby performing arts institutions, through live performances, an interactive arts-focused kiosk, and a rebranding of the Van Ness Muni Station with artwork and wayfinding signage could help the local music industry in a unique and effective way.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Barham". The signature is stylized with a large, looped "J" and a cursive "B".

Joe Barham
San Francisco Music Alliance

cc: Jared Press, Program Manager, Build Public



May 8, 2017

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

RE: Oak Plaza

Dear Ms. Langlois,

On behalf of the ArtsCenter, I want to express our strong support for the proposed Oak Plaza public realm improvements and related One Oak residential project. We are located at 135 Van Ness Ave, just one block north of the plaza, and our future students, faculty, and staff will directly benefit from this transformation. Specifically, the conversion of this blighted area into a vibrant pedestrian space will provide a pleasant and safe passage for our many students, faculty, and staff who rely on MUNI, especially those who use the Van Ness MUNI Metro station as well as the future Van Ness BRT.

As the future home of the Asawa School of the Arts and Art Institute, ArtsCenter will have great synergy with Oak Plaza, an adjacent public open space that is envisioned as the “front porch” for the cultural arts of the neighborhood. Oak Plaza could serve as a potential space for our students to showcase their work, both in the performing and visual arts.

The proposal to use Oak Plaza as a public venue to promote the numerous nearby performing arts institutions, through live performances, a “box office” retail kiosk, and a rebranding of the Van Ness Muni Station with artwork and wayfinding signage will help establish the identity of the neighborhood as a cultural arts district, not to mention dramatically enhance public life and safety at one of the most important but least inviting public intersections in the City. Furthermore, the Project Sponsor’s willingness to create a Services Community Facilities District (CFD) that would fund maintenance of the plaza for 100 years represents an incredible opportunity for the neighborhood and City, and should not be passed up.

This project represents a long overdue reinvestment at one of San Francisco’s most prominent intersections. We strongly encourage the Market Octavia Community Advisory Committee (MOCAC) to support this proposal for an In-Kind Agreement to fund the project and that the City will move expeditiously to approve it.

Sincerely,

Donn Harris
Executive Director, ArtsCenter

cc: Jared Press, Program Manager, Build Public

May 10, 2017

Lily Langlois & Tina Chang
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Oak Plaza

Dear Ms. Langlois and Ms. Chang,

On behalf of Bo's Flowers, a local florist shop that has been operating out of a kiosk at 1520 Market Street since 1984, I want to express my support for BUILD's proposed One Oak residential tower and the associated In-Kind Fee Waiver Agreement to develop Oak Plaza. The project team reached out to me in 2016 to discuss the prospect of relocating my business into one of the Oak Plaza kiosks, and I am very excited by the prospect. While the conversation is preliminary, given an expected completion date of 2020, we have already discussed some of the core requirements and needs of the business, including the possibility of temporary relocation to one of the 25 Van Ness bays during construction. Having operated a successful business in a small-scale retail kiosk in this neighborhood for over three decades, I am confident that my business will continue to thrive in this location, where my current customers will be able to find me.

I applaud the project team for reaching out to me and thinking creatively and proactively about how to help keep my business in the neighborhood. I have many longstanding, regular customers and the prospect of being able to continue to operate my flower shop near my current location is very important to me.

Furthermore, I am encouraged by the Oak Plaza project team and the City's shared goal of using the kiosks to promote small local businesses that will help activate the plaza. I opened Bo's Flowers in 1984, and in November 2016, my business was approved as a Legacy Business by the San Francisco Small Business Commission. The Legacy Business Program was launched to preserve long-standing San Francisco businesses that have been in existence for at least 30 years and have made a significant impact on the history or culture of their neighborhood. The program seeks to provide more security in a rapidly changing city. I am thrilled that I will be able to continue to operate my business with minimal interruption.

I have been in this neighborhood for over 30 years, and know firsthand how much the Market-Van Ness public realm needs to be improved. This project represents a long overdue investment in one of San Francisco's most prominent intersections and I am excited by the prospect of being a part of it. I strongly encourage the Market Octavia Community Advisory Committee (MOCAC) to support this proposal for an In-Kind Agreement to fund the kiosks and other plaza improvements.

Sincerely,



Bozena Idzkowski
Bo's Flowers

Red Bay Coffee Roasters

May 11, 2017

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

RE: **Oak Plaza**

Dear Ms. Langlois,

On behalf of Red Bay Coffee, headquartered in Fruitvale, I want to express our support for the proposed Oak Plaza public realm improvements. Build Public reached out to me earlier this year to discuss the prospect of occupying one of the Oak Plaza kiosks, and I am excited by the prospect. While the conversation is preliminary, given an expected completion date of 2020, we have discussed some of the core requirements and needs of our business, and I am confident that a Red Bay Coffee kiosk could be incredibly successful in this location.

In 2016, we opened Red Bay Coffee Box, a worker profit-sharing coffee bar, in Uptown Oakland. Housed in a shipping container, we understand what it takes to successfully operate a small-scale retail space. Location is an incredibly important factor, and as a native San Franciscan who used to work in the basement of 50 Oak Street, I am more than familiar with this intersection. It is already a bustling transit hub, and Build Public's vision for the plaza to serve as a gateway to the neighborhood and cultural arts district will help transform it into a vibrant pedestrian open space for the countless residents, students, employees and visitors who pass through on a daily basis.

Furthermore, Build Public and the City's shared goal of using the kiosks to promote small local businesses that will help activate the plaza aligns well with Red Bay Coffee's philosophy. We focus on creating opportunities within the community at large while fostering single origin, fair trade, direct trade, organic and sustainable coffees, and are excited to continue our mission in San Francisco.

This project represents an investment in one of San Francisco's most prominent intersections and I am excited by the prospect of being a part of it. I encourage the Market Octavia Community Advisory Committee (MOCAC) to support this proposal for an In-Kind Agreement to fund the project.

Sincerely,



Keba Konte
Founder CEO
Red Bay Coffee Roasters

cc: Jared Press, Program Manager, Build Public

Emily Jane Rosenberg
777 Fitch St.
Healdsburg, CA 95448
(707) 431-0511

December 16, 2016

Via Regular Mail

Tina Chang & Lily Langlois
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Support for the One Oak Tower & Oak Plaza

Dear Ms. Chang & Ms. Langlois:

I am the Trustee for my family trust which owns the property located at 110 Franklin Street, between Oak and Hickory. I want to express my support for BUILD's proposed One Oak residential tower and the associated In-Kind Fee Waiver Agreement to develop Oak Plaza. Given our proximity to the proposed project, my property will directly benefit from BUILD's vision for positive transformation. The conversion of this blighted area into a new residential tower, ground-floor restaurant and vibrant public space will create a safe place for visitors to and residents of the greater Hayes Valley to gather or walk through to access the Van Ness MUNI Metro station as well as the future Van Ness BRT.

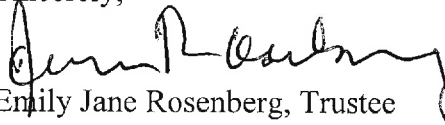
Equally important, I urge the Planning Department to support the maximum amount of underground parking permitted at One Oak, which I understand is one space for every two dwelling units, or 150 parking spaces. Despite the fact that my property is currently operated as a parking lot and greater parking demand might seem to be beneficial to that use, I recognize that a scarce parking supply negatively impacts small neighborhood businesses and cultural arts institutions. I am concerned that under-supplying parking in new housing will force residents to compete for limited existing parking and have a detrimental impact on the neighborhood as a whole. I care deeply about the success and vibrancy of the neighborhood and believe that BUILD shares my desire to enhance it.

Again, I support BUILD's vision to transform one of San Francisco's most prominent but neglected intersections with a beautifully designed project and public space. We encourage the

Tina Chang & Lily Langlois
December 16, 2016
Page 2

Market Octavia CAC and the San Francisco Planning Commission to approve BUILD's project and the associated In-Kind Fee Waiver Agreement.

Sincerely,

 wow
Emily Jane Rosenberg, Trustee

cc: Jared Press, Program Manager, Build Public
Steve Kuklin, Senior Project Manager, BUILD

Aug.3rd, 2016

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

RE: **One Oak Project – 1500-1540 Market Street
Case #2009.0159**

Dear Ms. Chang,


Please accept this letter of support in favor of the proposed One Oak Project and related public improvements. I represent the property owners of 22-24 Franklin Street, located within 150-feet of the One Oak site. The project sponsor team at BUILD has reached out to us and shared their plans. We believe their proposed project and public realm improvements will be spectacular additions to the neighborhood.

While the proposed building is stunningly beautiful in its own right, the sponsor's attention to providing significant public amenities and neighborhood infrastructure improvements is a rare gift to the City. The performing arts plaza, the traffic calming on Oak Street, the retail kiosks, and the ground floor restaurant will all dramatically enhance public safety in the area and enliven the entire block.

We are especially excited about the proposed Oak Plaza improvements, including the high-quality paving, opportunities for performing arts, outdoor seating, and the wind-inspired art canopies, as well as the proposed parking and drop-off revisions along Oak Street.

BUILD's vision for the project represents a long overdue reinvestment in this crucial block of San Francisco and we hope that the City moves expeditiously to approve the project.

Sincerely,



Reza Khoshnevisan
(SIA Consulting Corp.)

cc: Steve Kuklin, Senior Development Manager, BUILD

Project Address: One Oak Street

Project Sponsor: BUILD

Date of SFHAC Review: March 22, 2017

Grading Scale

1= Fails to meet project review guideline criteria

2= Meets some project review guideline criteria

3= Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond what is required

Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee

2. The Project must score a minimum of 3/5 on any given guideline

<i>Guideline</i>	<i>Comments</i>	<i>Grade</i>
Land Use	The site is currently occupied by a three-story commercial space with a donut shop on the ground floor and a surface parking lot in the rear. The land is highly underutilized, especially considering that this is a highly prominent and transit-rich intersection. The proposed residential tower, which will include 304 homes as well as significant improvements to the streetscape, is a much better use.	5
Affordability	The project sponsor has formed a unique partnership with the Mayor's Office of Housing and Community Development (MOHCD) by agreeing to pay a "directed in-lieu fee" that will be used to fund permanently affordable housing in Hayes Valley along Patricia's Green. In total, these funds will contribute to the creation of 72 homes, 56 for homes serving 30-60 percent of the Area Median Income (AMI) and 16 for transition-age youth in the 0-30 percent AMI income levels. Since the project is located in the Market/Octavia Special Use District, the project will also pay over \$6 million to the Housing Trust Fund. Finally, BUILD will donate all pre-development and design work for the Hayes Valley parcels to MOHCD. In total, the project will contribute over \$25 million to subsidize affordable housing in San Francisco. This project's unique investment in affordability deserves to be lauded.	5
Density	The plans include a range of unit types, ranging from one- to four-bedroom homes. While the project does not maximize density, our members appreciate the diversity and feel it strikes an appropriate balance.	5

Community Input	The community outreach efforts on behalf of the project sponsor have been substantial and thorough. They've met with members of the Hayes Valley Neighborhood Association numerous times, several arts and civic groups in the neighborhood, Supervisor Breed's office and other neighbors.	5
Urban Design	The plans will transform an unattractive and even dangerous part of this large intersection into a pedestrian-friendly, vibrant destination. Our members support setting the front of the building back further, which allows for a much wider and inviting sidewalk. The plans to make Oak Street a public plaza and implement traffic calming measures are encouraging and align with good urban design principles. Finally, the extra effort on behalf of the project sponsor to make their wind mitigation feature a piece of public art should be commended.	5
Parking & Alternative Transportation	This is where the most robust discussion took place. The project sponsor has proposed a parking ratio of 0.45 spaces per home, which requires a Conditional Use Authorization (CU) because it exceeds the as-of-right ratio of 0.25 spaces per unit. Generally, our members do not encourage CUs for parking. However, there are a few of key factors to consider with this project. First, the plan is to make these homes for-sale, which means the conditions for getting such a building financed are different than if it were a rental property. Insisting on the the as-of-right ratio could put building this project in jeopardy. Second, it should be recognized that, at least to our knowledge, this is the lowest parking ratio of any for-sale high-rise in San Francisco, even when considering projects we've recently reviewed. For example, the 399-unit project at 160 Folsom Street that was recently approved unanimously by the Board of Supervisors has a parking ratio of 0.71 spaces per home. As a pro-transit organization, we would support a lower parking ratio. But we must be pragmatic and also recognize the plan for One Oak is a big step in the right direction that sets a good precedent for future projects. Third, the trip generation for private vehicles at this site is likely to be significantly lower as a result of this project getting built. Surface parking lots are much more attractive to drivers than subterranean spaces in a residential building. Finally, the features of the plan that makes it attractive to pedestrians and bicyclists should be commended. These include the public plaza and bike valet for building residents. For all these reasons, we believe the parking ratio is more than acceptable.	4
Environmental Features	The project is required to include a grey water system. But the project sponsor stated they are exploring implementing a black water system. However, no commitments have been made. Because of the scale of the building, we recommend the project sponsor explore implementing photovoltaic systems.	3
Preservation	There are no features of historic or cultural merit on or near the site that would be impacted by the proposed project.	N/A
Additional Comments	There are no comments to add.	N/A

Final Comments	The San Francisco Housing Action Coalition endorses the proposed project at One Oak Street without reservation.	4.6/5
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10 SVN, LLC
2200 Biscayne Blvd.
Miami, FL 33137

May 1, 2017

Tina Chang & Lily Langlois
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Support for the One Oak Tower & Oak Plaza

Dear Ms. Chang & Ms. Langlois,

On behalf of 10 SVN, LLC, I want to express our support for BUILD's proposed One Oak residential tower and the associated In-Kind Fee Waiver Agreement to develop Oak Plaza. As developers of the nearby 10 S. Van Ness Ave., we believe that the addition of a new residential tower, along with a ground-floor restaurant and public space will add vibrancy to the area and improve access to the Van Ness MUNI Metro station as well as the future Van Ness BRT.

We support BUILD's vision to transform one of San Francisco's most prominent intersections with a beautifully designed project. We encourage the Market Octavia CAC and the San Francisco Planning Commission to approve BUILD's project and the associated In-Kind Fee Waiver Agreement.

Sincerely,



Adam Tartakovsky
Vice President, Development

cc: Jared Press, Program Manager, Build Public
Steve Kuklin, Senior Project Manager, BUILD

REGENT WEST LIMITED, LP

151 El Camino Real, Suite 319

Millbrae, CA 94030

Office: (650) 552-9331

office@renoirpmi.com

Fax: (650) 552-9337

February 18, 2016

Steve Kuklin
Senior Development Manager
Build Inc.
315 Linden Street
San Francisco, CA 94102

Dear Mr. Kuklin,

Regent West Ltd. LP is the owner of the three-story office and retail building located at 45 Franklin Street between Oak and Page Streets, including multiple commercial and residential properties in Marin, San Francisco and San Mateo counties. We pledge our full support for the conversion of the eastern-most lane on Franklin Street from a parallel parking lane to a southbound counter-flowing emergency vehicle only access lane.

We understand that this recommended conversion will eliminate parking spaces on both sides of Franklin Street between Oak and Page Streets. This transformation is crucial to the re-routing of emergency vehicles coming from the San Francisco Fire Department Station 36 located at 109 Oak Street. Fire vehicles currently exit the station and turn right (eastbound) on Oak Street against one-way traffic to reach Van Ness Avenue.

Our support for these changes to Franklin Street is to allow the conversion of the unit block of Oak Street near Van Ness Avenue from a neglected street into a beautiful and safe public plaza. If permitted, Oak Plaza would provide a much-needed neighborhood gathering place for residential commercial tenants in the area. This plaza will become a hub for performances and events by local art and cultural institutions such as SFJazz. It would make the walk to the Van Ness MUNI Metro station a much safer and enjoyable experience.

Although the proposed fire lane would result in a loss of public metered parallel parking spaces fronting our building, the benefits related to the proposed Oak Plaza outweigh losing on-street parking on one block. For these reasons, we stand behind this effort for the proposed Franklin Street emergency fire lane.

Sincerely,

REGENT WEST LIMITED, LP



Byron D. Yee, Partner

April 22, 2016

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

RE: **One Oak Project – 1500-1540 Market Street**
Case #2009.0159

Dear Planning Commissioners,

We are writing to you to express our full support for the proposed development at One Oak. We are the owners of the property at 1554-1568 Market Street, located immediately adjacent to the One Oak project site. Our respective development and management teams (and our predecessors at Trumark) have met with the One Oak developer, BUILD, to coordinate construction and design elements of our respective projects and to understand the proposed public amenities, parking, street and sidewalk revisions that BUILD is proposing.

The proposed One Oak project will greatly enhance the pedestrian experience on the block, with quality materials, large-scale artwork, new landscaping, outdoor seating, public performance areas, and abundant bike parking.

We are very excited about the proposed Oak Plaza improvements, including the shared pedestrian way, traffic calming measures, wind control efforts, and kiosk vendor opportunities, as well as the proposed parking and drop-off revisions along Oak Street. In addition, we fully support the proposed Franklin Street Fire Lane implementation and the relocation and improvement of the Van Ness Muni Station elevator to a proposed location at 1 South Van Ness.

In all, the proposed One Oak project will substantially improve the neighborhood and will become a welcoming gateway to the Civic Center Arts & Cultural district and the Hayes Valley neighborhood. BUILD's vision for the project is critical to activate the site, improve safety and security, and provide much needed housing in the area. I encourage you to support this exciting and desirable new development without delay.

Sincerely,



Mike Liu, General Manager

cc: Tina Chang, SF Planning Department



BRCP Gen-Par, LLC
248 Homer Avenue
Palo Alto, CA 94301

August 11, 2016

Ms. Tina Chang
Planner – Current Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: **One Oak Project – 1500-1540 Market Street**
Case #2009.0159

Dear Ms. Chang,

On behalf of the ownership of the office portion of 1390 Market Street (Fox Plaza), which includes a residential apartment condominium and a commercial office condominium under separate ownership, we are writing to you to express our support for a wind & public art canopy in the public right-of-way fronting our property as part of the proposed One Oak project.

As described by the Sponsor, the proposed canopy would be located on the north corner of Market Street and Polk Street, and would measure approximately 30 feet in diameter and 20 to 30 feet tall. According to the Sponsor, the proposed canopy has been designed through multiple wind tunnel tests to successfully reduce wind speeds below current conditions, and will eliminate the hazardous wind conditions in the immediate area. Given that the existing wind conditions in the area are often severe, and regularly exceed wind hazard conditions, we welcome this addition to our block and would like to express our support for the canopy and the Sponsor in their pursuit of a Major Encroachment Permit and other necessary permitting.

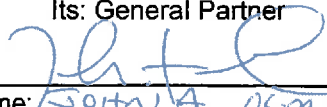
Our support is subject to the Sponsor's commitment to cover all costs of installation, maintenance, repairs and replacement, the provision of appropriate permits and insurance, as well as our review of the final canopy design. Thank you.

Sincerely,

BRCP 1390 MARKET, LLC,
a Delaware limited liability company

By: BRCP Realty II, L.P.,
a Delaware limited partnership
Its: Sole Member

By: BRCP Gen-Par II, LLC,
a Delaware limited partnership
Its: General Partner

By: 
Name: SOHU A. OSMOND
Its: SENIOR DIRECTOR

ESSEX

PROPERTY TRUST, INC.

July 27, 2016

Tina Chang
Planner – Current Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: **One Oak Project – 1500-1540 Market Street**
Case #2009.0159

Dear Ms. Chang,

On behalf of the Ownership of the residential portion Fox Plaza property (1390 Market Street), which includes a residential apartment condominium and a commercial office condominium under separate ownership, we are writing to you to express our support for a wind & public art canopy in the public right-of-way fronting our property as part of the proposed One Oak project.

As described by the Sponsor, the proposed canopy would be located on the north corner of Market Street and Polk Street, and would measure approximately 30 feet in diameter and 20 to 30 feet tall. According to the Sponsor, the proposed canopy has been designed through multiple wind tunnel tests to successfully reduce wind speeds below current conditions, and will eliminate hazardous wind conditions in the immediate area. Given that existing wind conditions in the area are often severe, and regularly exceed wind hazard conditions, we welcome this addition to our block and would like to express our support for the canopy and the Sponsor in their pursuit of a Major Encroachment Permit and other necessary permitting.

Our support is subject to the Sponsor's commitment to cover all costs of installation, maintenance, repairs and replacement, and the provision of appropriate permits and insurance, as well as our review of the final canopy design. Thank you.


Sincerely,

ESSEX FOX PLAZA, L.P.,
A California limited partnership

By: Essex SPE, LLC,
A Delaware limited liability company,
Its general partner

By: Essex Portfolio, L.P.,
A California limited partnership,
Its sole member

By: Essex Property Trust, Inc.
A Maryland corporation,
Its general partner

By: 
Name: John Eudy
Title: Executive Vice President &
Co-Chief Investment Officer, Development

Cc: Steve Kuklin, Build, Inc.
Michael Jacinto, Environmental Planner - SF Planning
Simon Bertrang, SFDPW
Craig Zimmerman, Executive Vice President & Co-Chief Investment Officer, Acquisitions



May 26th, 2017

Rich Hillis, President, San Francisco Planning Commission
 Dennis Richards, Vice President, San Francisco Planning Commission
 San Francisco Planning Department
 1650 Mission Street, Suite 400
 San Francisco, CA 94103

RE: **Comments on One Oak Street Proposal**

Cc: Tina Chang tina.chang@sfgov.org

Dear President Hillis, Vice President Richards, and San Francisco Planning Commissioners,

The Hayes Valley Neighborhood Association (HVNA), based on our longstanding support for the Market and Octavia Better Neighborhoods Plan, endorses the concept of dense infill housing at the intersection of Market Street and Van Ness Avenue. Yet we have the following **four concerns** regarding the proposed One Oak Street Project.

- 1) **Parking:** We wholly object to the request for a CU for excess parking above the permitted 0.25:1. The proposed project must respect the Market and Octavia Plan, and the CU request disregards the plan.
- 2) **Plaza:** We welcome the proposed plaza, but urge that it include streetscape design elements and enforcement mechanisms to impede vehicles from stopping within the alignment of the plaza. It should also include creation of a drop-off zone to the west of the project on Oak Street. This should be a condition of the proposed in-kind agreement for the plaza.
- 3) **Wind impact on bicycles:** The project ignores wind impacts on cyclists on Market Street. This is a significant omission and needs remedy. We suggest mitigations including fully-separated, wide cycle tracks built on Market Street in conjunction with the project.
- 4) **Inclusionary Housing:** There is a proposal to direct the inclusionary housing required of One Oak to Octavia Parcels R, S, and U. This should be memorialized and synchronized with the construction of One Oak such that affordable housing is assured and available when One Oak is completed.

The remainder of this letter provides details on each of our four concerns.

Parking

The One Oak Project is in an area of the Market and Octavia Plan where the permitted parking is 0.25:1 but zero parking is also permitted. If the project follows the rules, it would have no more than 73 parking spaces. Yet proposal for One Oak includes a residential off-street parking ratio that is almost double what is permitted as of right (0.45:1, or 136 parking spaces).

The project sponsor has ignored repeated requests by the adjacent community to consider a building that respects the Market and Octavia permitted parking of 0.25:1. In January 2015 HVNA objected to excess parking in a letter to Build, Inc. Two Initial Study letters, available from the planning department, asked for reduced parking, and the public comments at several “HUB” planning meetings included requests to develop One Oak with zero parking. HVNA’s comment letter in the DEIR (January 2017, see attached) also raised objections to excess parking. Lastly, the Market and Octavia Community Advisory Committee adopted a resolution (6/20/2016) asking the Planning Commission to deny all requests for CU’s for excess parking in the Hub area. The resolution is attached.

One Oak’s residential parking at 0.45:1 is excessive and no compelling reason has been offered to justify allowing it to be almost doubled from 73 to 136 spaces. This is a bad precedent for the area known as the “Hub” where an estimated **1,682 parking spaces might be in the pipeline.** Like One Oak many of these future projects will be requesting a CU for more than the permitted parking, and this geographically-small, transit rich, bicycle and pedestrian neighborhood will be overwhelmed with more cars. Nine important Muni bus lines, five Muni light rail lines, and one Muni streetcar line traverse the corridor, carrying almost 14,000 passengers in the weekday am peak hour and 13,500 in the weekday pm peak hour. Every weekday there are thousands of cyclists using Market Street, with 1,400 in the two- hour pm peak period alone. This project, if approved with excess parking, will degrade transit, walking, and cycling, and set bad precedent.

The project also proposes valet parking which will make it easier for residents to drive. Residents might order their cars in advance and easily access them. Residents will also find it easy to drop their cars off and not have to worry about queues or waiting times. The Transportation study suggests Oak Street loading zones will be used by valets to store cars as drivers come and go. New Apps and other methods will be used by residents to have easy access to their cars. **The valet renders parking stackers and dependently-accessible parking a useless deterrent to driving.**

HVNA would prefer that this project, like many others, have zero parking. This is a part of the city where the tolerance for more cars is zero. However the hard-fought compromises in the Market and Octavia Plan resulted in a 0.25:1 ratio. There is no public benefit to increasing the parking above the level of 0.25:1.

Plaza

The One Oak proposal includes a new plaza at the intersection of Oak and Van Ness, and the project sponsor requests roughly \$2.3 million in in-kind donations to build parts of the plaza.

Such a plaza is a welcomed improvement, and we recognize the project sponsor's effort to garner public support. Yet as HVNA has pointed out in the comments on the DEIR for One Oak, TNCs may swarm the area, including the plaza. Moreover, the contemporary nature of commercial deliveries is not what it was even a few years ago, and multiple vehicles may stop and obstruct the plaza. If there are 700 residents in One Oak (estimated in DEIR), and each receives one delivery per month, on business days only (22 days), that amounts to almost 32 deliveries per day.

To make sure the plaza works as the project sponsor is marketing to the public, the following conditions must be obligated to One Oak:

- Incorporate streetscape designs that make it impossible to stop for drop-off or pick-up on any part of the plaza. HVNA suggests clear signage and enforcement mechanisms as well as creative designs to keep vehicles from stopping in the plaza. This must be a condition of the proposed in-kind agreement, which withdraws complete streets funds from other important Market and Octavia needs.
- Allocation of an adequate loading and unloading zone for both passengers and deliveries on Oak Street, west of the plaza. This requires removal of some curbside parking.
- Closing the plaza to vehicles regularly certain times of the day, for pop-up markets/amenities or events, and to accommodate thousands of peak hour pedestrians including Muni passengers.

Wind impacts on cyclists

Market and Van Ness is probably one of the windiest intersection in the city. The existing conditions for thousands of daily cyclists at Market and Van Ness, especially in spring and summer afternoons, are both uncomfortable and hazardous. The DEIR for One Oak provided no acknowledgement of this. There is no understanding on how downwashed winds and the proposed canopies at One Oak will impact cyclists.

There must be adequate mitigations to make cycling safe and comfortable on Market Street, such as fully-separated cycle tracks and other infrastructure that make it less likely a cyclist collides with motor vehicles or buses when wind conditions are hazardous for bikes. Mitigation in the form of fully-separated, wide cycle tracks on Market Street and other bicycle infrastructure should be built in conjunction with the project. Elimination of private automobiles and TNCs from Market Street between 10th Street and Franklin Street would provide the best opportunity to create safe space for cyclists while also accommodating transit.

Inclusionary Housing

The current proposal for One Oak has no onsite inclusionary affordable housing and the project sponsor intends to pay an in-lieu fee. There is no legally binding guarantee that any affordable housing gets built within the vicinity of the Market and Octavia Plan Area. There is an

expression by the project sponsor for a desire to direct the in-lieu fee to an “Octavia BMR Project” on former Central Freeway parcels R, S, and U (between Haight and Oak Streets), which would be overseen by MOH and built by a non-profit. This concept might be welcomed but needs a firm guarantee because too often inclusionary housing fees are spent elsewhere in the city and Market and Octavia becomes even more unaffordable.

HVNA asks that a binding agreement is memorialized between the developer and the city to guarantee that all inclusionary housing is built within the Market and Octavia Plan area, including but not limited to Parcels R, S, and T (we do welcome inclusionary housing within the actual One Oak project if feasible). We also ask the memorialization include that construction of the BMR units synchronize with the construction of One Oak such that affordable housing is assured and available when One Oak is completed.

In summary, HVNA welcomes new, dense infill to this site. However, this is a centrally located development where the city needs to be encouraging as little parking as possible (preferably zero) and as much affordable housing as possible. The site is adjacent to some of the best cycling and walking spaces on the west coast, and near an array of high capacity public transit. The proposed plaza is welcome but if funded with Market and Octavia community impact fees it should be designed to make vehicle loading and unloading impossible within the plaza. The project should also include adequate mitigation of the negative impact winds will have on cyclists on Market Street.

We urge you to make this an excellent development that truly reflects the city’s sustainable transportation and affordability goals.

Sincerely,



Jason Henderson
Chair, Transportation and Planning Committee,
Hayes Valley Neighborhood Association
300 Buchanan Street, #503
San Francisco, CA
94102
(415)-255-8136
Jhenders@sonic.net

Gail Baugh
President, Hayes HVNA
700 Hayes Street
San Francisco CA
94102
gailbaugh40@gmail.com

Market & Octavia Community Advisory Committee

RESOLUTION REQUESTING NO FURTHER GRANTING OF CONDITIONAL USE AUTHORIZATIONS FOR ACCESSORY OFF STREET PARKING WITHIN THE “HUB” AREA OF THE MARKET & OCTAVIA PLAN AREA

WHEREAS, a primary goal of the Market & Octavia plan is to balance the needs of bicycles, mass transit, pedestrians and automobiles in the plan area and to lessen dependence on cars in the vicinity; and,

WHEREAS, the M & O Plan provides a schedule of maximum permitted off-street parking and conditionally permitted off-street parking in the several zoning districts contained within the Plan Area; and,

WHEREAS, the “Market Street Hub” is an area contained with the M & O Plan Area that includes roughly the blocks immediately to the northwest of Market Street from Larkin/9th St to Octavia Boulevard and the blocks to the southeast of Market Street extending to the Central Freeway, Howard Street, and Mission Street south of 10th Street.

WHEREAS, M & O plan area is located on multiple high-capacity mass transit lines, and studies indicate that car ownership rates in the neighborhood are well below the citywide average; and,

WHEREAS, The SFMTA plans to invest considerable resources in Van Ness transit improvements as well as the Mission 14 bus and bicycle facilities on Market Street,

WHEREAS, the best available current estimate is that 1,075 off-street parking spaces are proposed in the pipeline for the area known as the Hub.

WHEREAS these new parking spaces would add traffic to the Hub’s already congested streets thus reducing neighborhood safety and livability, undermining SFMTA investments; and,

WHEREAS, these parking spaces will dramatically increase the cost of housing in the Hub, further undermining city affordable housing goals,

WHEREAS, granting of the accessory off-street parking dishonors the spirit of the Market and Octavia Plan, and further, is not supportive of the current discussion about the Hub rezoning proposal led by the Planning Department

WHEREAS, despite these negative aspects of excess parking, the Planning Commission approved a CU for accessory parking for 1601 Mission in April 7th 2016, which allowed more parking than allowed by-right of 0.25:1. The permitted parking for this 210-unit development is 55 off-street spaces. The developer was granted a CU for 97 spaces at a ratio of 0.44: therefore

BE IT RESOLVED, that the M & O CAC requests that the Planning Commission no longer grant Conditional Use Authorizations for accessory parking for projects located within in the Hub area; and be it

BE IT FURTHER RESOLVED, that the M & O CAC asks for the Planning Department, Planning Commission, and Board of Supervisors to consider expediting a revision to the Planning Code that eliminates Conditional Use Authorizations for accessory off-street parking for zoning districts contained with the Hub area

BE IT FURTHER RESOLVED that the M & O CAC directs the M & O CAC Planning Staff to forward this resolution to appropriate City officials.

Approved by the Market and Octavia CAC June 20th 2016

Yea – Henderson, Singa, Levitt, Olsson, Olsen, Soriano-Bilal

Nay - none

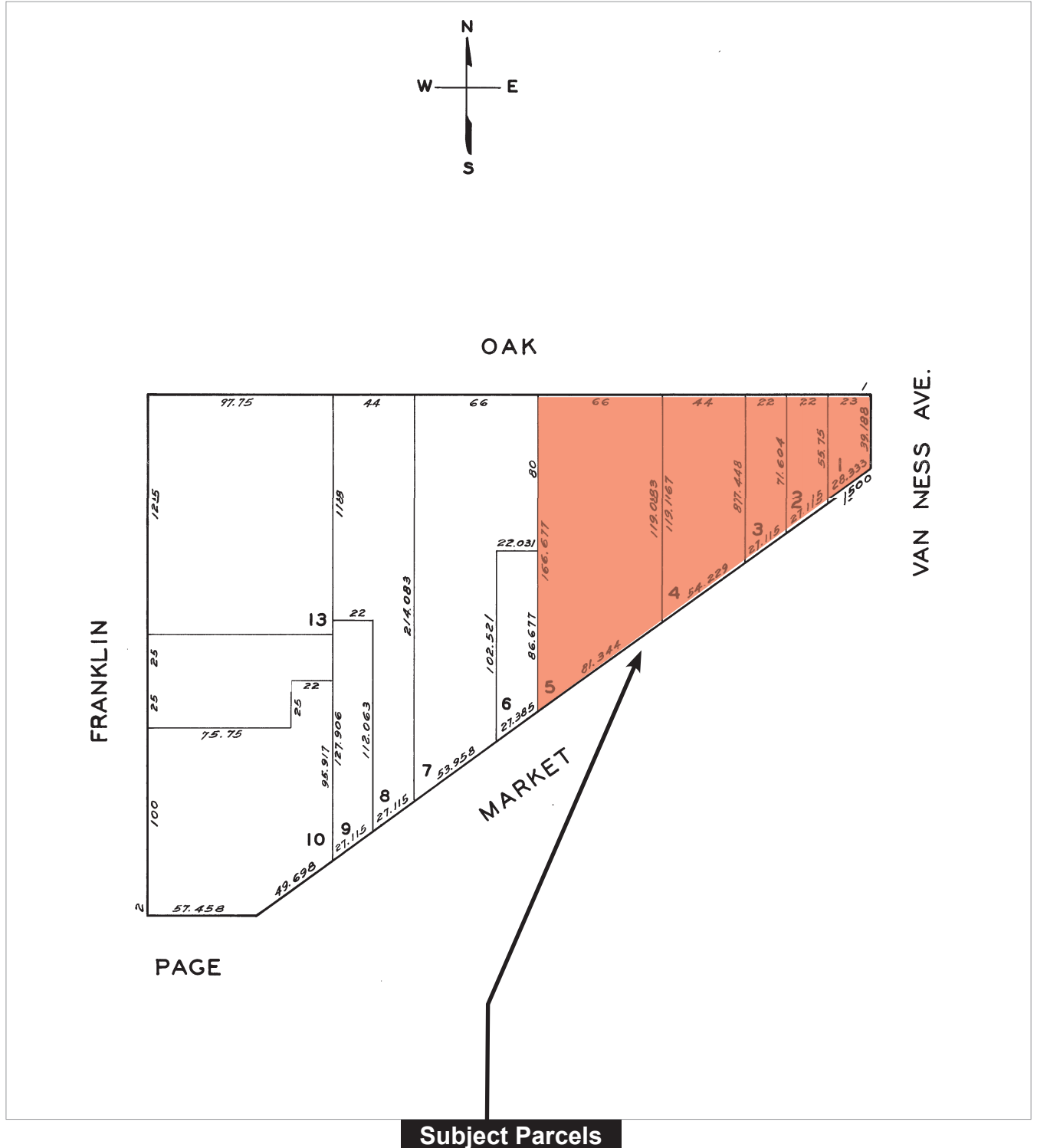
Abstaining – Vasquez

Absent – Marker, Wingard

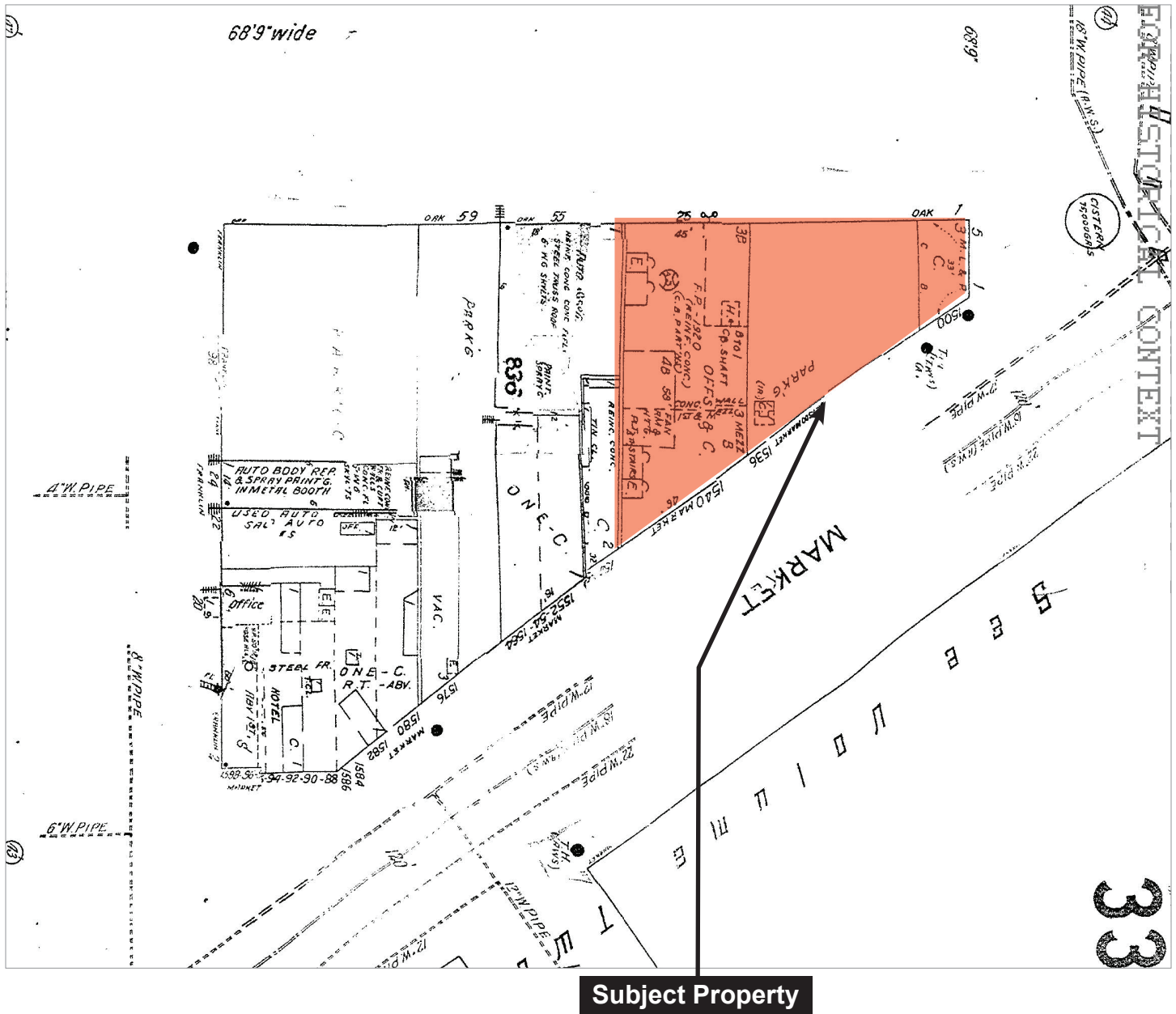
Exhibits

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Parcel Map

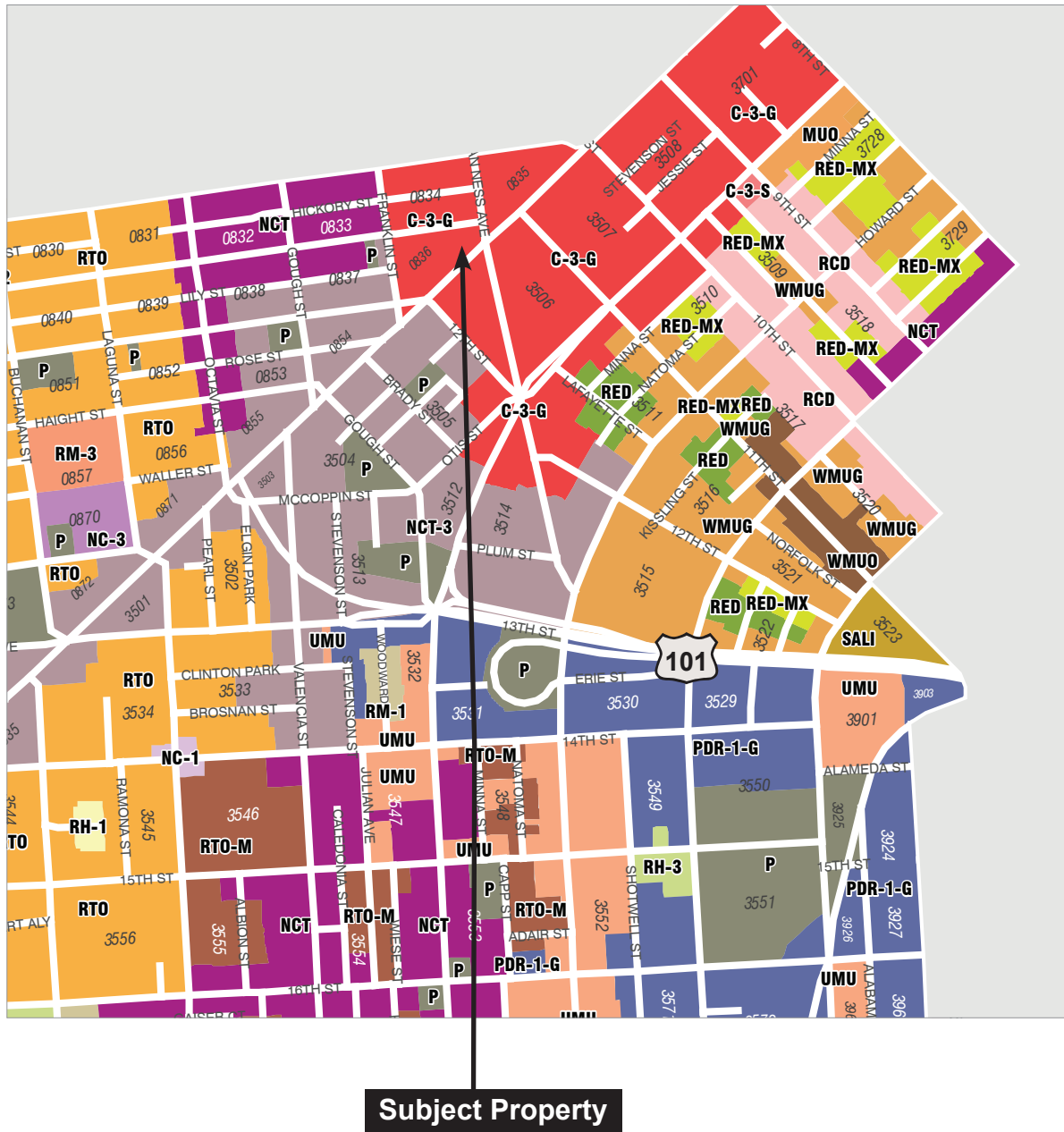


Sanborn Map



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

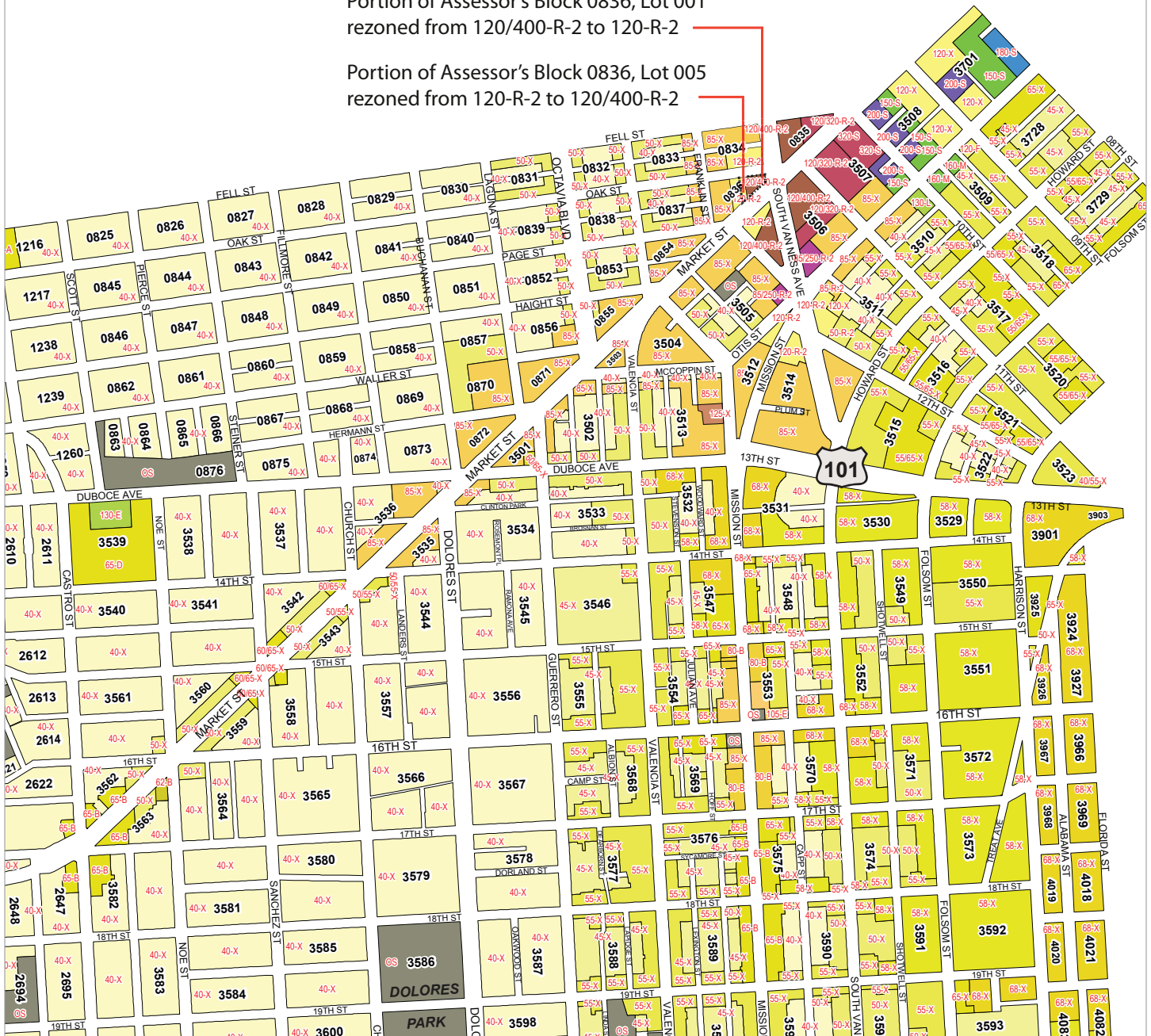
Zoning Map



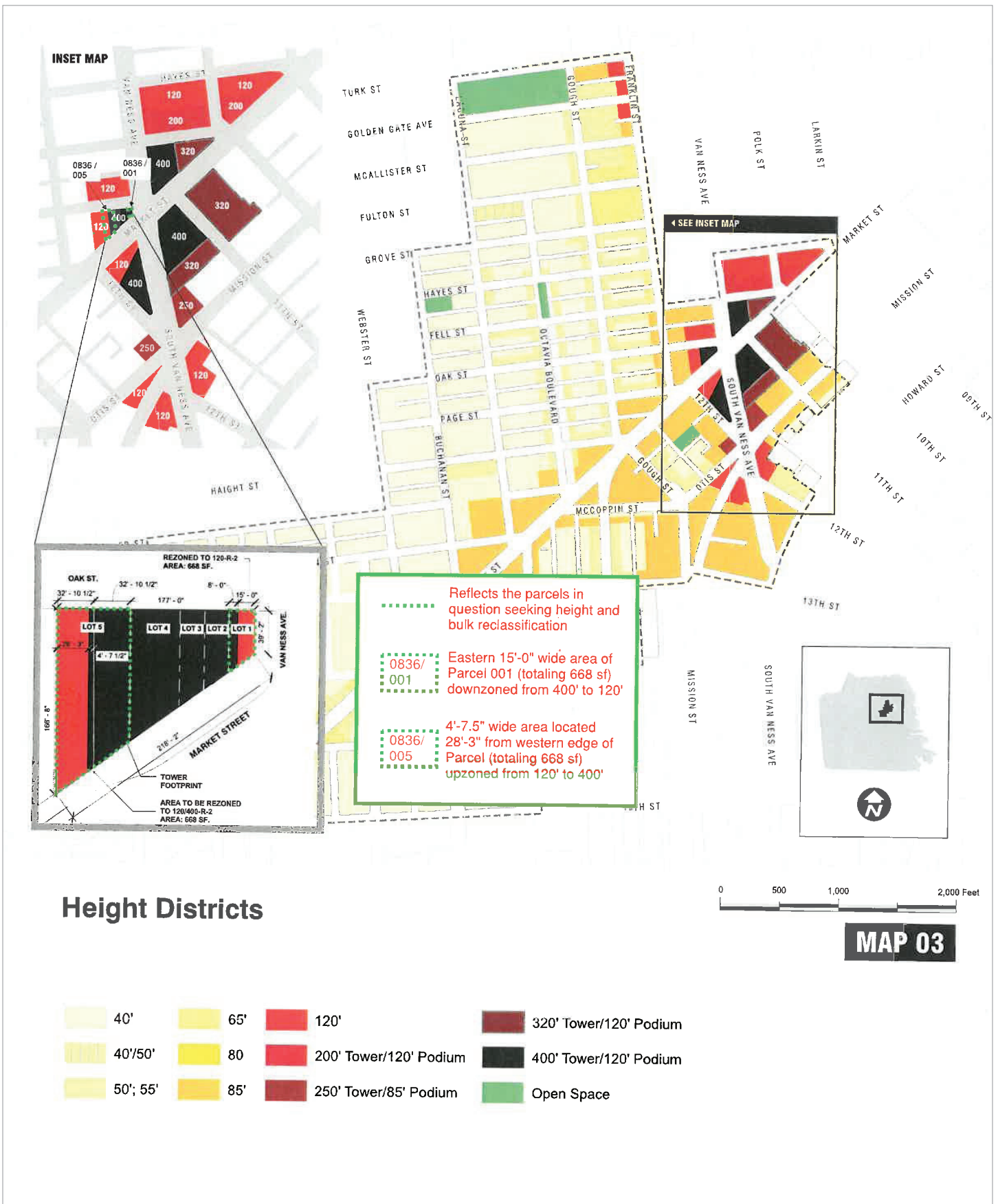
Height & Bulk District Map 07 (HT07)

Portion of Assessor's Block 0836, Lot 001
rezoned from 120/400-R-2 to 120-R-2

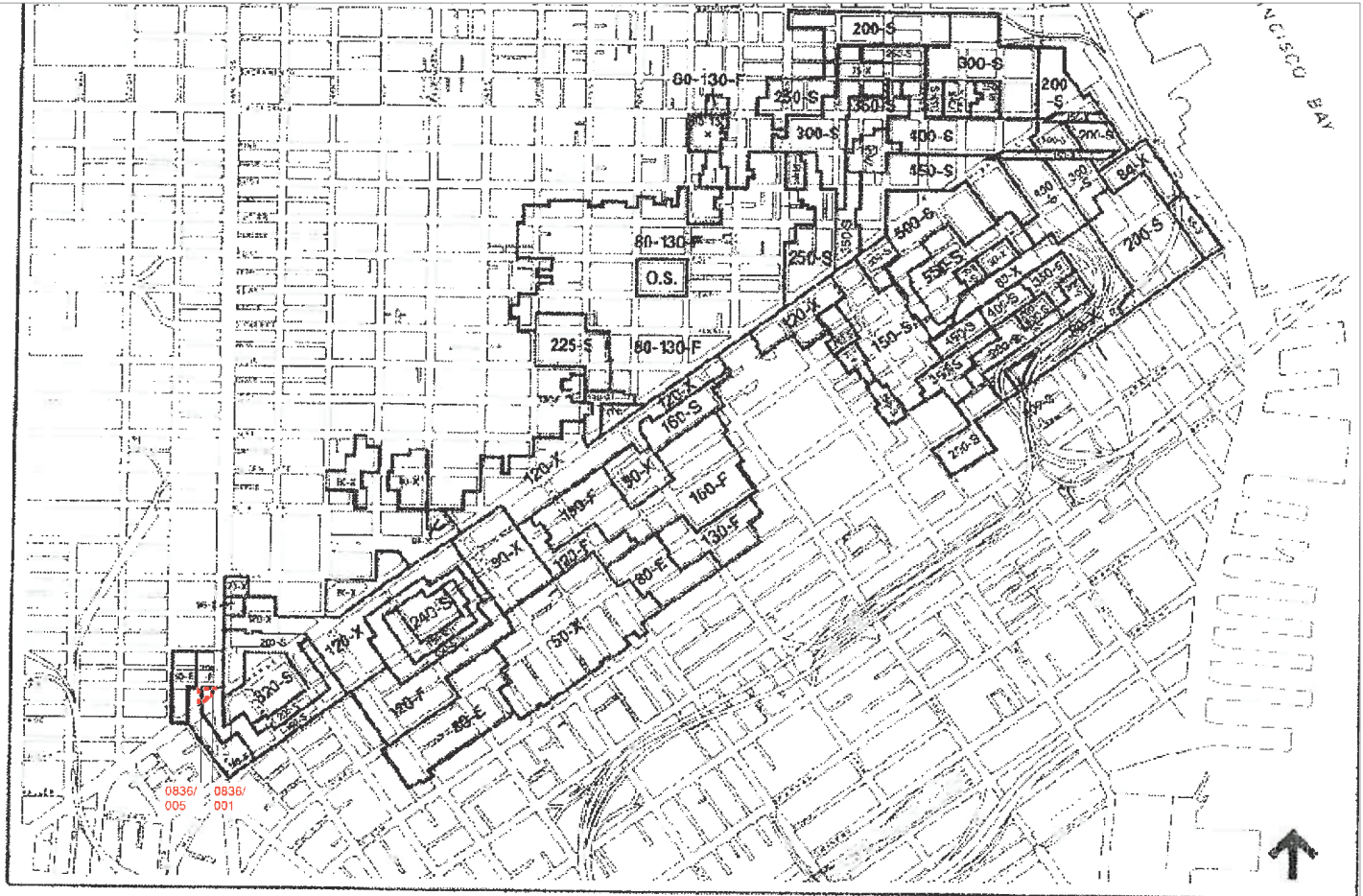
Portion of Assessor's Block 0836, Lot 005
rezoned from 120-R-2 to 120/400-R-2



Market and Octavia Plan - Map 03



Downtown Plan - Map 05



PROPOSED HEIGHT AND BULK DISTRICTS

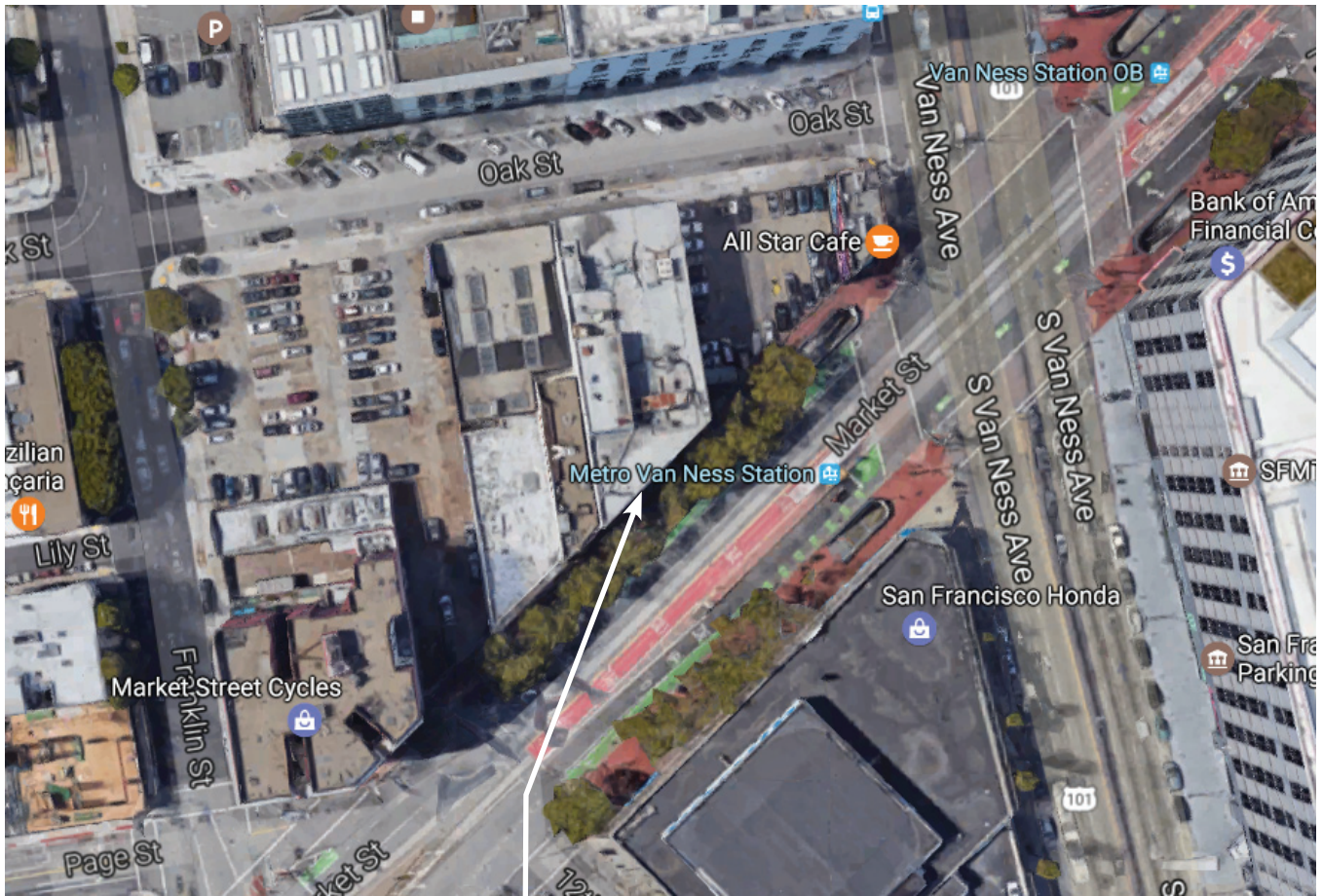
0 400FT
Map 5

MAP TO BE EDITED

- Remove 80-X label from freeway lands in Transbay and replace with notation that says "See Transbay Redevelopment Plan Development Controls"
- Reclassify height and bulk limits of Lot 063 in Assessor's Block 3701 from 120-X to 200-S.
- Reclassify height and bulk limits of Lot 006 in Assessor's Block 031, currently zoned C-3-O at the corner of Market Street Kearny Street and Geary Avenue (690 Market St) to 285-S.
- Reclassify height and bulk limits of Lots 039, 051, 052 and 053 in Assessor's Block 3702, as well as a portion of the former Jesse Street, from 120-X, 150-S and 240-S to 160-X, 180-X and 240-S. (2006.1343)
- Reclassify height and bulk limits of Lot 047 in Assessor's Block 3735 from 150-S to 250-S. (2004.0852)
- Reclassify height and bulk limits of Lot 003 in Assessor's Block 0312 from 80-130-F to 150-X. (2004.0165)
- Reclassify height and bulk limits of Lot 066 in Assessor's Block 3724 from 160-F to 320-S. (2000.790)
- Reclassify height and bulk limits of the west corner of Lot 063 in Assessor's Block 3735 from 150-S to 350-S, consistent with the rest of the Lot.
- Reclassify height and bulk limits of the eastern portion of Lot 001 measuring 15'0" wide in Assessor's Block 0836 from 150-S to 120-R-2.
- Reclassify height and bulk limits of a portion of Lot 005 measuring 4'-7.5" wide located 28'-3" from the western edge of the parcel in Assessor's Block 0836 from 120/400-R-2 to 400-R-2

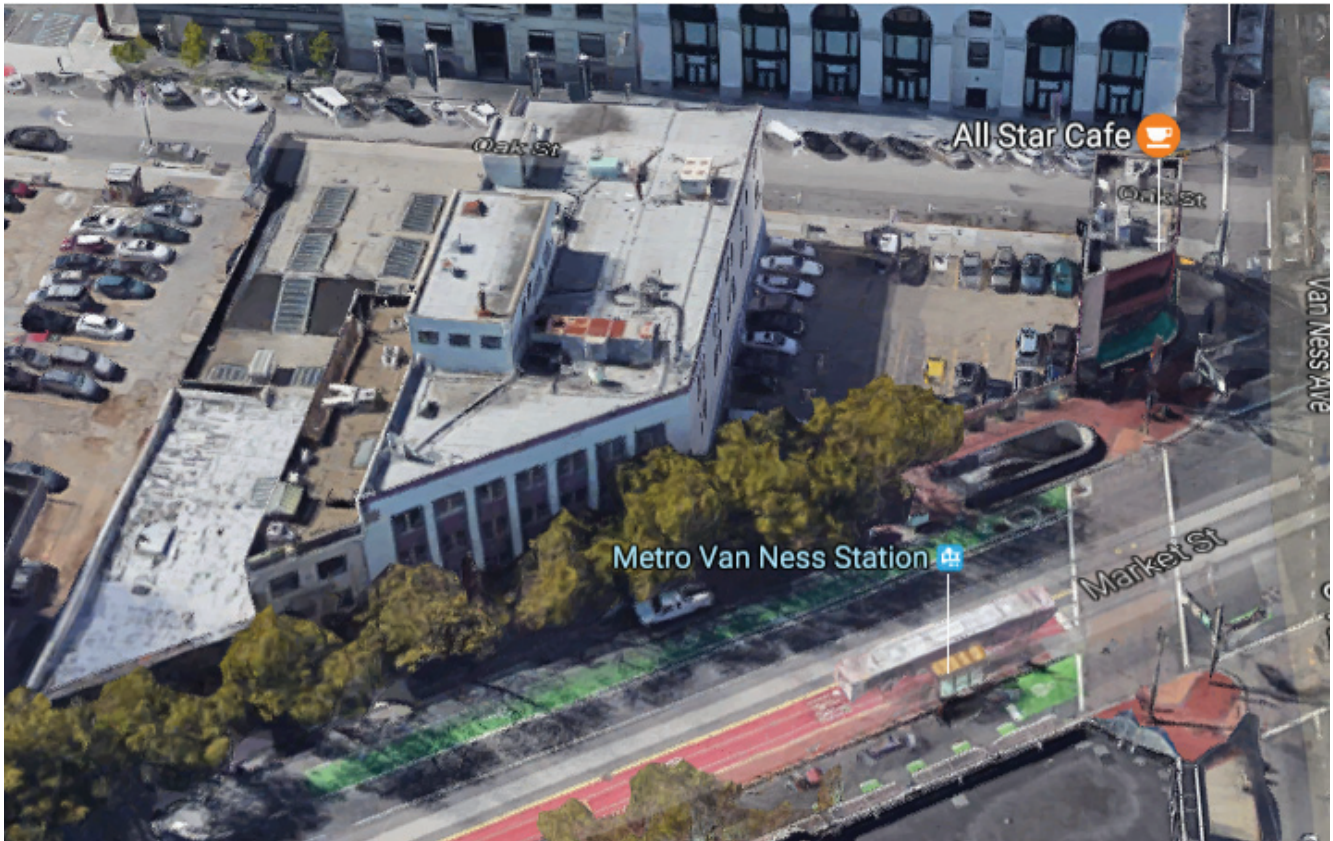
NOTE: The notations shown in *italics* represent recent amendments to the General Plan. This map is intended only as a temporary placeholder, and will be replaced by final maps illustrating these amendments in graphic form.

Aerial



Subject Property

Site Photo - Market Street Frontage



Site Photo - Van Ness Avenue Frontage



Site Photo - Oak Street Frontage



SAN FRANCISCO
PLANNING DEPARTMENT

Case Number 2009.0159EGPAMAPDNXCUAVARK
CEQA Findings
General Plan, Zoning Map Amendments
Downtown Project Authorization
Conditional Use Authorization
Shadow Findings

Exhibit B

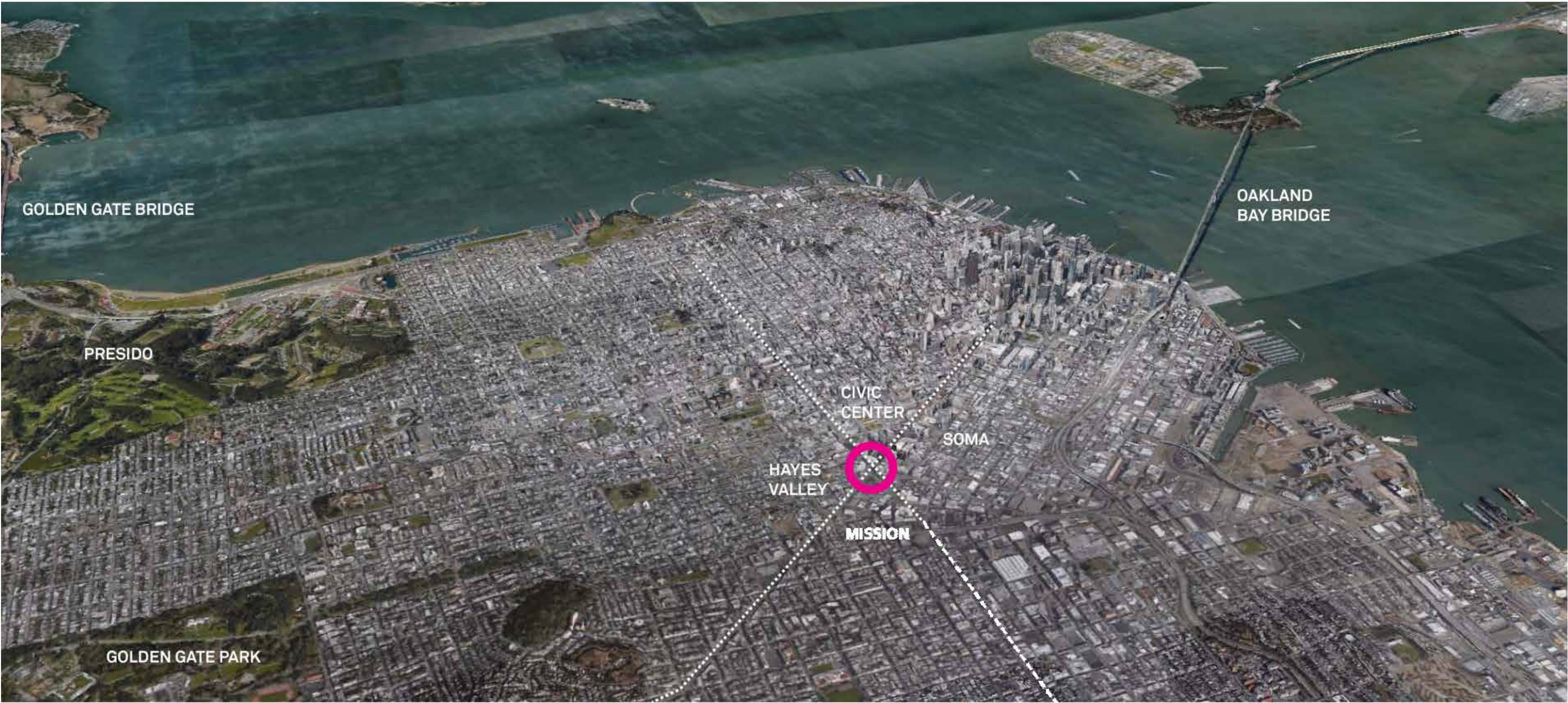
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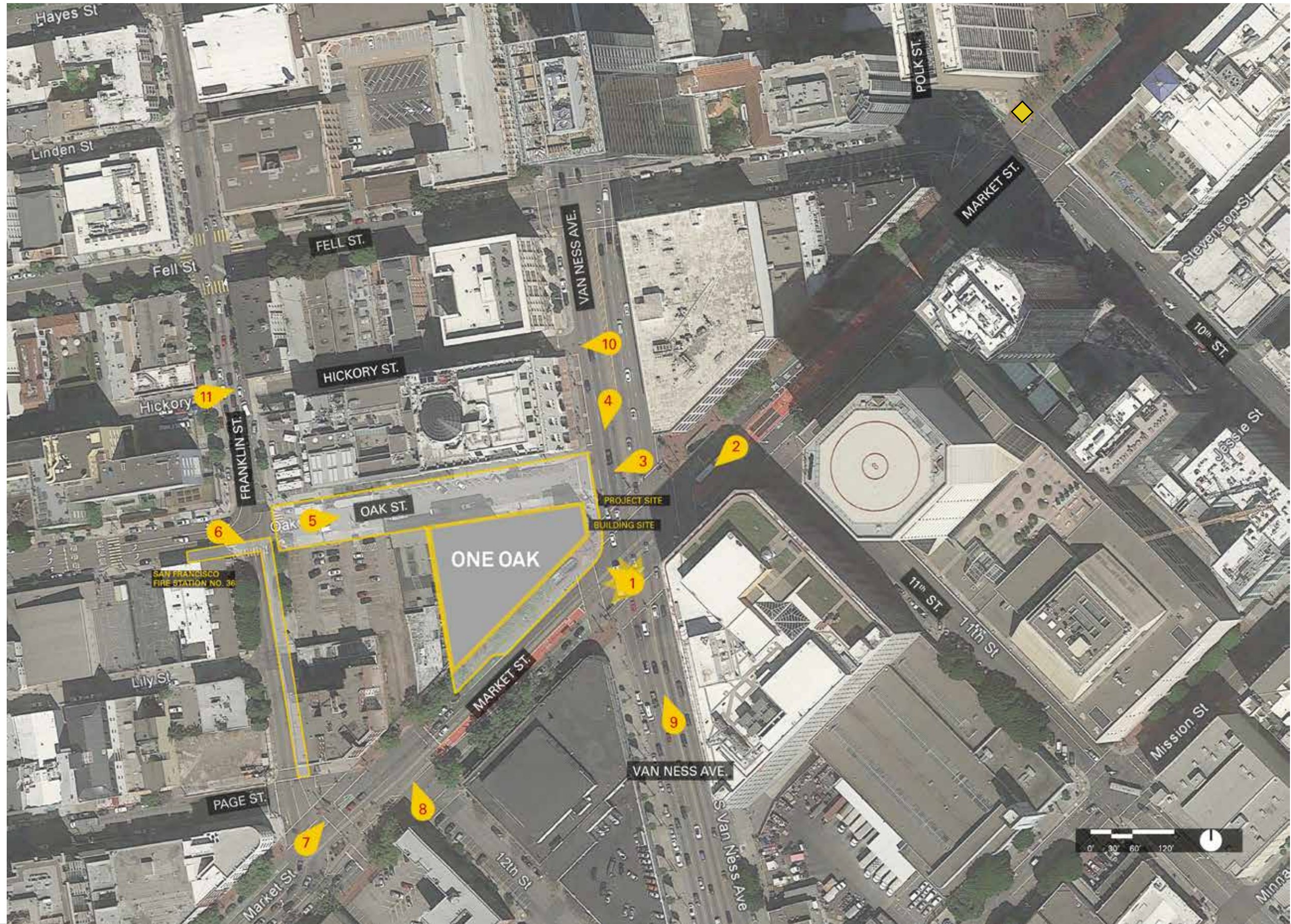
ONE OAK

ONE
OAK



SNØHETTA







AERIAL VIEW FROM EAST LOOKING TOWARD OAK AND MARKET STREET



AERIAL VIEW FROM SOUTH



1- PANORAMIC VIEW AT THE JUNCTION OF VAN NESS AVE. AND MARKET ST.



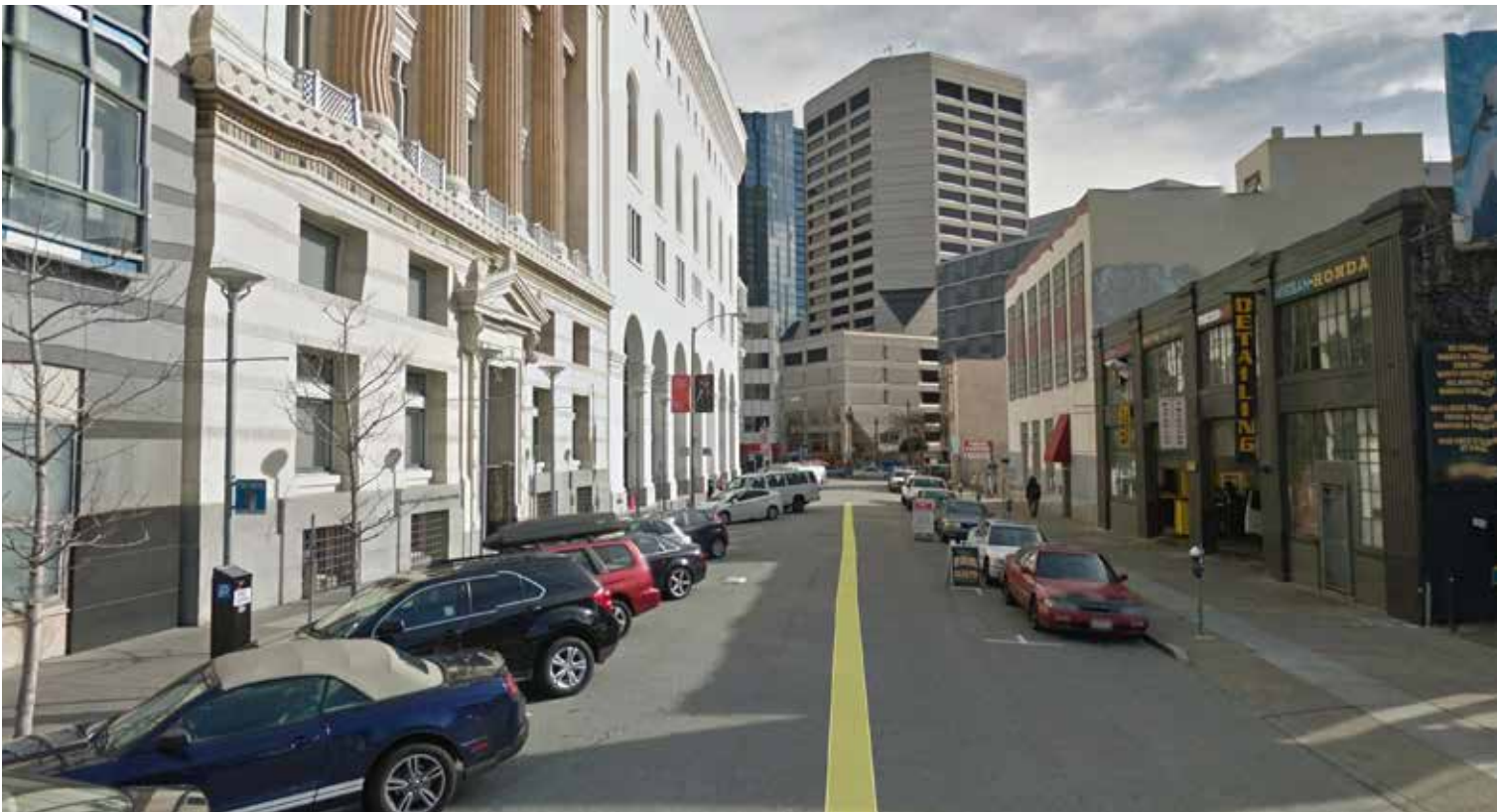
2- VIEW FROM MARKET ST.



3- VIEW FROM NORTH-EAST DOWN OAK ST.



4- VAN NESS AVE. (NORTH-EAST)



5- LOOKING EAST ON OAK ST.



6- VIEW FROM FRANKLIN ST.



7- LOOKING EAST DOWN MARKET ST.



8- MARKET ST. FRONTAGE



9- LOOKING NORTH FROM VAN NESS AVE.



10- HICKORY STREET FROM VAN NESS



11- HICKORY STREET FROM FRANKLIN

PROJECT SUMMARY

PROJECT ADDRESS	ONE OAK STREET
	SAN FRANCISCO, CA 94102
BLOCK / LOT NO.	0836 / 001, 002, 003, 004 & 005
LOT AREA	18,219 SF

ZONING

ZONING DISTRICT	C-3-G
HEIGHT / BULK	120/400-R-2, 120-R-2
SUD	VAN NESS & MARKET DOWNTOWN RESIDENTIAL
AREA PLAN	MARKET & OCTAVIA AREA PLAN

GROSS PROJECT AREAS

	GSF	FAR
RESIDENTIAL / CIRCULATION	417,072 SF	412,777 SF
BAY WINDOWS	602 SF	404 SF
RETAIL	4,110 SF	0 SF
BOH & MECH	17,755 SF	0 SF
PARKING/LOADING (INCL. BIKE PARKING)	60,000 SF	19,565 SF
TOTAL	499,539 SF	432,746 SF

RESIDENTIAL

AVERAGE UNIT	1076 NSF
NET RESIDENTIAL AREA	327,080 NSF

RESIDENTIAL MIX

	NO. OF UNITS	%	AVE. SIZE
JR 1 BEDROOM	54	18%	550 SF
1 BEDROOM	96	32%	745 SF
2 BEDROOM	135	44%	1,333 SF
3 BEDROOM	16	5%	2,300 SF
4 BEDROOM	3	1%	3025 SF
TOTAL	304	100%	

FAR

SITE AREA	18,219 SF
BASE FAR	6.0 109,314 SF
PROPOSED FAR (VN & MARKET SUD)	23.8 432,746 SF

PARKING - CARS

		Permitted/Conditional	Provided
RESIDENTIAL PARKING	0.25 / UNIT (P)	76	
	0.5 / UNIT (CU)	152	136 (0.45)
NON-RESIDENTIAL	7% of RETAIL GFA / 185 SF	2	0
CAR SHARE	>201 UNITS	2	2
LOADING	200,001 - 500,000 GSF	2*	1 + 2 SV

* One loading space is substituted with 2 service vehicles per Sec. 153(a)(6)

PARKING - BIKES

			Req'd	Provided
RESIDENTIAL	CLASS 1	100+1/4 UNITS ABOVE 100	151	304
	CLASS 2	1/20 UNITS	15	57
RETAIL (Eating and Drinking Uses)	CLASS 1	1/7,500 SF	0	0
	CLASS 2	1/750 SF; MIN. 2	5	5

OPEN SPACE

BALCONIES PROVIDED @ MIN. 36 SF/UNIT	74 UNITS
COMMON OPEN SPACES REQ'D:	(304-74) x 47.88 SF = 11,012 SF
AMENITY TERRACE (L14)	5,310 SF
SOLARIUM (L3)	1,250 SF
PRIVATELY OWNED PUBLICLY ACCESSIBLE OPEN SPACE	1,438 SF
PUBLICLY OWNED PUBLICLY ACCESSIBLE OPEN SPACE*	3,058 SF
*Planning Sec. 249.33(b)(4)(B)(v)	
TOTAL PROVIDED	11,056 SF

GROSS FLOOR AREA BREAKDOWN

FLR.	RESIDENTIAL (SQ. FT.)	BAY WINDOW (SQ. FT.)	OCCUPIED (SQ. FT.)	CIRCULATION (SQ. FT.)	RETAIL (SQ. FT.)	MECH (SQ. FT.)	BOH (SQ. FT.)	PARKING (SQ. FT.)	BIKE STR (SQ. FT.)	LOADING (SQ. FT.)	GSF (SQ. FT.)
R						4,000					4,000
41	8,085		9,275	1,375		240					9,700
40	8,085		9,275	1,375		240					9,700
39	8,085		9,275	1,375		240					9,700
38	8,135		9,275	1,325		240					9,700
37	8,135		9,275	1,325		240					9,700
36	8,135		9,275	1,325		240					9,700
35	8,135		9,275	1,325		240					9,700
34	8,135		9,275	1,325		240					9,700
33	8,135		9,275	1,325		240					9,700
32	8,135		9,275	1,325		240					9,700
31	7,435		8,535	1,285		240					8,960
30	7,845		8,990	1,330		240					9,415
29	8,065		9,260	1,380		240					9,685
28	8,030		9,245	1,400		240					9,670
27	8,030		9,245	1,400		240					9,670
26	8,030		9,245	1,400		240					9,670
25	8,030		9,245	1,400		240					9,670
24	8,030		9,245	1,400		240					9,670
23	8,030		9,245	1,400		240					9,670
22	8,030		9,245	1,400		240					9,670
21	8,030		9,245	1,400		240					9,670
20	8,030		9,245	1,400		240					9,670
19	8,030		9,245	1,400		240					9,670
18	8,030		9,245	1,400		240					9,670
17	8,030		9,245	1,400		240					9,670
16	8,030		9,245	1,400		240					9,670
15	8,030		9,245	1,400		240					9,670
14	7,165		8,710	1,985		250					9,400
12	12,850	60	14,380	2,203		240					15,353
11	12,850	46	14,380	2,163		280					15,339
10	12,850	60	14,380	2,163		280					15,353
9	12,850	69	14,380	2,163		280					15,362
8	12,850	77	14,380	2,163		280					15,370
7	12,850	68	14,380	2,163		280					15,361
6	12,850	77	14,380	2,163		280					15,370
5	12,850	68	14,380	2,163		280					15,361
4	12,850	77	14,380	2,163		280					15,370
3	9,360		11,630	2,640		210	640				12,850
2	0		5,125	2,510		150			3,135		5,795
1	0		13,659	4,295	4,110	1510	2,035	3,265		650	15,865
B1	0		15,650					17,650			17,650
B2	0		0					17,650			17,650
B3	0		0					17,650			17,650
TOTAL	349,140	602	433,159	67,932	4,110	15,080	2,675	56,215	3,135	650	499,539

FAR EXCLUSIONS (PLANNING SECTION 102.9 (b))	
L1 CIRCULATION	4,295
BAY WINDOWS	198
BOH	2,675
MECH	15,080
PARKING*	37,300
BIKE PARKING	3,135
RETAIL	4,110
TOTAL	66,793

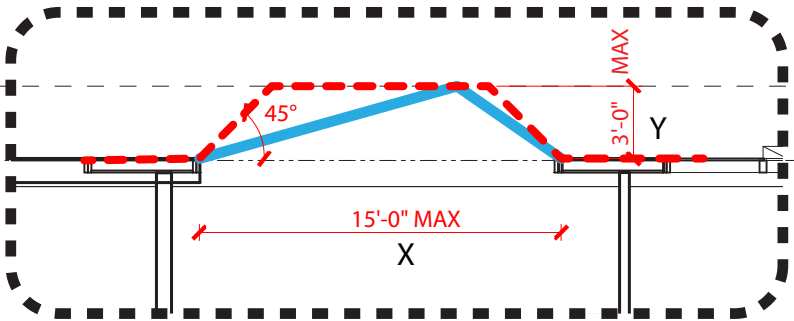
*PARKING EXCLUSIONS	
B1	3
B2	34
B3	38
*AREA ATTRIBUTABLE TO 75 SPACES AS PERMITTED	
	37,300

TOTAL GROSS FLOOR AREA	
GSF	499,539
FAR EXCLUSIONS	66,793
TOTAL	432,746

TYPICAL PROPOSED BAY

Bay Window Extension

Property Line

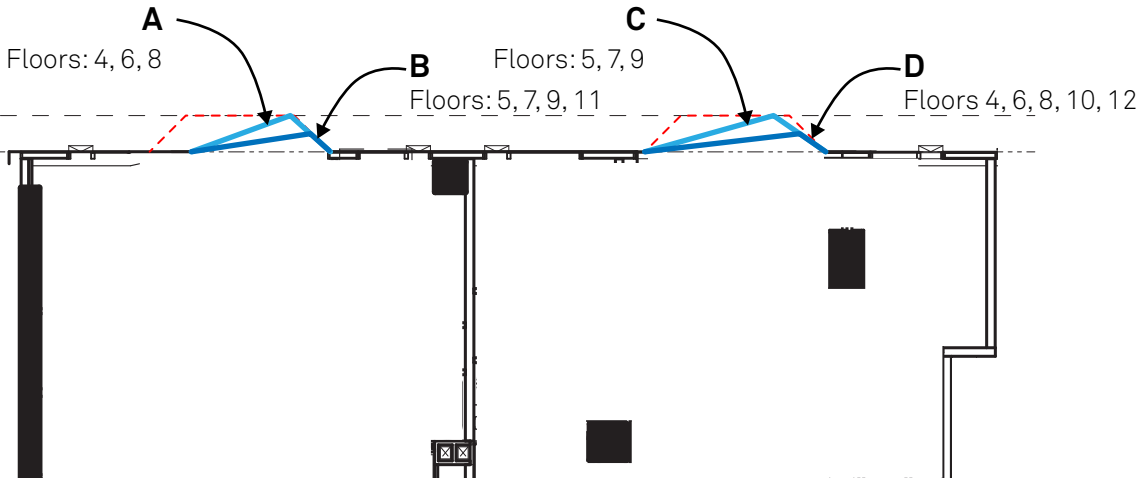


PROPOSED BAY
WIDTH AND DEPTH VARY WITHIN REQUIRED MAXIMUMS
MAXIMUM BAY DIMENSIONS
PER SF PLANNING CODE
SECTION 136

OAK STREET FACADE

3' Bay Window Extension

Property Line



BAY WINDOW FAR EXCLUSION TABLE

TYPE	X	Y	SF	EXEMPT FROM FAR * (SQ FT)	NUMBER OF BAYS	TOTAL SQ FT EXEMPT FROM FAR
A	11'-7"	3'-0"	17.4	5.8	3	17.4
B	11'-7"	1'-6"	8.7	2.9	4	11.6
C	15'-0"	3'-0"	22.5	7.0	3	21.0
D	15'-0"	1'-6"	11.3	3.8	5	19.0
E	15'-0"	1'-6"	11.3	3.8	4	15.2
F	15'-0"	3'-0"	22.5	7.0	5	35.0
G	11'-6"	1'-6"	8.6	2.9	5	14.5
H	11'-6"	3'-0"	17.3	5.8	4	23.2
I	11'-6"	1'-6"	8.6	2.9	4	11.6
J	11'-6"	3'-0"	17.3	5.8	5	29.0

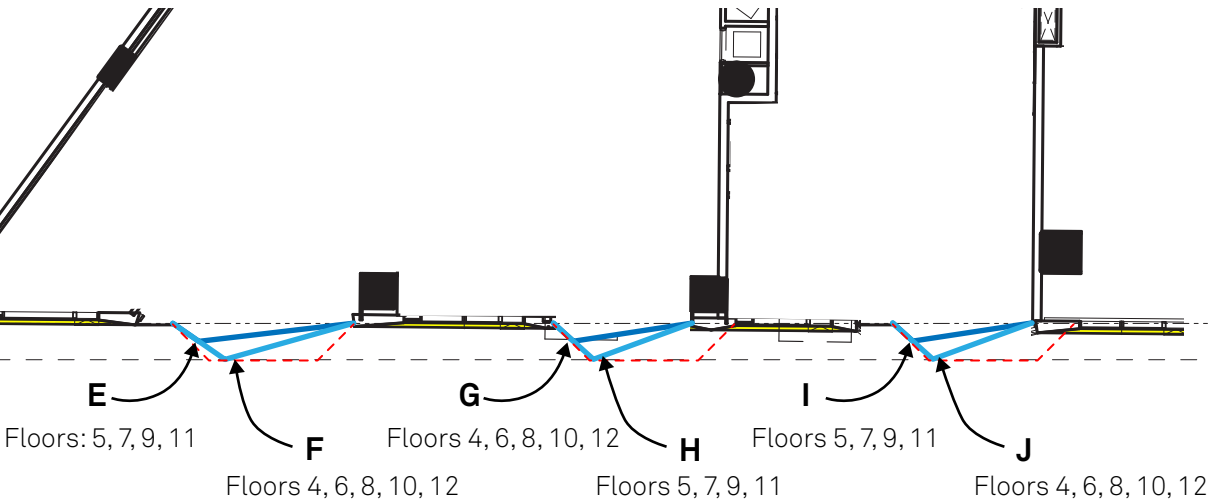
TOTAL SF EXEMPT FROM FAR: 197.5

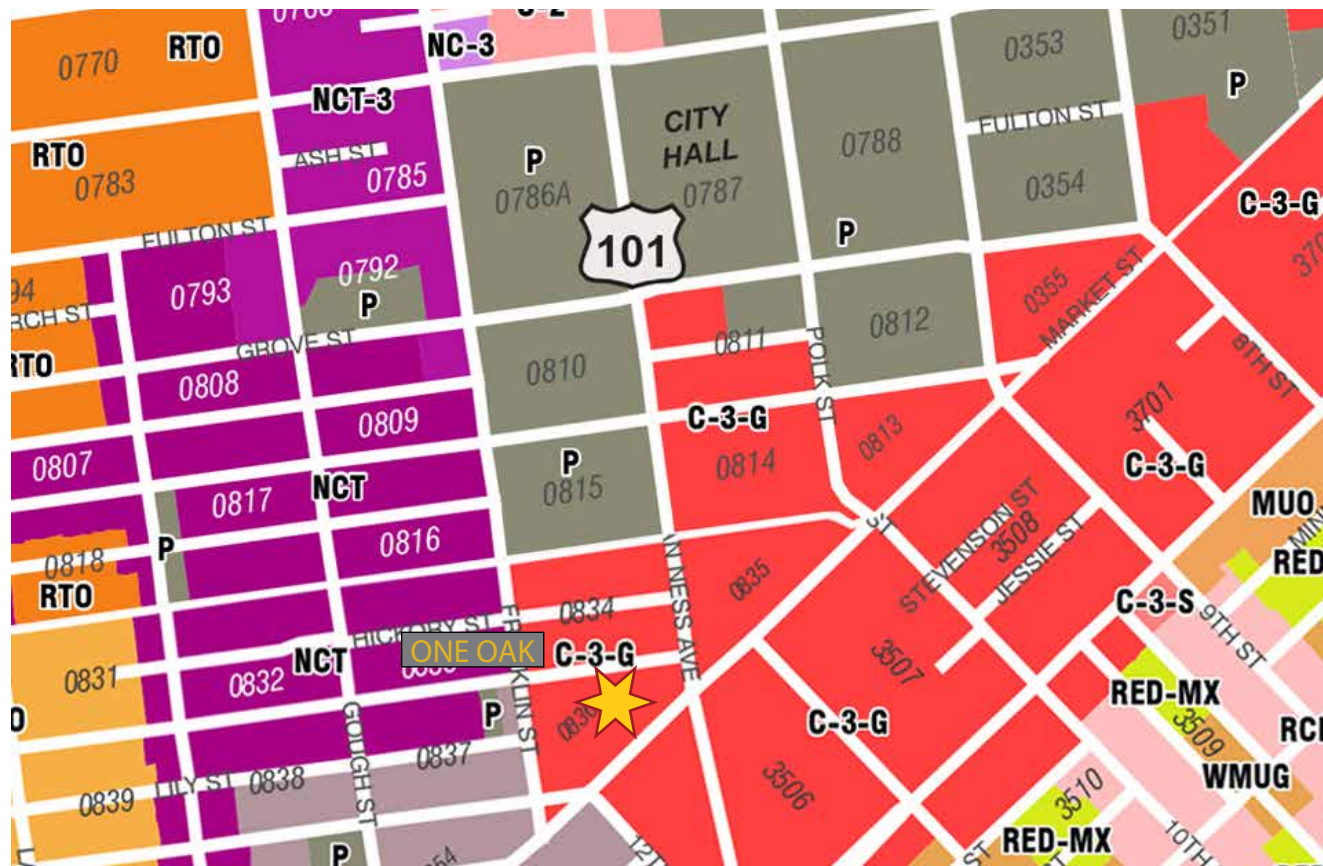
* 1/3 of total Bay Window square footage not to exceed 7 square feet per Planning Code Section 102.9(b)(12)

MARKET STREET FACADE

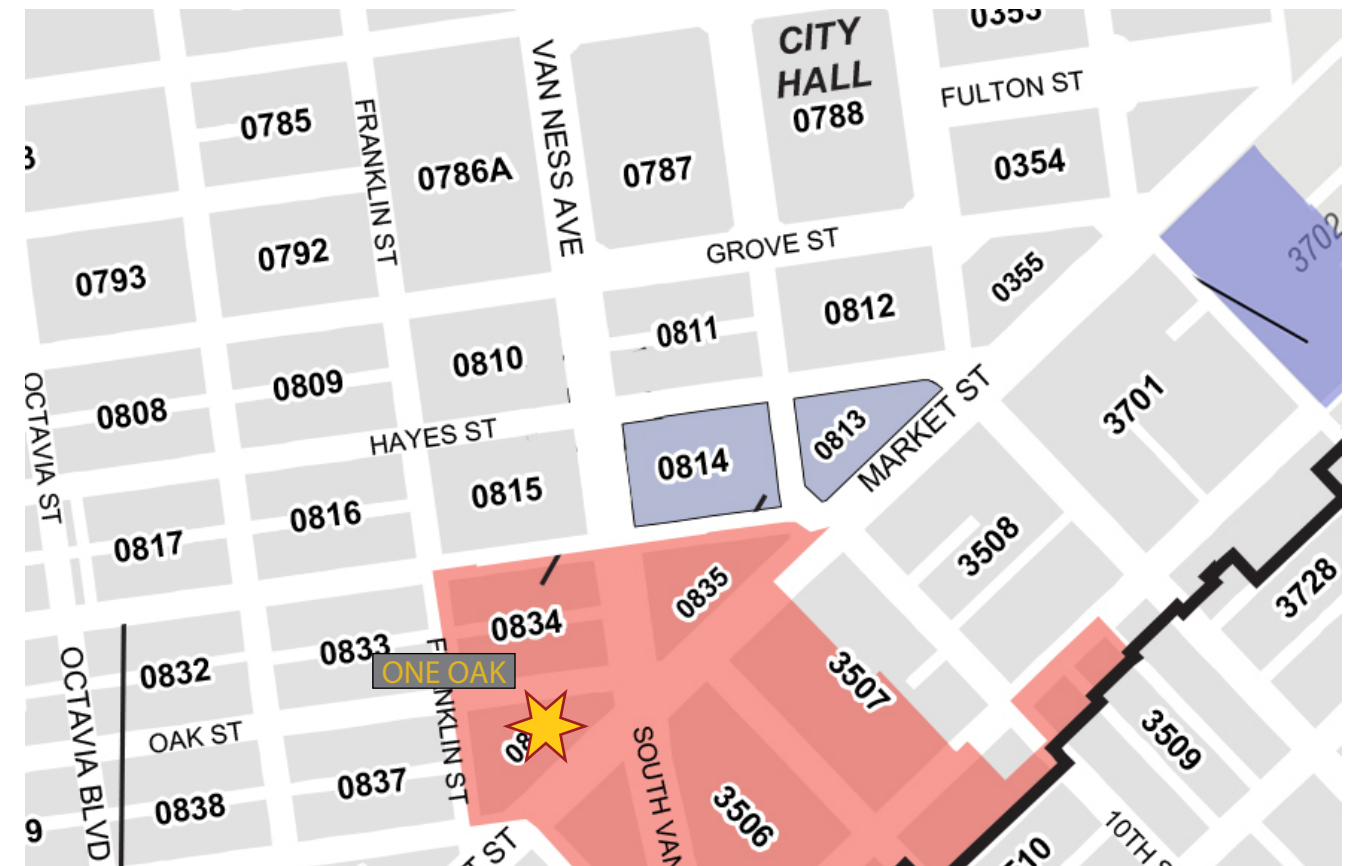
Property Line

3' Bay Window Extension

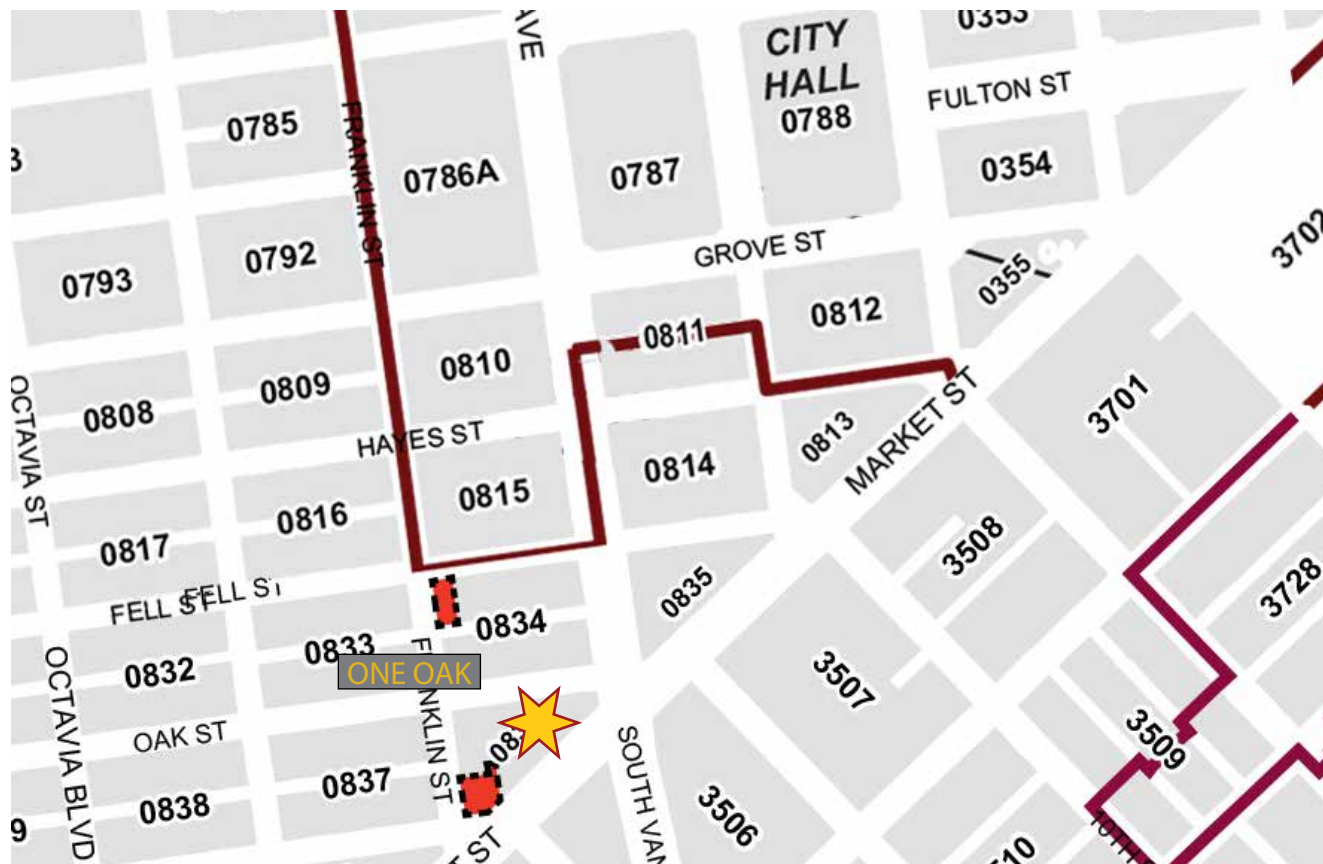




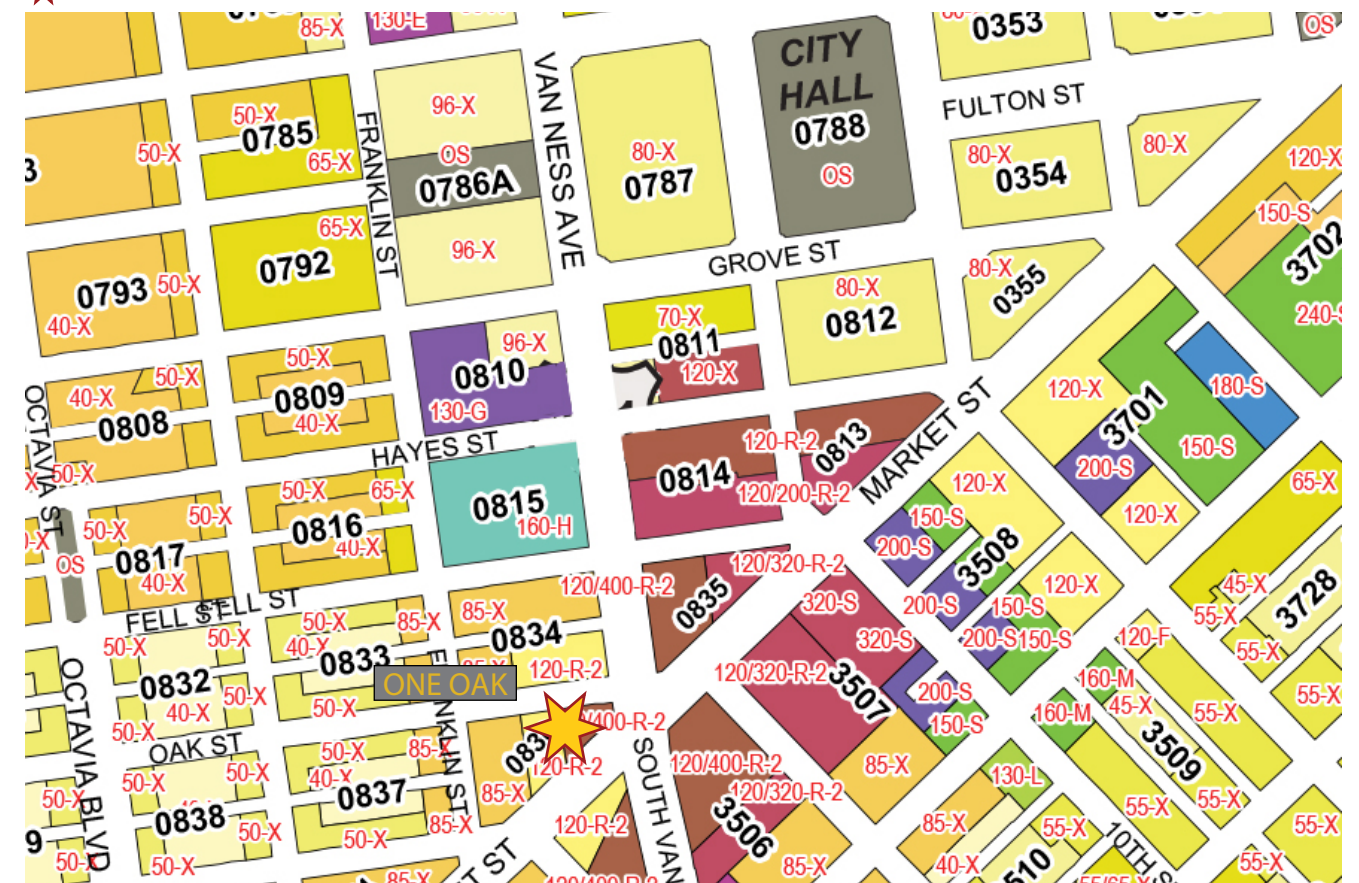
★ ZONING DISTRICT MAP C-3-G



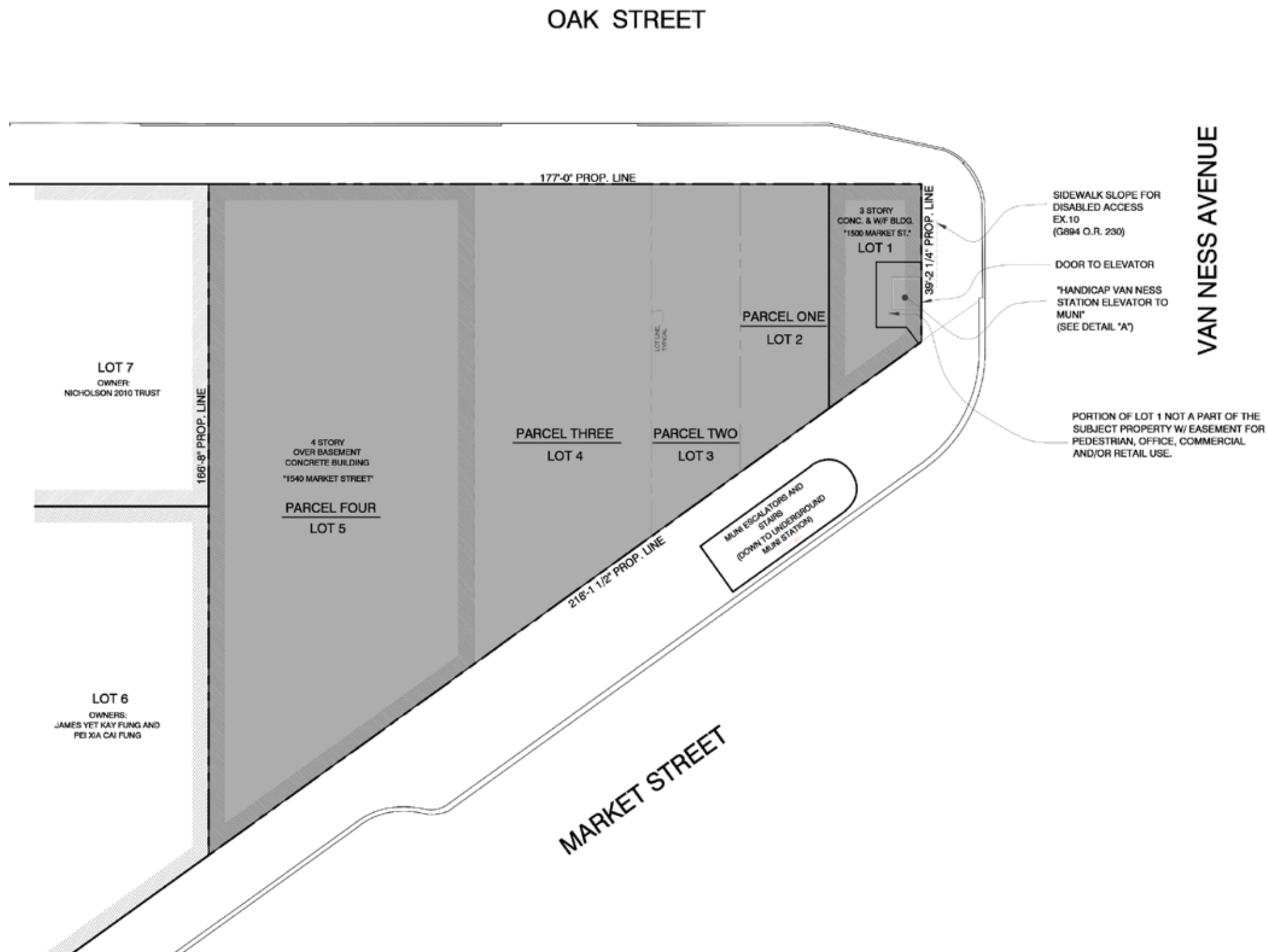
★ VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SUD



★ PRESERVATION DISTRICT MAP

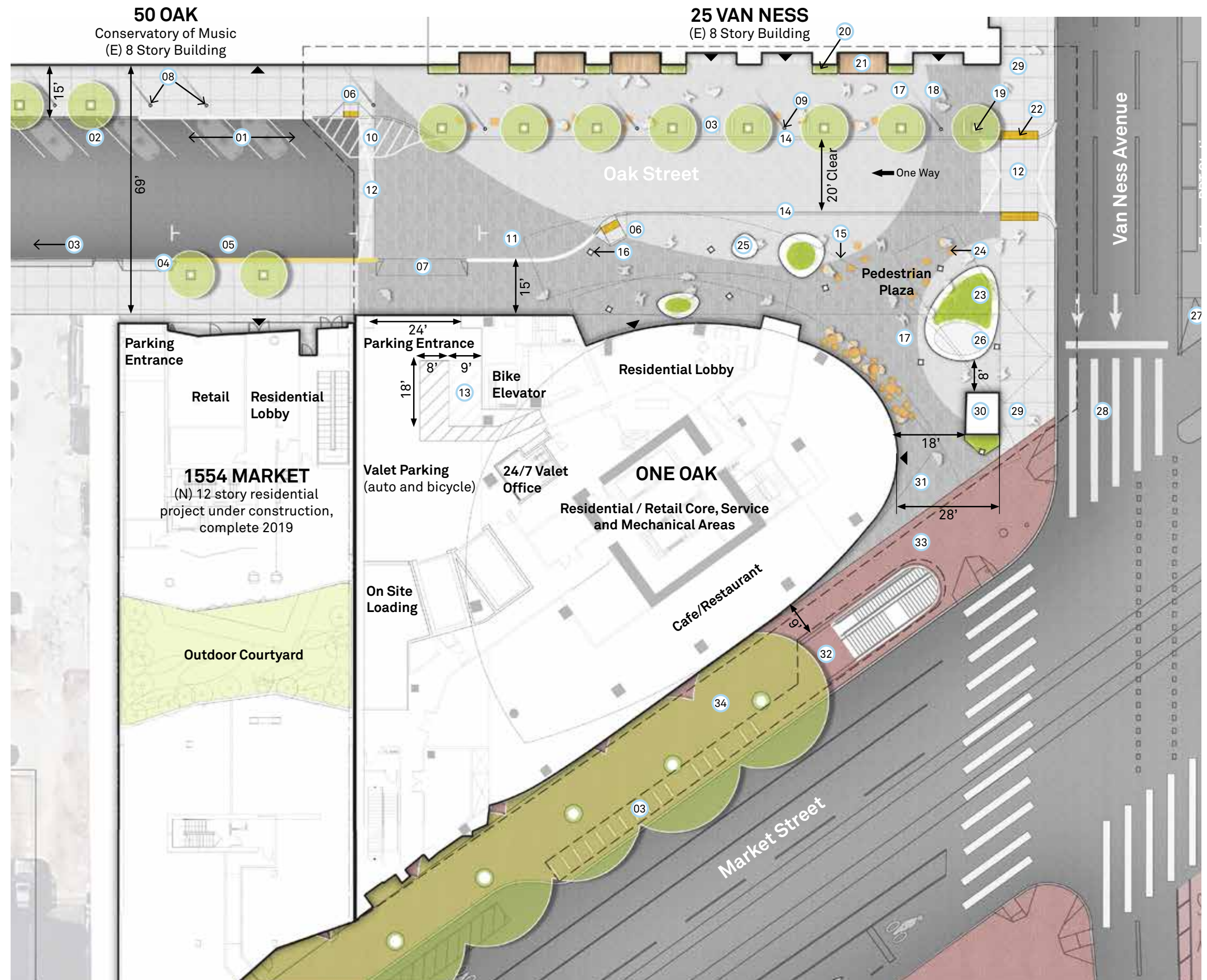


★ HEIGHT AND BULK DISTRICT MAP 120/400-R-2 & 120-R-2



0 15' 30'

- LEGEND**
- 01 (E) White Passenger Drop-Off Spaces to Remain (4 loc.)
 - 02 (E) Angled Parking Spaces to Remain (15 Total Including Drop-Off Spaces)
 - 03 (N) Bike Racks. 7 on Oak Street at Franklin, 8 on north side of Oak Street, 16 on Market Street (31 total)
 - 04 Curb Cut at 1554 Market Parking Entrance
 - 05 1554 Market 40' Truck Loading Zone
 - 06 (N) Pedestrian Curb Ramp (2 loc.)
 - 07 (N) Vehicular Curb Ramp
 - 08 (E) Pole Light to Remain (4 loc.)
 - 09 (N) Pole Light to Match (E), Typ. (4 loc.)
 - 10 (N) Accessible Passenger Loading Zone
 - 11 (N) White Zone (Proposed Passenger Drop-Off Area)
 - 12 (N) Raised crossing with 6" ramp up from Van Ness Ave. and 4" ramp down onto Oak St.
 - 13 Van Accessible Parking Space
 - 14 4" Precast Curb
 - 15 Edge of Canopy Above, Typ.
 - 16 Canopy Column, Typ.
 - 17 (N) Precast Concrete Paving, Typ.
 - 18 (E) Subgrade Vault to be Waterproofed and Sidewalk to be Replaced
 - 19 (N) Street Trees with Cast Iron Grates (8 loc.)
 - 20 (N) Rectangular Custom Planters (6 loc.)
 - 21 (N) Micro Retail Kiosk, Typ. (4 loc.)
 - 22 Yellow Truncated Domes, Typ.
 - 23 Custom Precast Planter with Seating, Typ.
 - 24 Moveable Chair, Typ.
 - 25 Moveable Precast Bench, Typ.
 - 26 Garage Fresh Air Supply Vent
 - 27 Ramp Up to BRT Platform
 - 28 Enhanced Pedestrian Crosswalk Striping for BRT Station Platform
 - 29 (N) Van Ness Sidewalk Concrete per City Standard
 - 30 (N) Enclosure for (E) MUNI Elevator
 - 31 Publicly Accessible Open Space
 - 32 (E) Van Ness MUNI Station Entrance to Remain
 - 33 (E) Market Street Brick Sidewalk to Remain
 - 34 (E) Street Trees to Remain
 - ▲ Building Entry
 - — — Property Line
 - - - Limit of Work





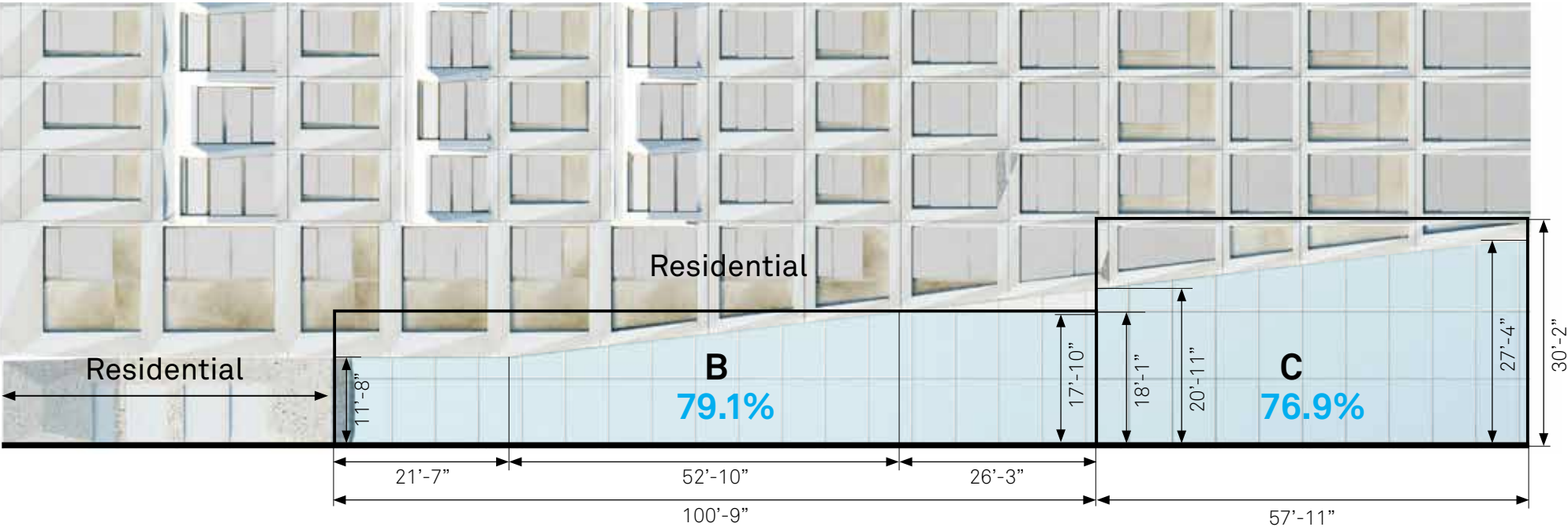


0 10' 20'

NON-RESIDENTIAL GROUND FLOOR TRANSPARENCY



NORTH FACADE A	
Transparent (excluding mullions)	954.5 SF
Total Area	1135.1 SF
Non-residential Transparency	84.1%

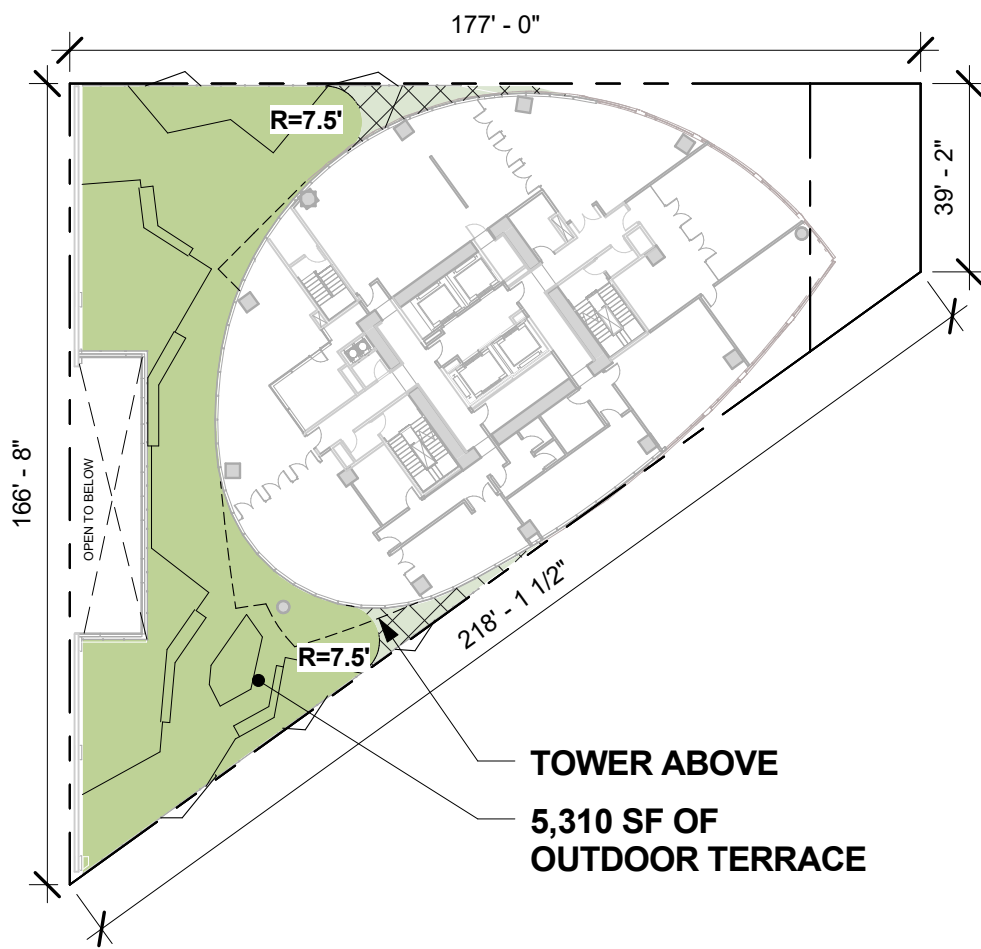


SOUTH FACADE B	
Transparent (excluding mullions)	1440.1 SF
Total Area	1821.4 SF
Non-residential Transparency	79.1%

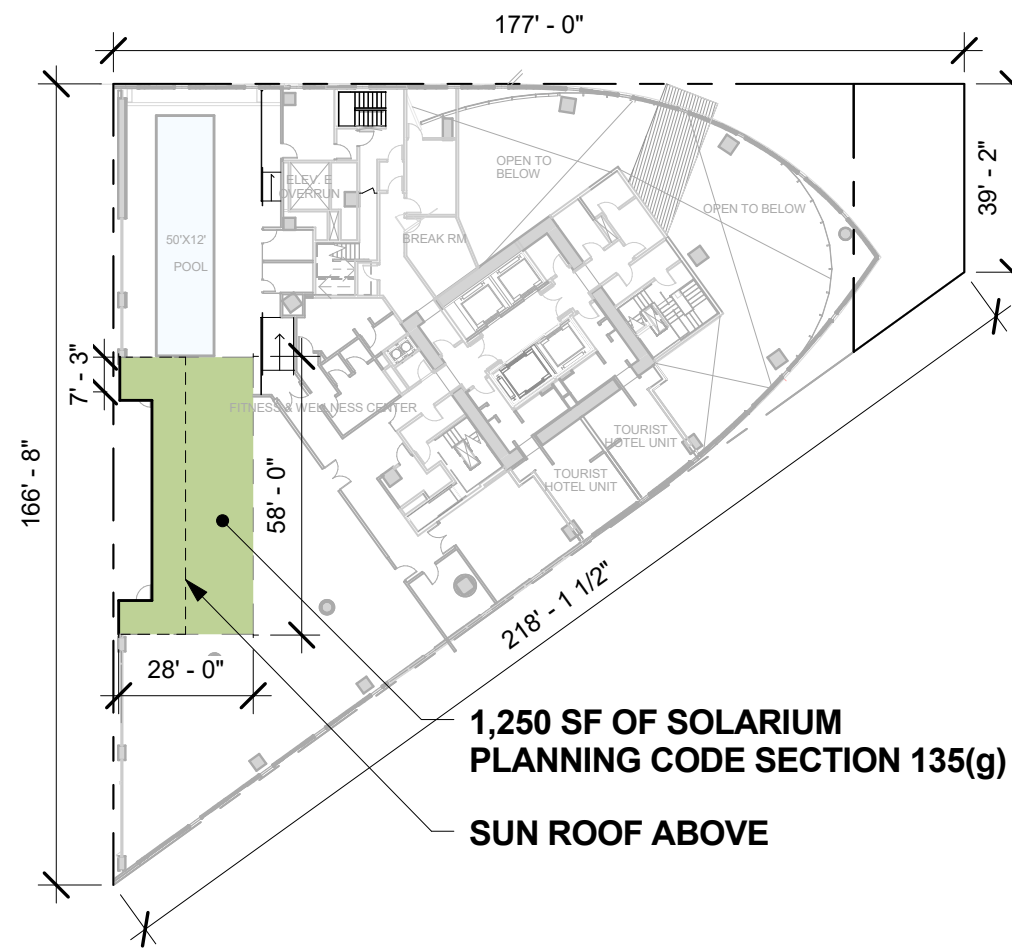
SOUTH FACADE C	
Transparent (excluding mullions)	1342.4 SF
Total Area	1745.7 SF
Non-residential Transparency	76.9%

TOTAL NON-RESIDENTIAL TRANSPARENCY	79.5%
---	--------------

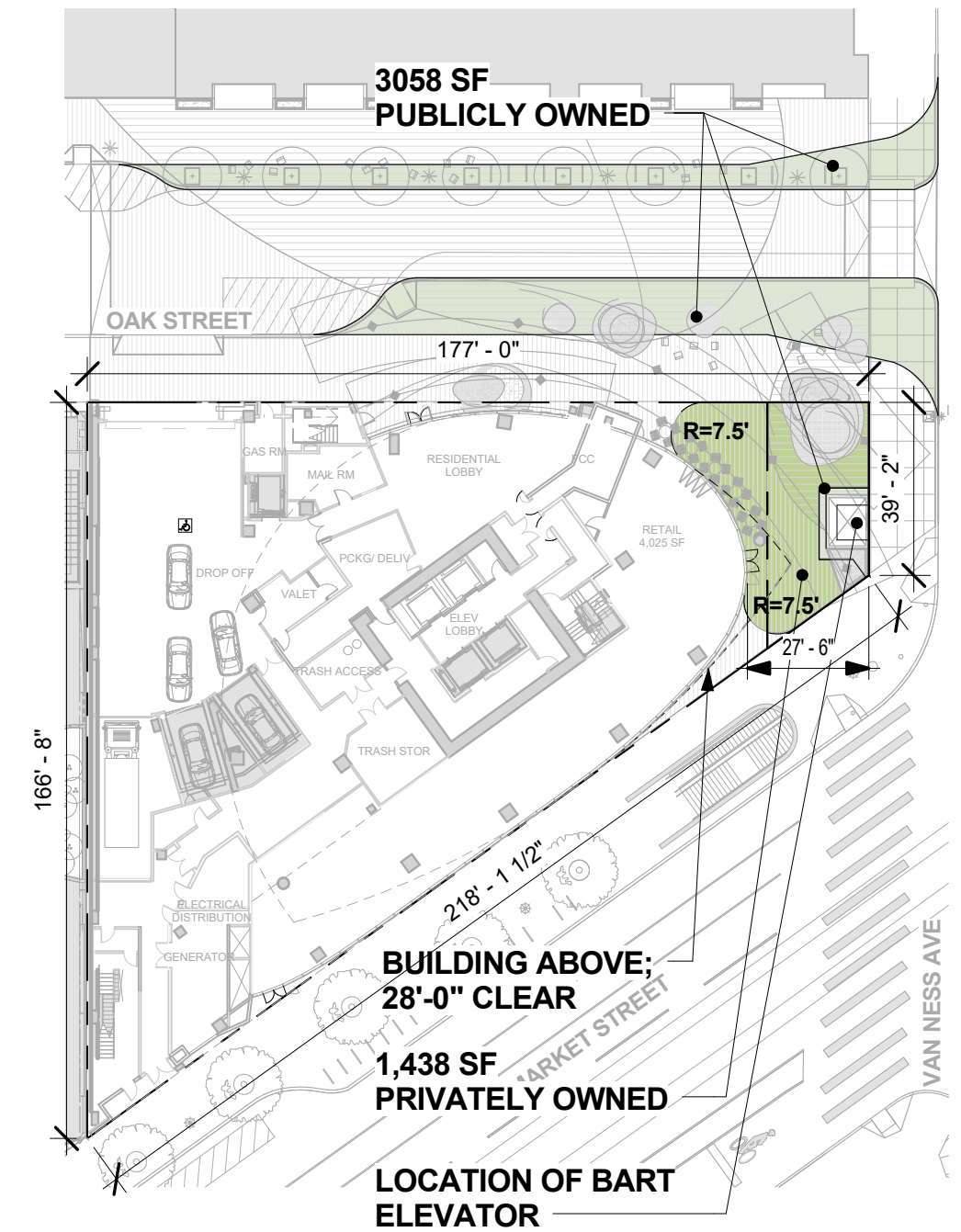




AMENITY TERRACE LEVEL 14



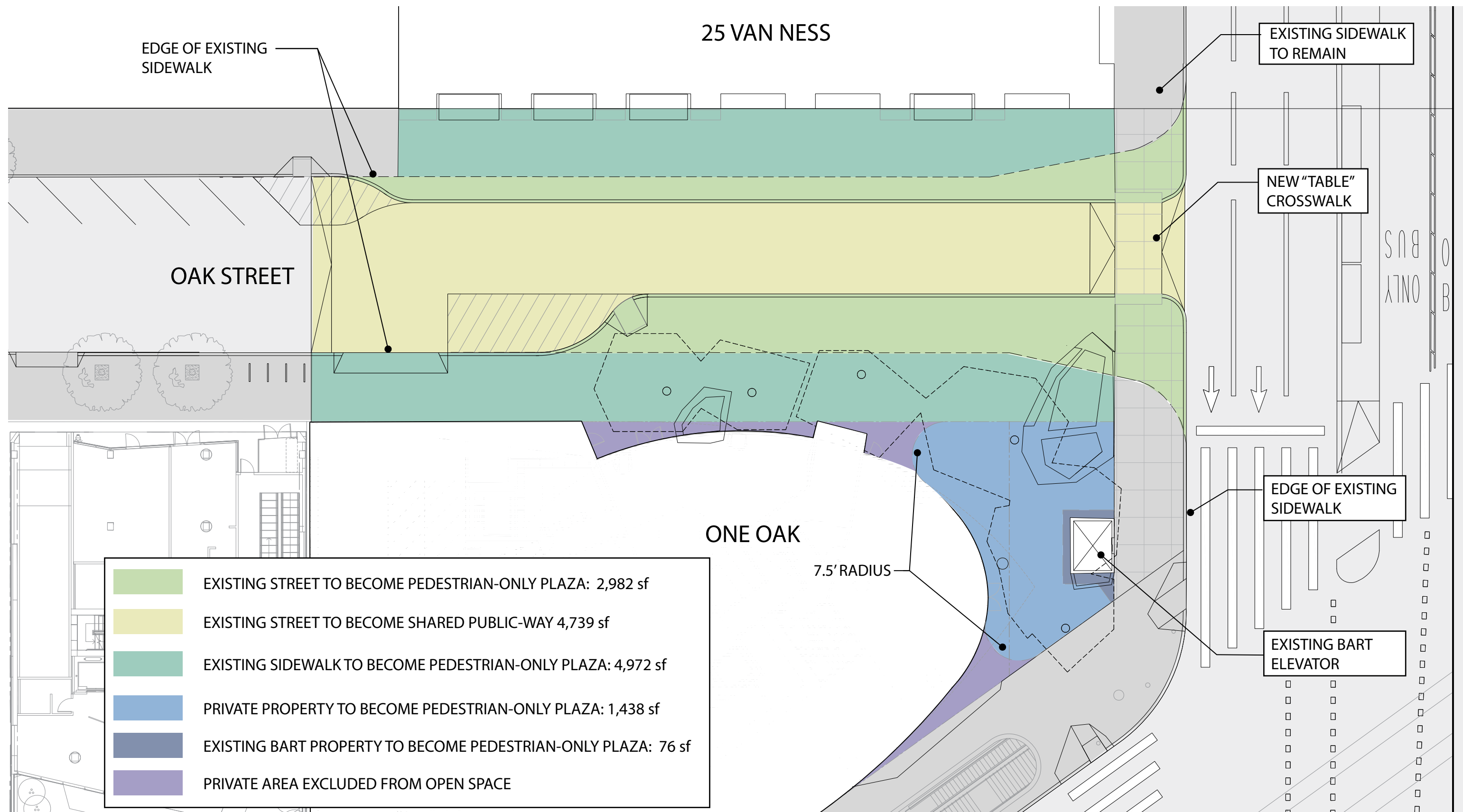
SOLARIUM LEVEL 03

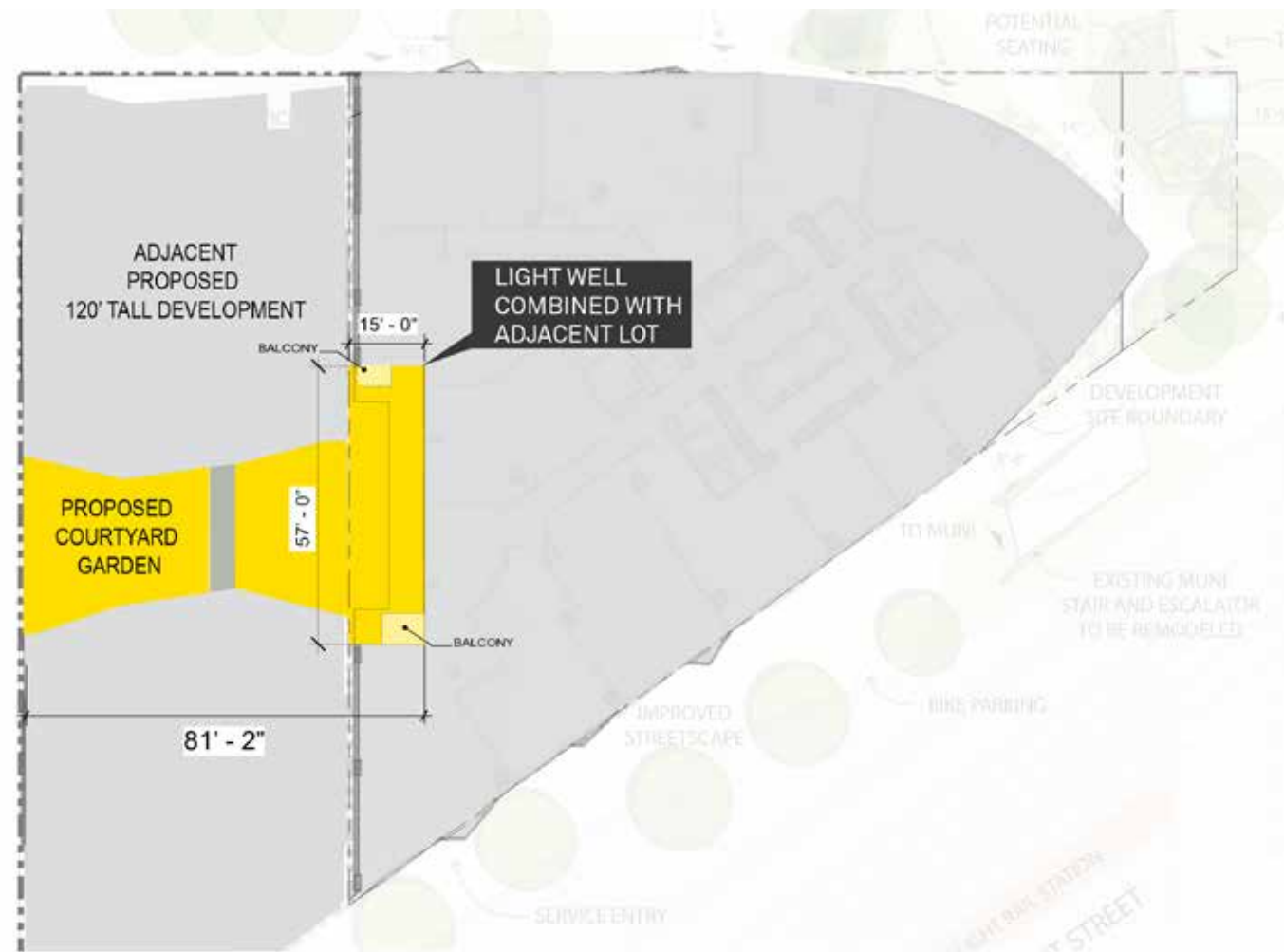


PUBLICLY ACCESSIBLE OPEN SPACE



0 20' 40'

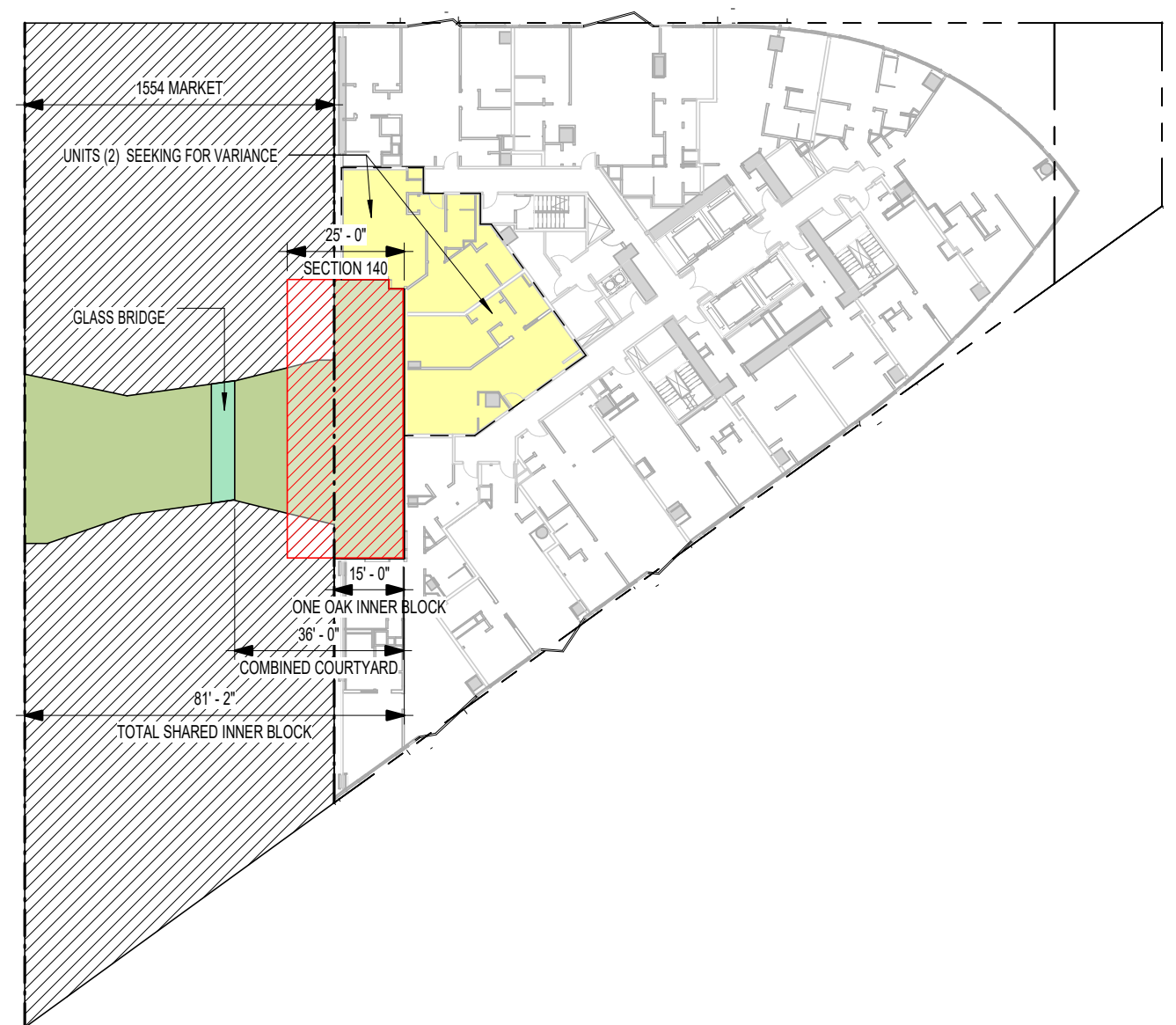
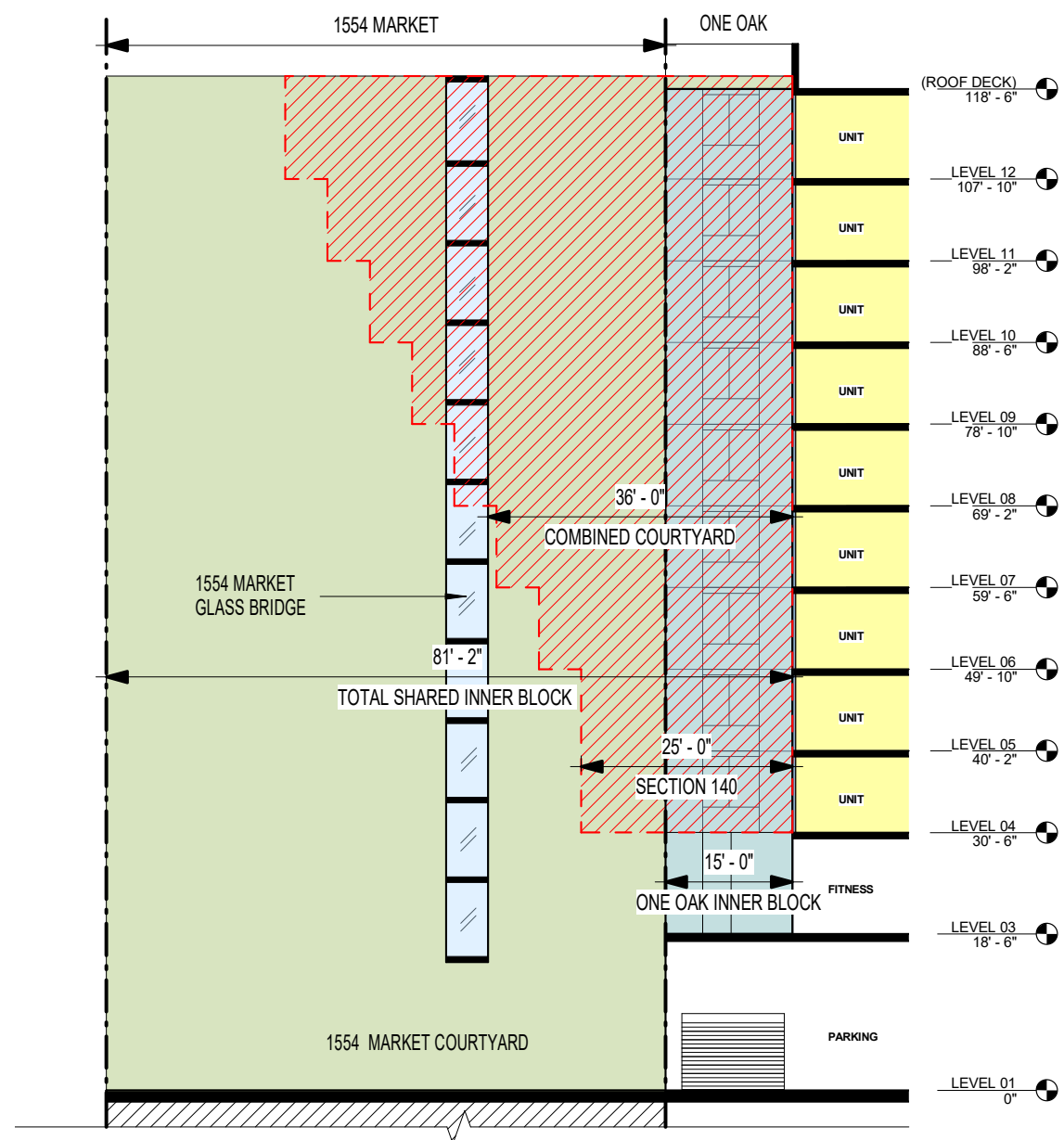


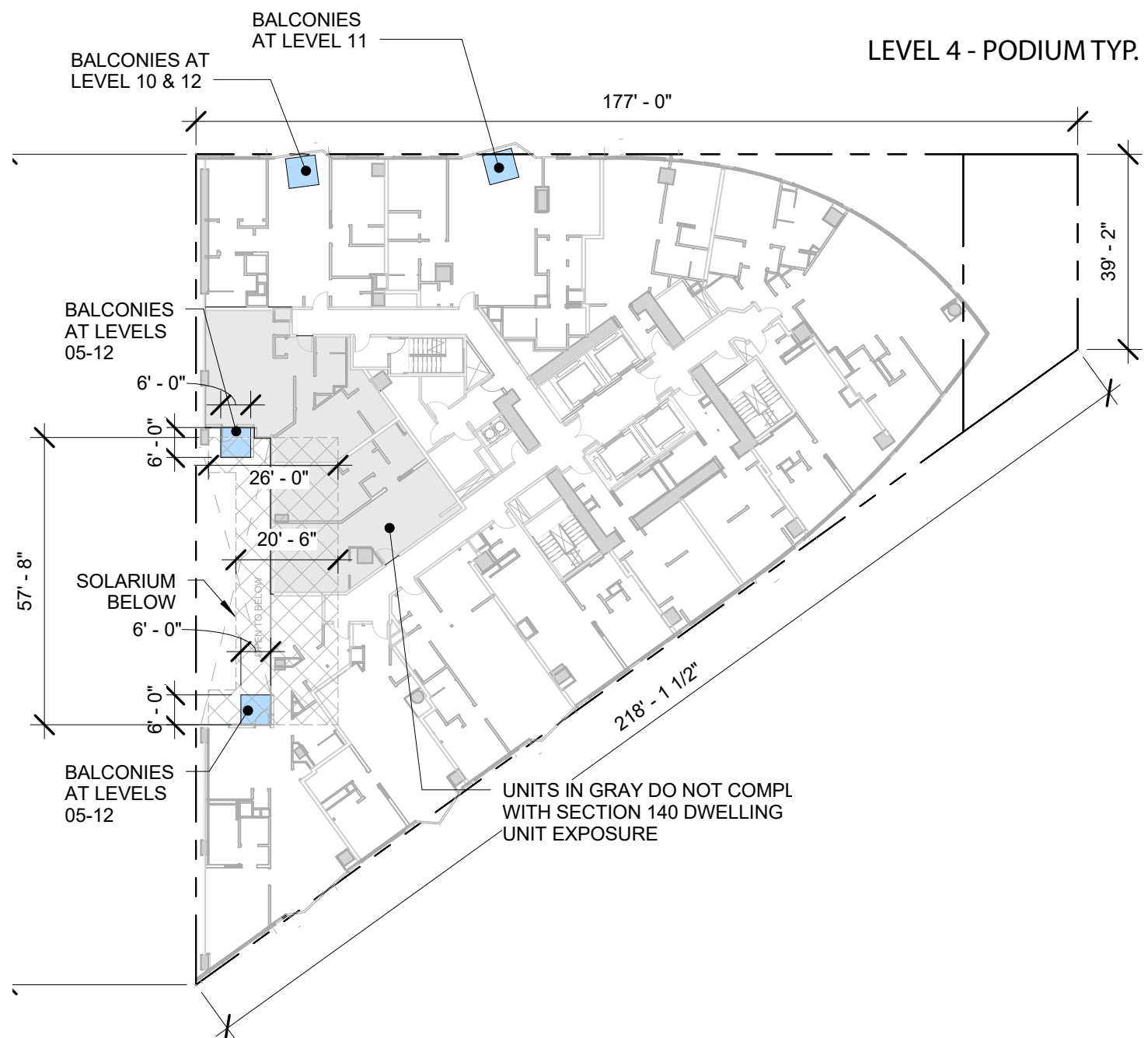


WITH ADJACENT MID-BLOCK BUILDING 81'-2" X 57'-0" AND
TRANSPARENT BRIDGE



WITH ADJACENT MID-BLOCK BUILDING 36'-0" X 57'-0"





BALCONIES AT LEVELS 05-12:
AVG. BALCONY SIZE: 46 SF_2/FLOOR

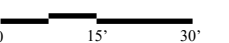
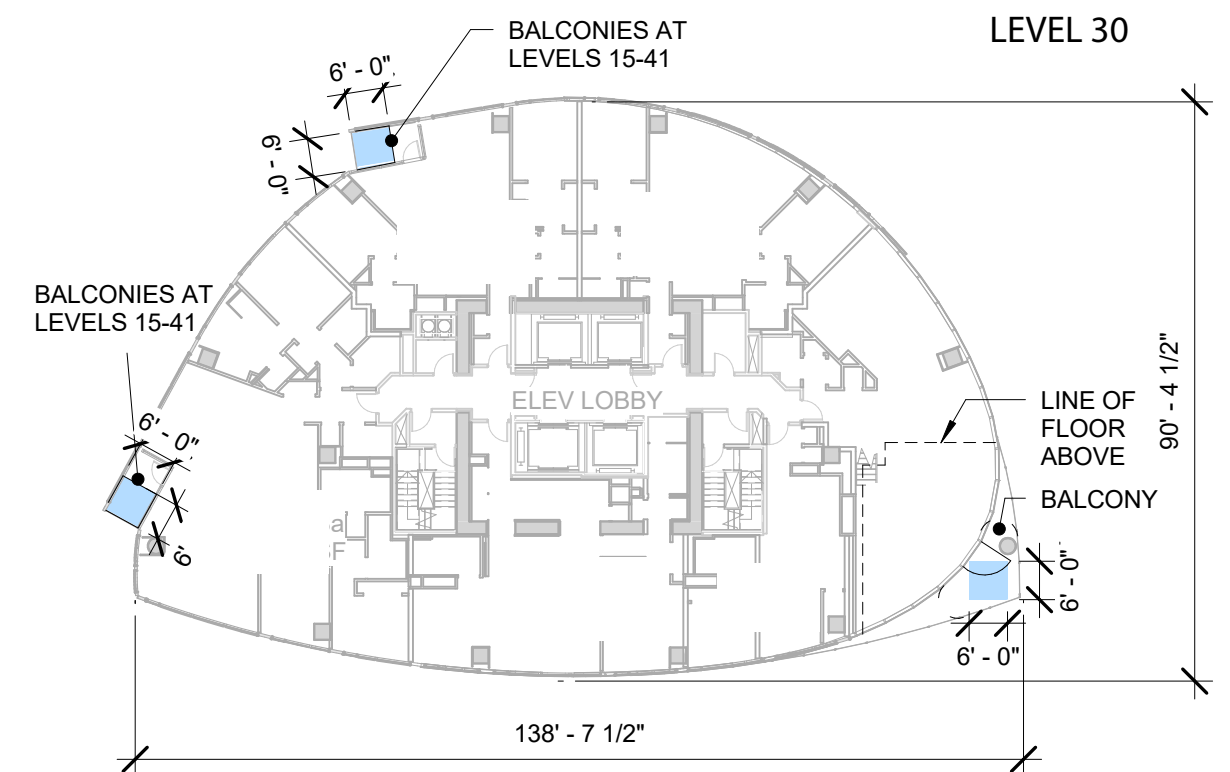
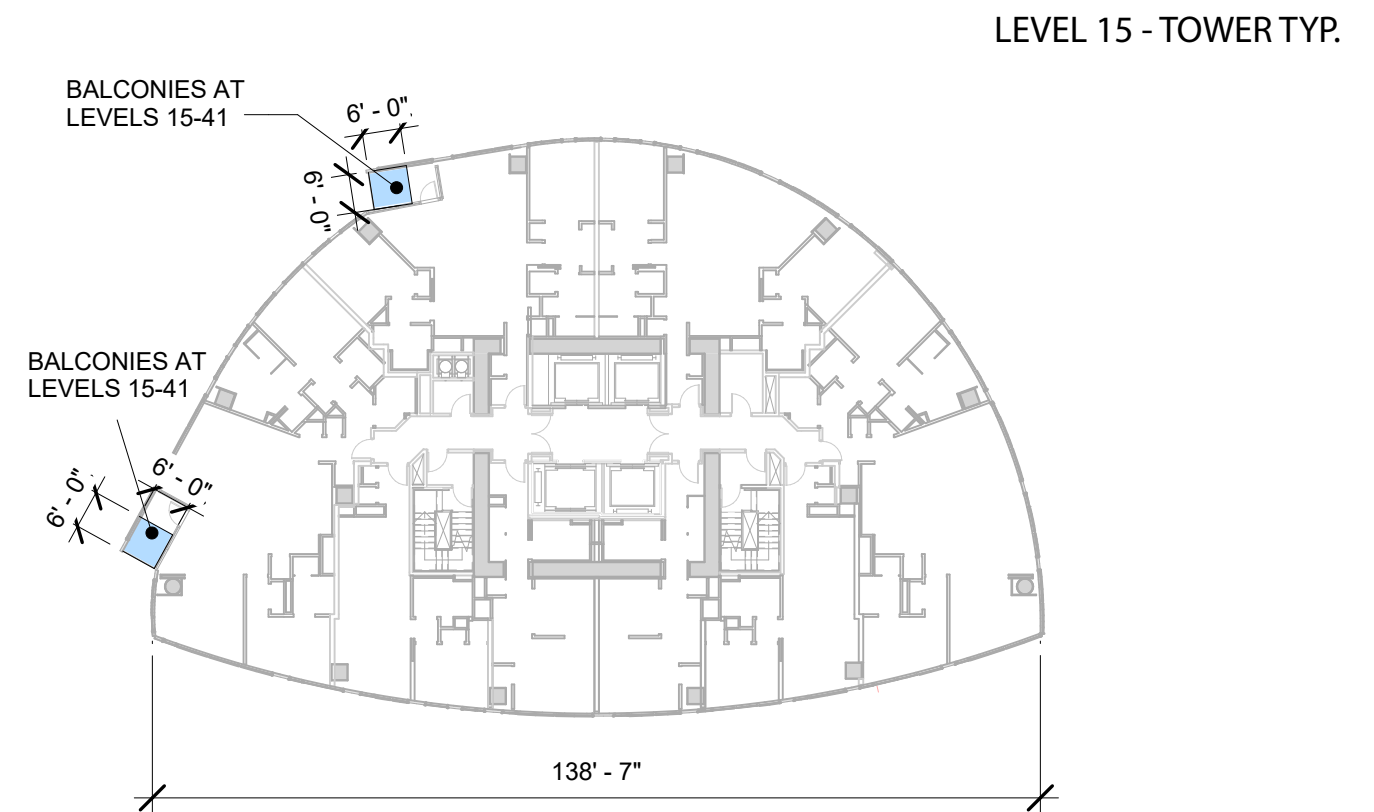
BALCONIES IN PODIUM: 19

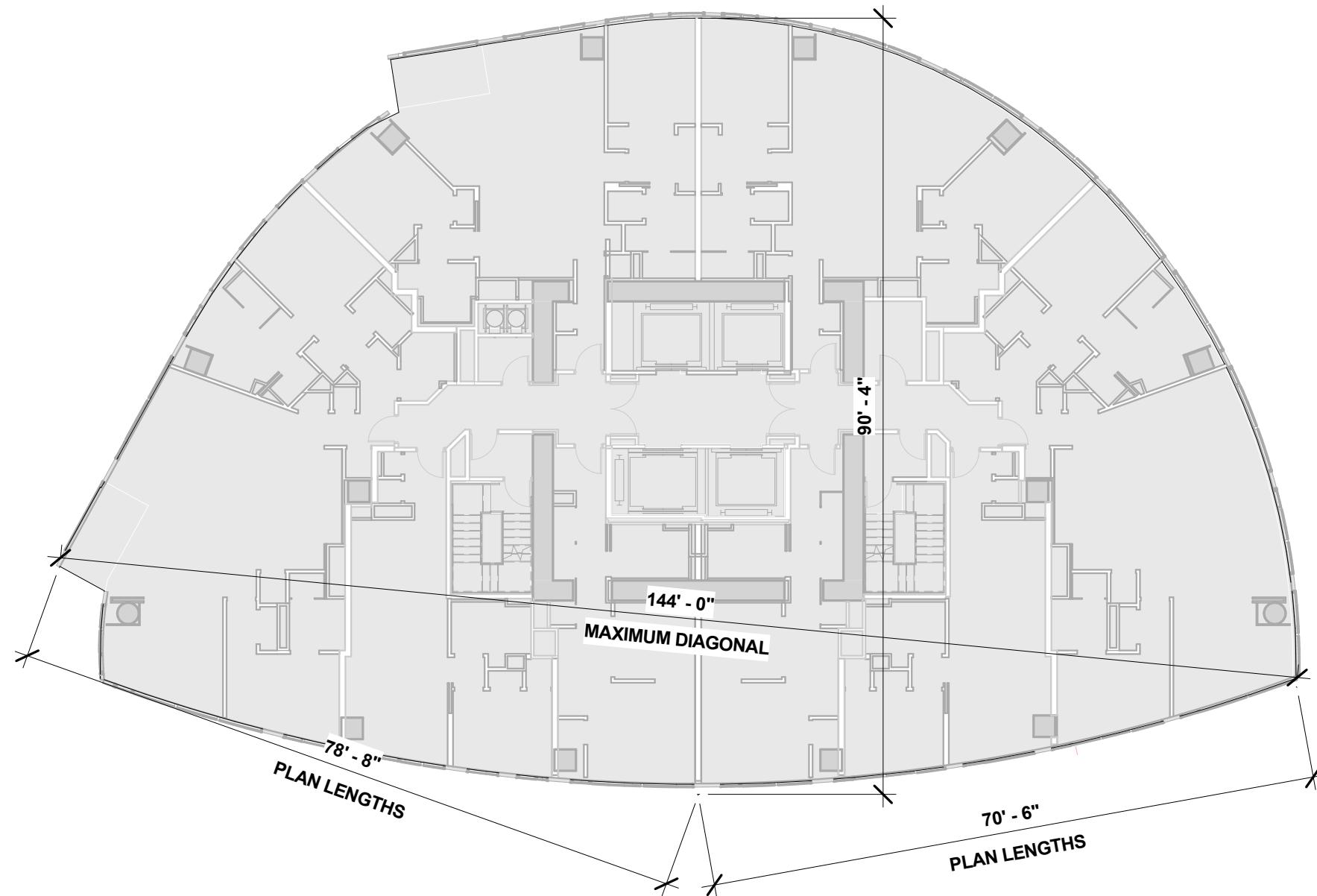
TOTAL BALCONIES: 74

TYP. BALCONIES AT LEVELS 15-41:
AVG. BALCONY SIZE: 55 SF_2/FLOOR

BALCONY AT LEVEL 30:
BALCONY SIZE 128 SF

BALCONIES IN TOWER: 55

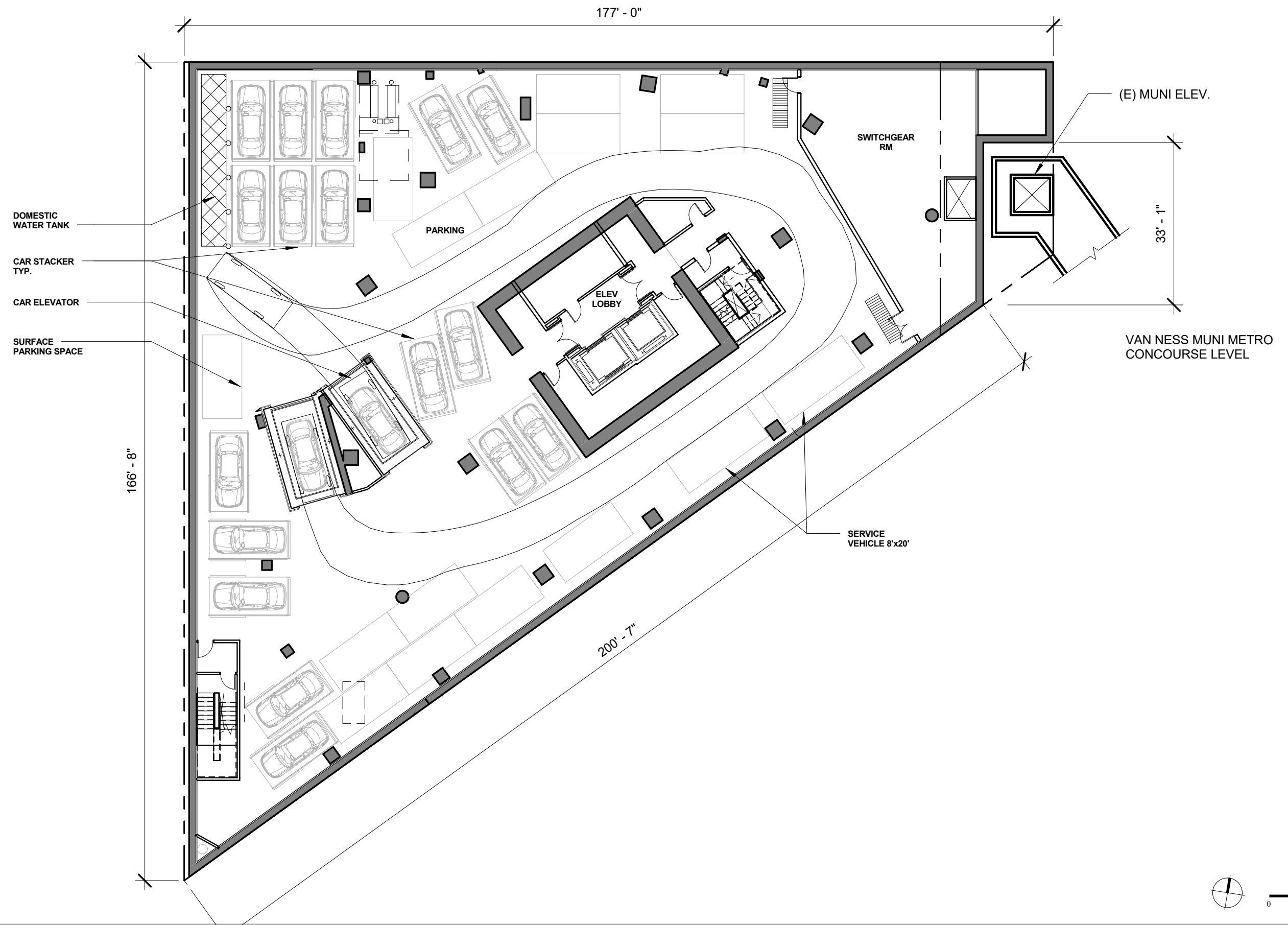




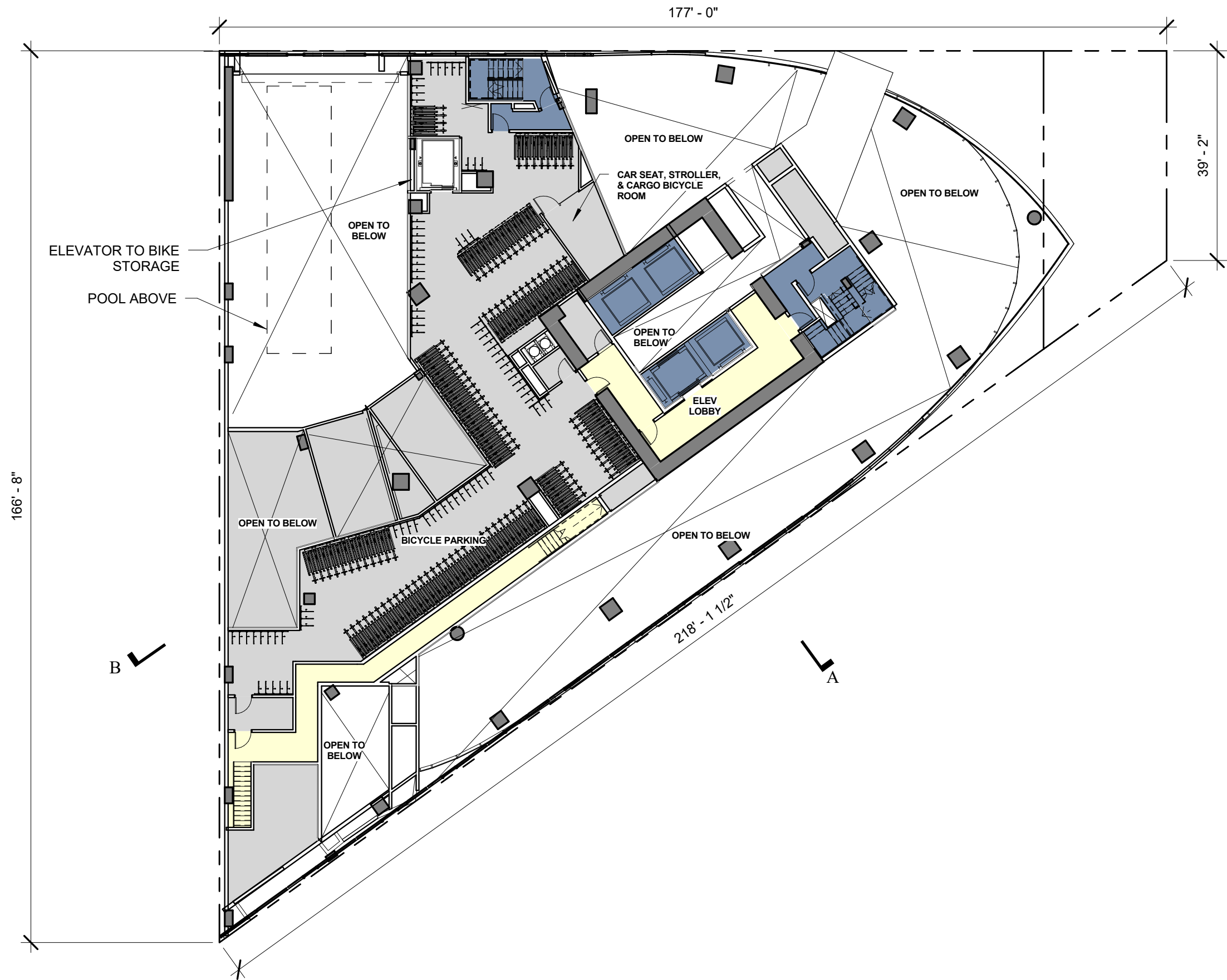
0 8' 16'



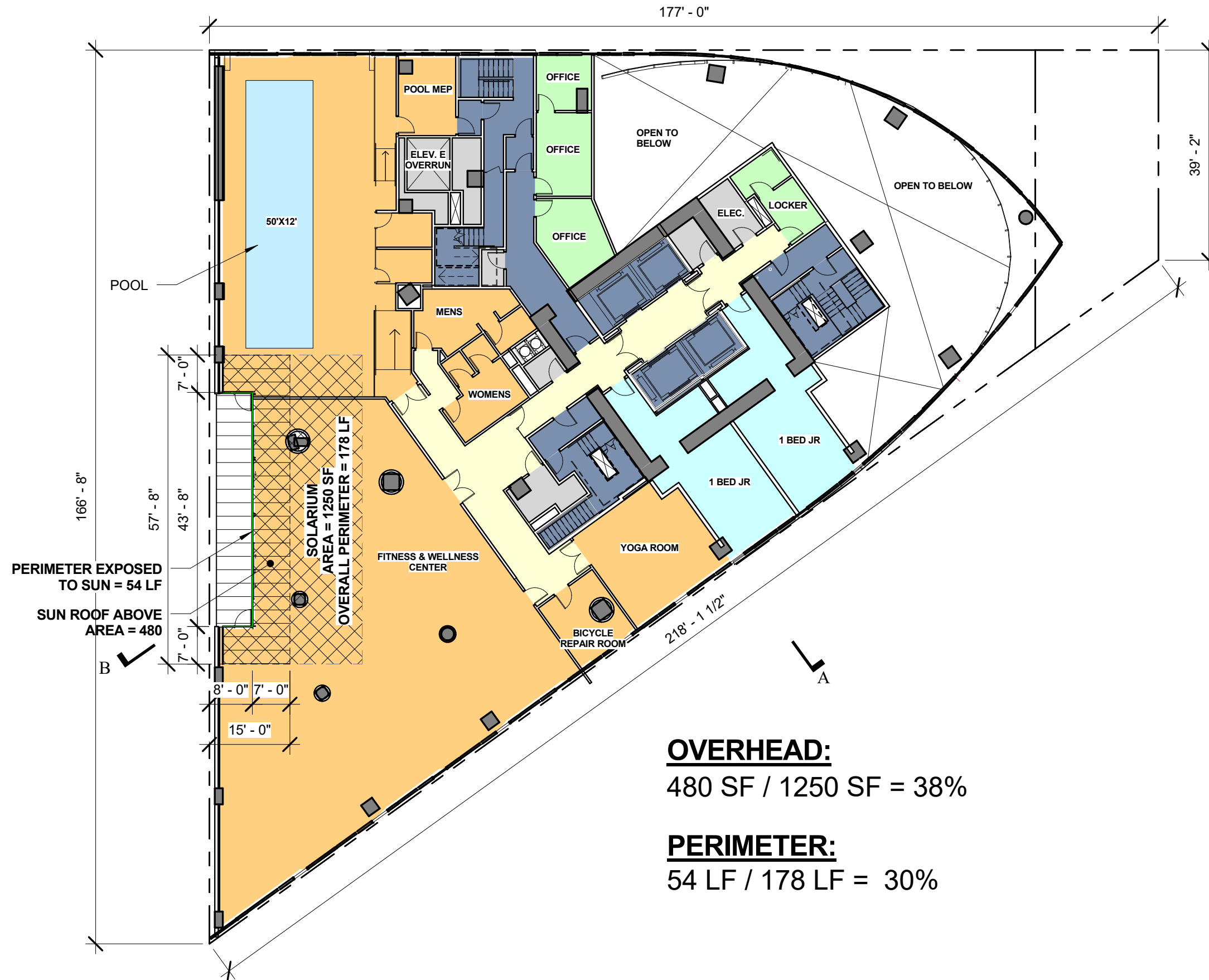
EXTENSION OF TOWER FACADE TO COVER ROOFTOP EQUIPMENT AND UNIFY SKIN DESIGN







0 10' 20'



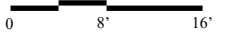
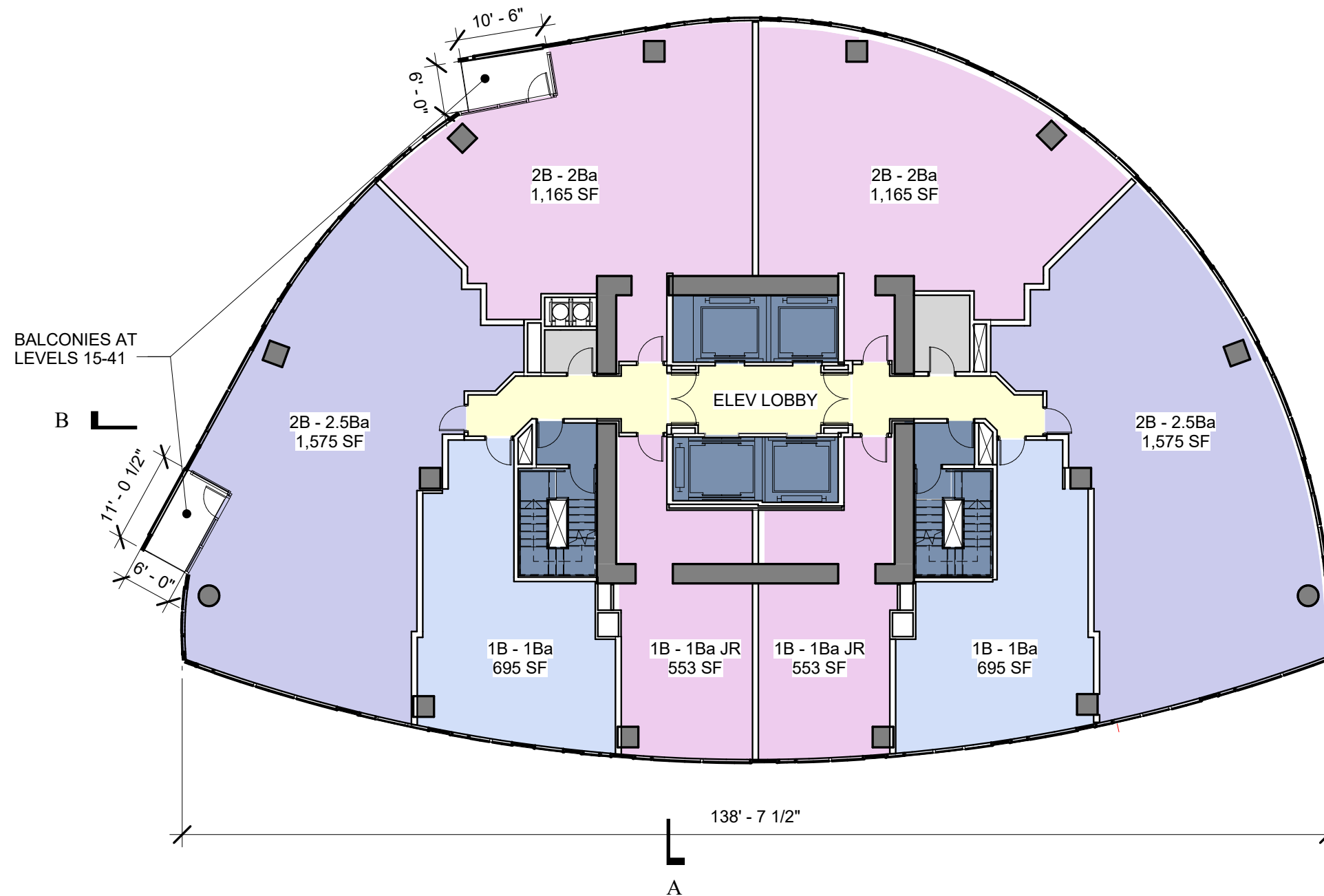
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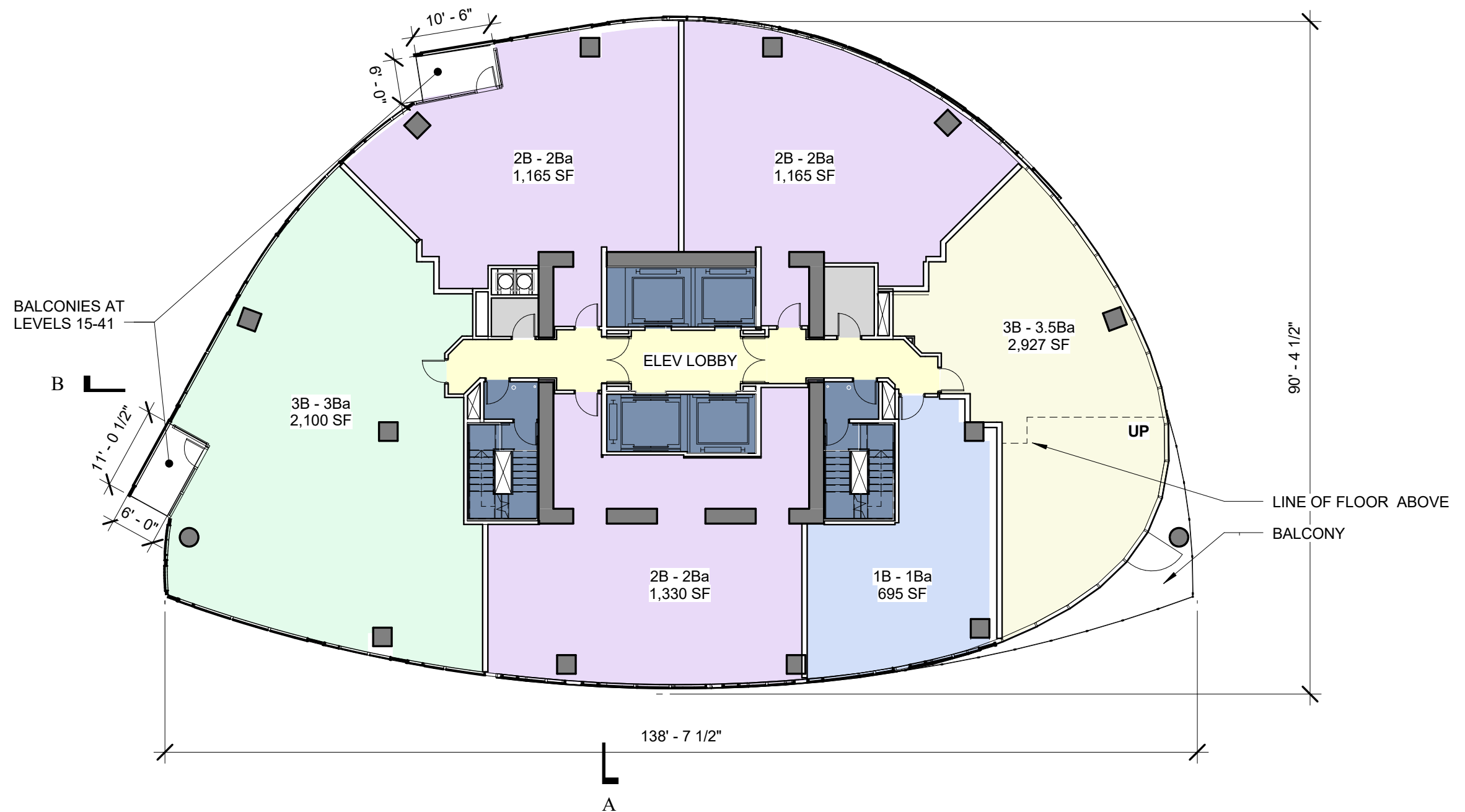


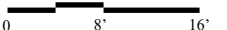
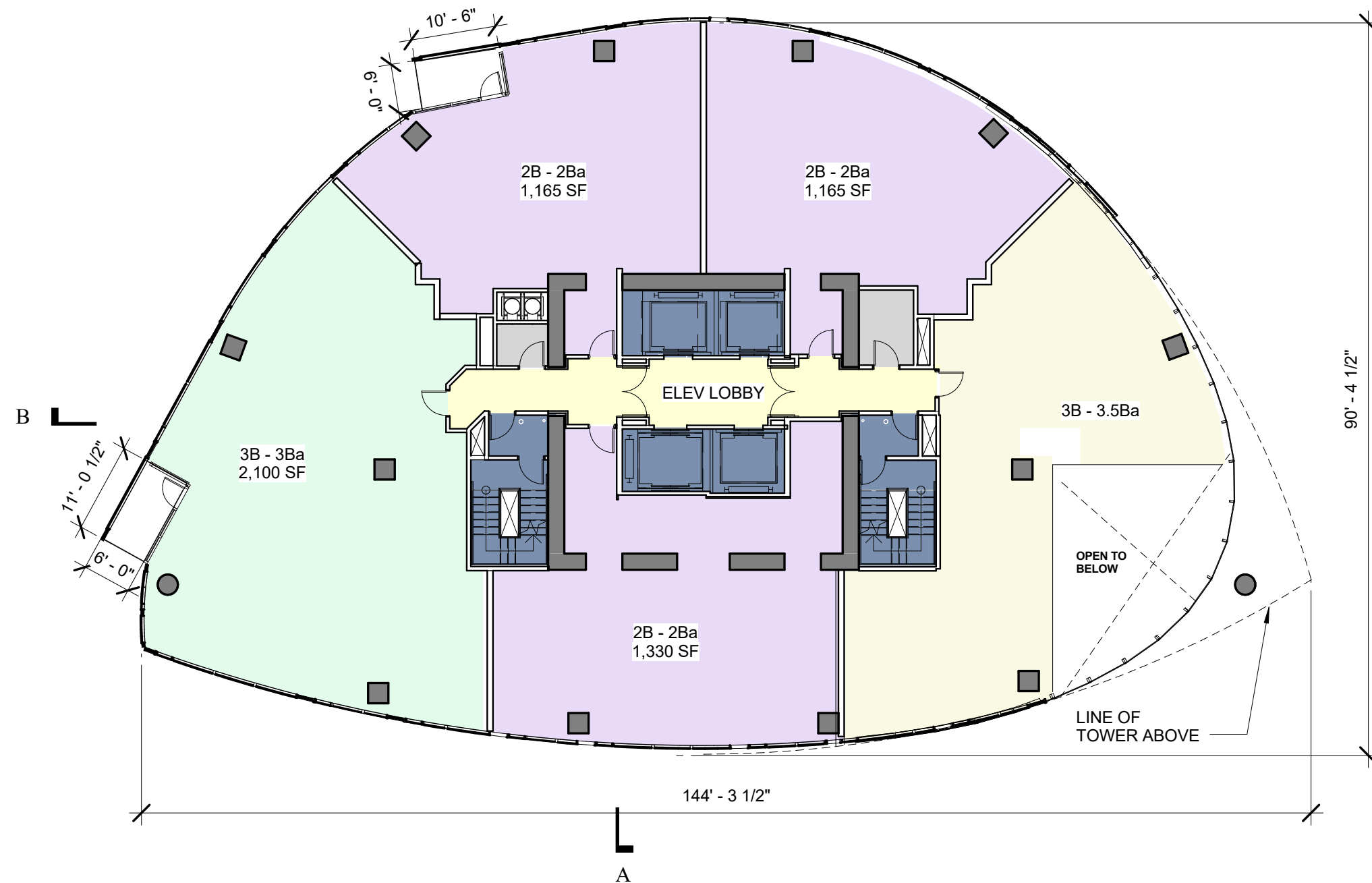
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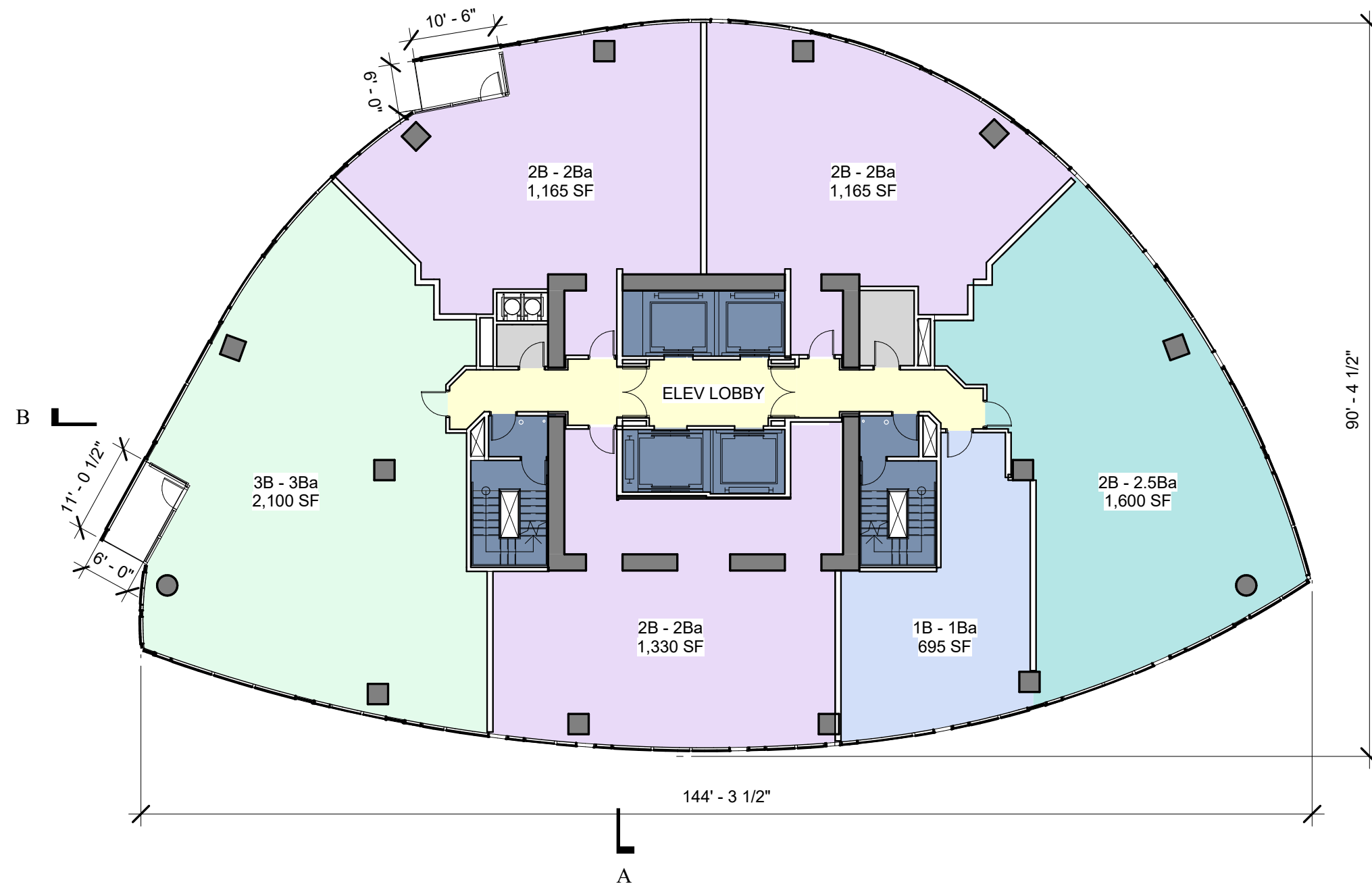


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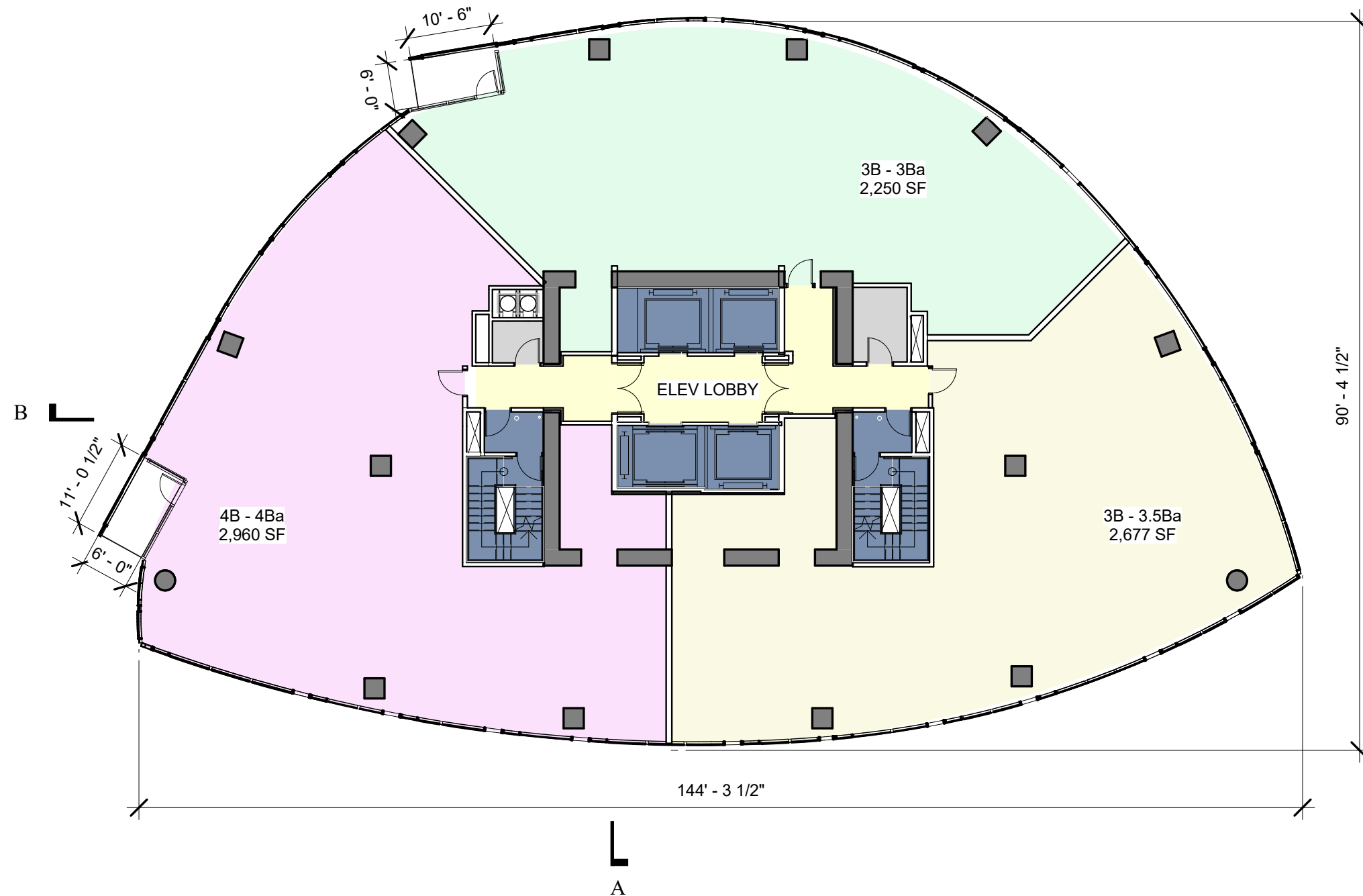




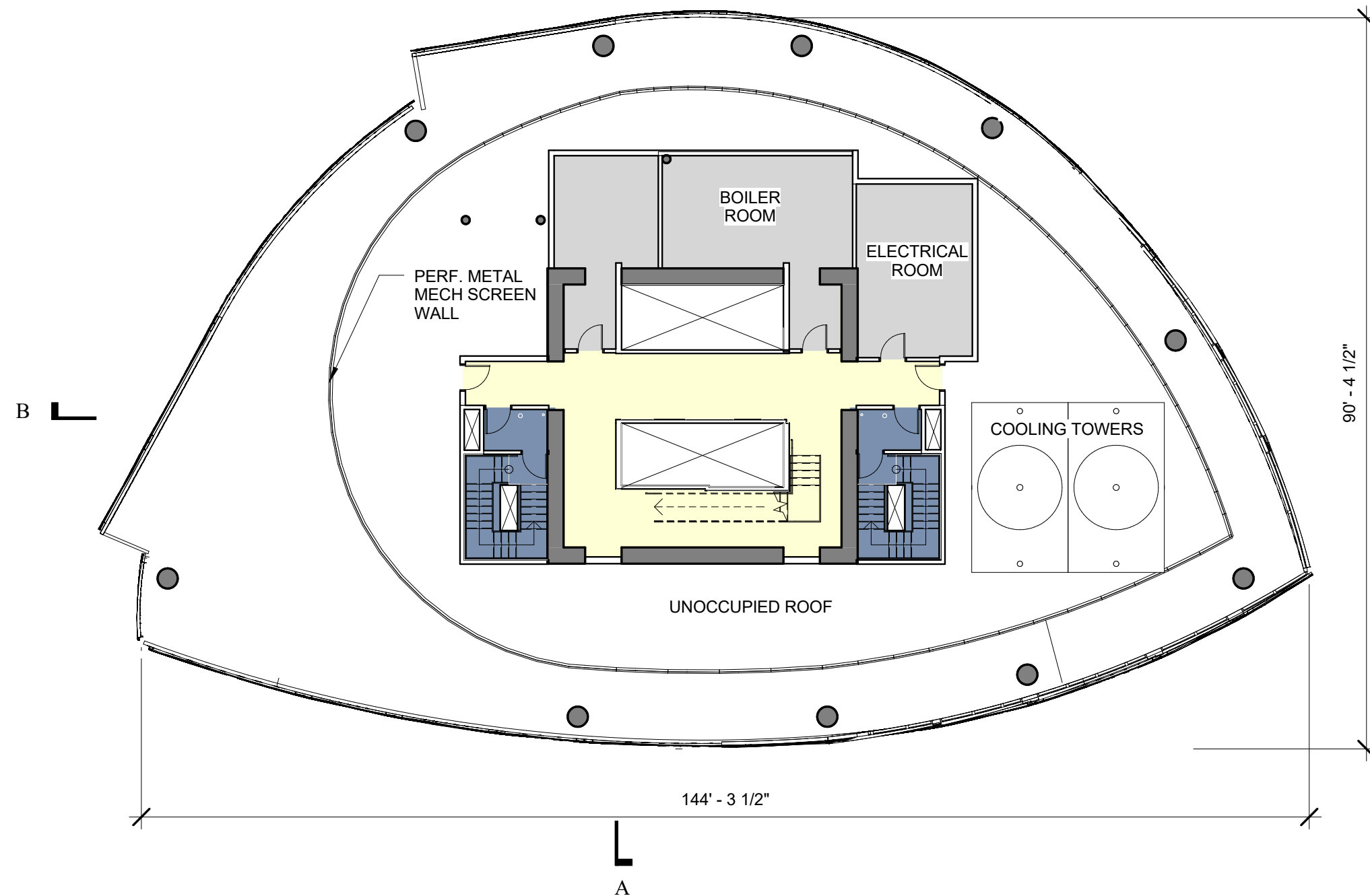


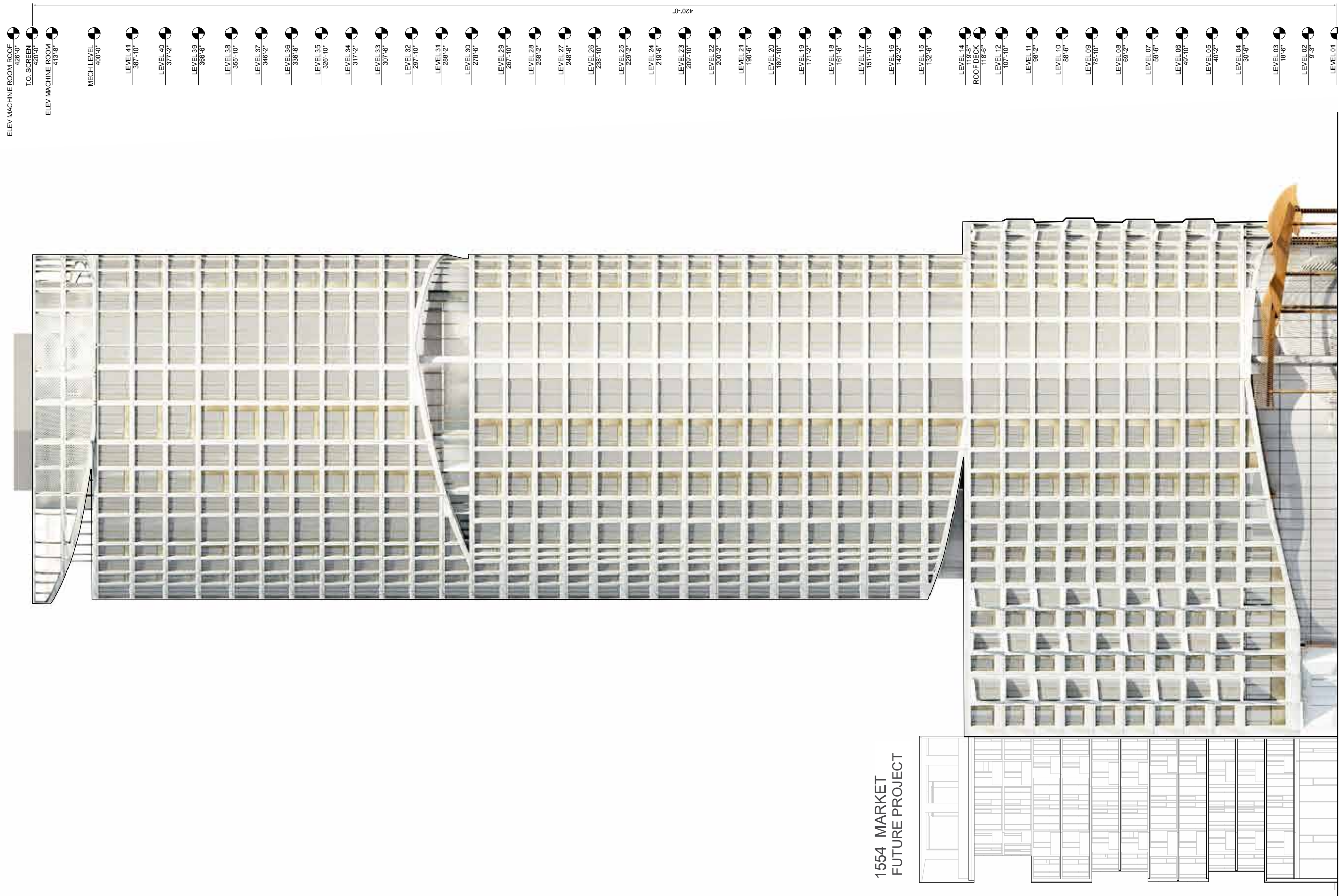


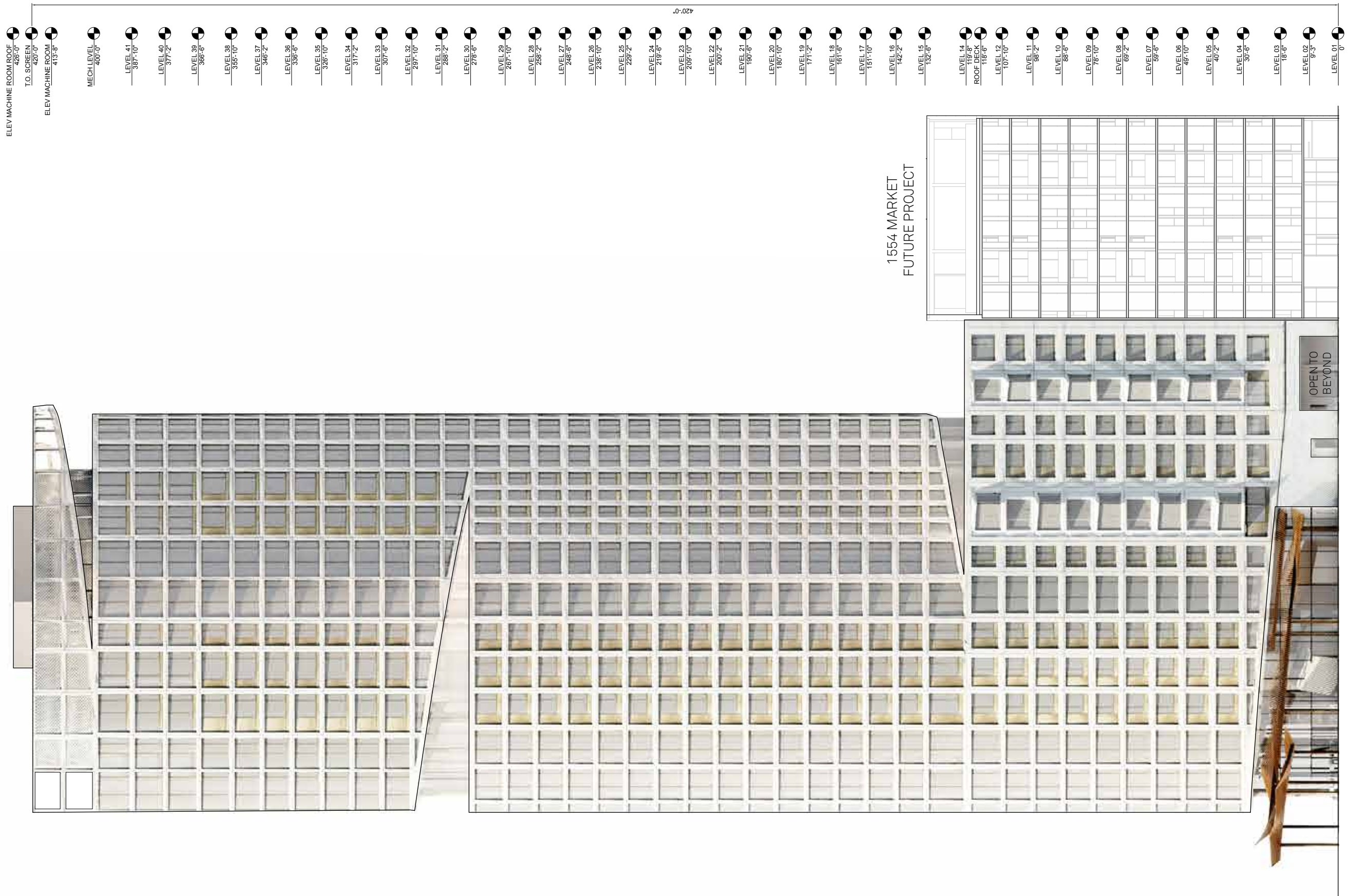
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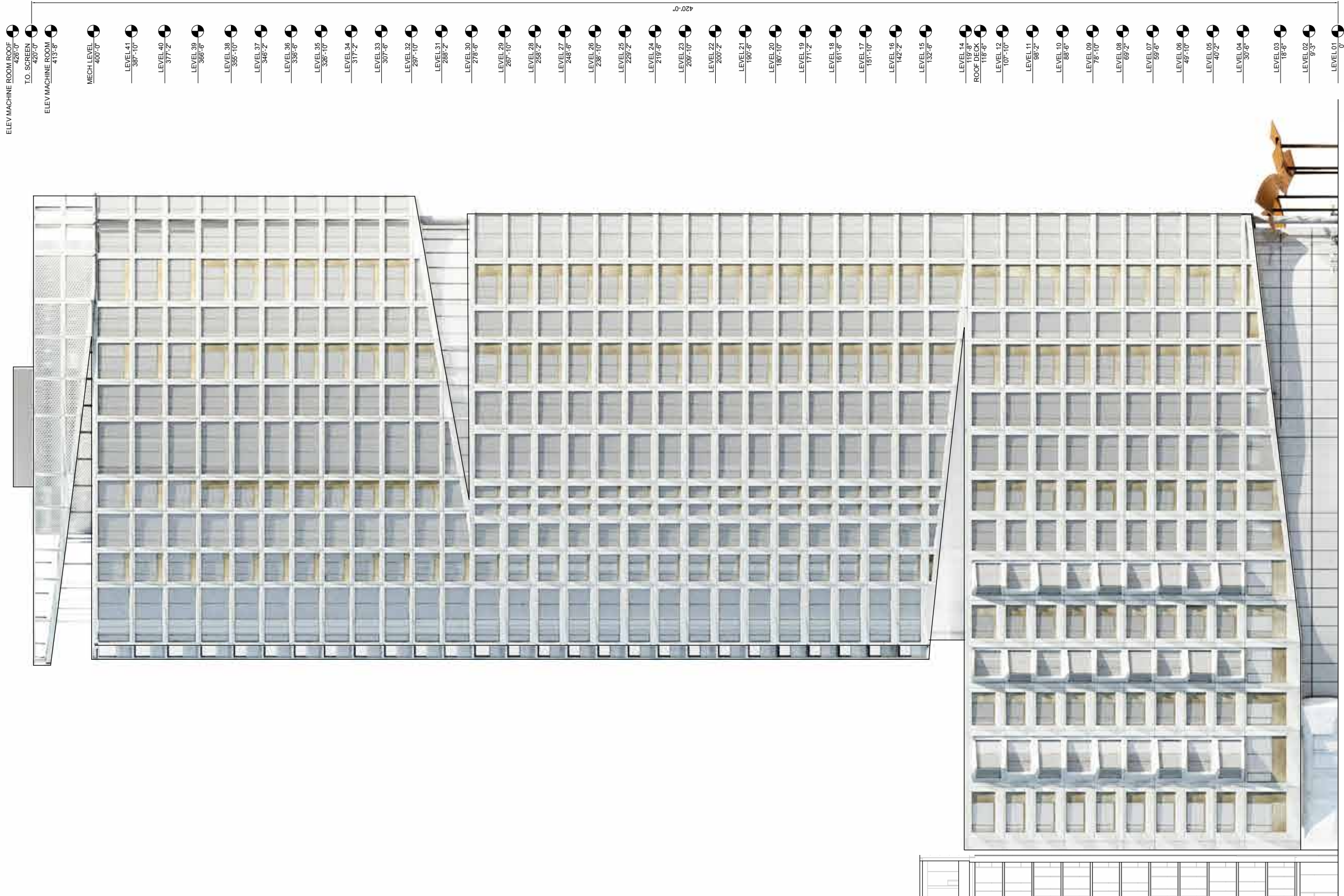


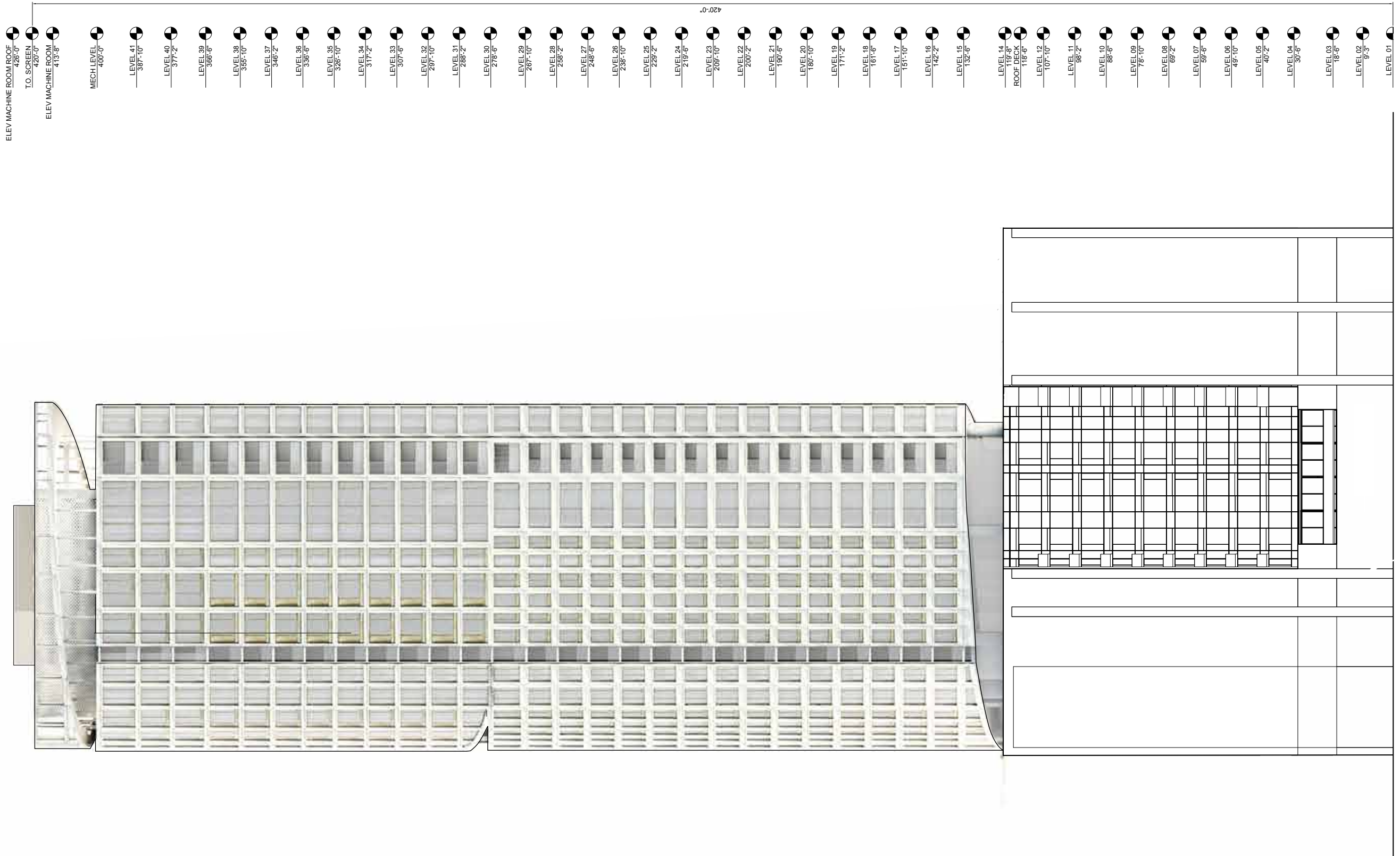
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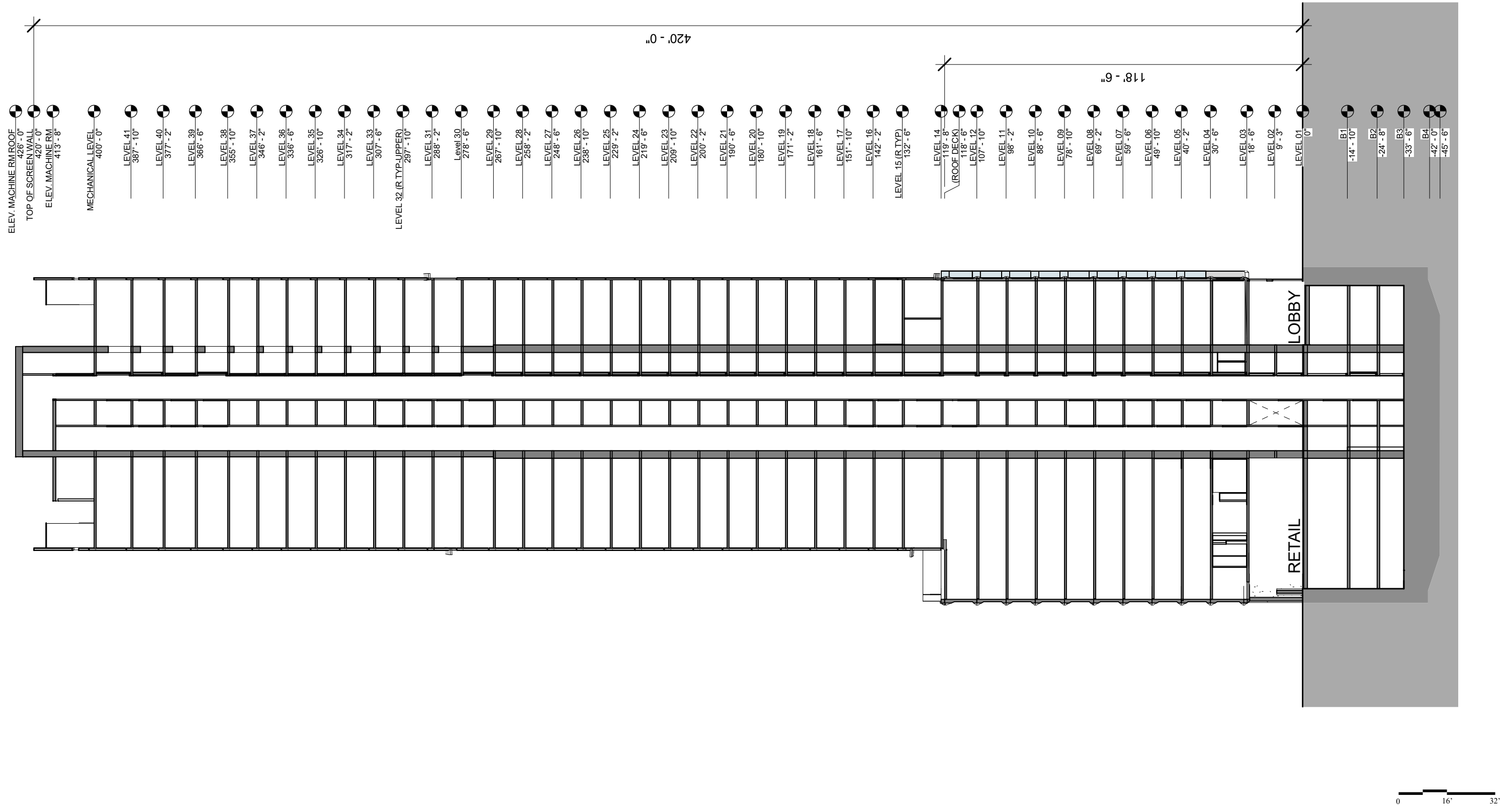














VIEW FROM MARKET LOOKING WEST



VIEW FROM MARKET STREET LOOKING WEST



INTERSECTION CLOSE UP VIEW

GROVE PLANTING TYPE

Drought and wind tolerant, sun and heat-loving species.

Possible species Include:

- Lyonothamnus floribundus* ssp. *asplenifolius*
- Artemisia californica* ‘Canyon Gray’
- Armenia maritima* ‘Alba’
- Deschampsia cespitosa*
- Bouteloua gracilis*
- Sporobolus heterolepsis*
- Baccharis pilularis* ‘Pigeon Point’
- Catalina Ironwood
- California Sagebrush
- White Flowered Thrift
- Tufted Hairgrass
- Blue Grama
- Praire Dropseed
- Coyote Brush



STORM-WATER GARDEN PLANTING TYPE

Shade tolerant, water-tolerant species.

Possible species Include:

- Taxodium distichum*
- Deschampsia cespitosa*
- Carex praegracilis*
- Polystichum munitum*
- Heuchera maxima*
- Baldcypress
- Tufted Hairgrass
- Clustered Field Sedge
- Western Sword Fern
- Island Alum Root



STREET TREE PLANTING TYPE

Large, resilient, civic species.

Possible species Include:

- Platanus x acerifolia* ‘Yarwood’
- Ginkgo biloba*
- London Plane
- Ginkgo



ONE OAK PUBLIC ART PROPOSAL

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ONE OAK - CANOPY COST ESTIMATE		MULTIPLE BASELINE UMBRELLA CANOPIES (Excluding Polk & Market Canopy)		Updated:	3/14/2017
Design:	Qty. Units		Unit Price	Subtotal	Extension
Architect's Fee	1 ls		\$80,000 total	\$80,000	
Fabricator Prototyping	1 ls		\$15,000 total	\$15,000	
Structural Engineering	1 ls		\$45,000 total	\$45,000	
Other - Reimbursables	1 ls		\$15,000 total	\$15,000	
Design Subtotal					\$155,000
Footings: (Notes: Polk & Market canopy removed. 2 footings are attached to the basement foundation and do not need separate footings)					
Excavation & Soil Off-haul	4.00 footings	18.52 cy	\$150 per cy	\$11,111	
Caissons (3' diam x 30' deep)	4.00 caissons		\$13,000 each	\$52,000	
Soil Loading & Off-Haul	4.00 footings	18.52 cy	\$85 per cy	\$6,296	
Reinforced Concrete Spread Footings	4.00 footings		\$12,880 each	\$51,520	
Imbeds for Column Attachment	4.00 footings		\$800 each	\$3,200	
Special Column Attachments to Basement Structure	2.00 footings		\$3,000 each	\$6,000	
Add'l Support Structure for Footings over Basement	2.00 footings		\$7,360 each	\$14,720	
Footings Subtotal					\$144,847
Columns & Beams:					
8" Galv Tube Steel Support Columns	6.00 columns	36 lf tall	\$420 per lf	\$90,720	
Custom Precast Column Wraps	6.00 columns		\$16,000 per column	\$96,000	
Caulking at Column Bases	6.00 each		\$100 each	\$600	
Columns Subtotal					\$187,320
Cover Components:					
Galv. Steel Canopy Frames w/Kynar Finish (25' avg. diam.)	6.00 frames		\$24,000 each	\$144,000	
Stainless Watercut Panels	2,844.00 sf		\$130 per sf	\$369,720	
Stainless Tension Cable Supports & Fittings	600.00 lf		\$22 per lf	\$13,200	
Custom Brackets / Fasteners	6.00 sets		\$2,500 per set	\$15,000	
Specialty Installation Labor, Handling, Commissioning	6.00 sets		\$10,000 each	\$60,000	
Columns Subtotal					\$601,920
Electrical / Lighting:					
Decorative Lighting (up-lights)	1.00 ls		\$75,000 ls	\$75,000	
Electrical / Lighting Subtotal					\$75,000
General Contractor's OH&P:					
General Conditions	\$1,009 direct costs (\$000)		2.50% of hard cost	\$25,227	
General Requirements	\$1,034 direct costs (\$000)		1.50% of hard cost	\$15,515	
General Contractor's Contingency	\$1,050 direct costs (\$000)		1.50% of hard cost	\$15,747	
Insurance	\$1,066 direct costs (\$000)		1.00% of hard cost	\$10,656	
Subguard	\$1,076 direct costs (\$000)		1.25% of hard cost	\$13,453	
General Contractor's Fee	\$1,090 direct costs (\$000)		3.00% of hard costs	\$32,691	
Bonding	\$1,122 direct costs (\$000)		2.00% of hard costs	\$22,448	
General Contractor's OH&P Subtotal			13.45% of direct costs		\$135,736
TOTAL ESTIMATED COST	6 canopies		\$216,667 per canopy		\$1,300,000

ONE OAK - CANOPY COST ESTIMATE		TORSION WAVE ART CANOPIES (Excluding Polk & Market Canopy)		Updated: 3/14/2017	
Design:	Qty.	Units	Unit Price	Subtotal	Extension
Artists' Fee	1	ls	\$150,000 total	\$150,000	
Fabricator Prototyping	1	ls	\$185,000 total	\$185,000	
Structural Engineering	1	ls	\$65,000 total	\$65,000	
Computer Modeling	1	ls	\$12,000 total	\$12,000	
Other - Reimbursables (artist prototyping, deliveries & travel)	1	ls	\$25,000 total	\$25,000	
Artist's Commemorative Plaques	2.00	each	\$1,500 each	\$3,000	
Design Subtotal					\$440,000
Footings: (Notes: Excludes Polk & Market Canopy. 3 footings are attached to the basement foundation and do not need separate footings)					
Excavation & Soil Offhaul	7.00	footings	18.52 cy \$150 per cy	\$19,444	
Caissons (3' diam x 30' deep)	7.00	caissons	\$13,000 each	\$91,000	
Soil Loading & Off-Haul	7.00	footings	18.52 cy \$85 per cy	\$11,019	
Reinforced Concrete Spread Footings	7.00	footings	\$12,880 each	\$90,160	
Imbeds for Column Attachment	7.00	footings	\$800 each	\$5,600	
Special Column Attachments to Basement Structure	3.00	footings	\$3,000 each	\$9,000	
Add'l Support Structure for Footings over Basement	3.00	footings	\$7,360 each	\$22,080	
Footings Subtotal					\$248,303
Columns & Beams:					
Steel Imbed / Electrical Chase	10.00	tube steel	25 lf tall \$125 per lf	\$31,250	
Custom Steel Fabrication @ Upper Column Supports	10.00	ea	\$3,700 each	\$37,000	
Custom Precast Column Wraps	10.00	columns	\$16,000 per column	\$160,000	
Special Formwork & Finishes	10.00	ls	\$3,000 per column	\$30,000	
Custom Steel Curved Top Rail Beams (shop Kynar finish)	242.00	lf	\$375 per lf	\$90,750	
Caulking at Column Bases	10.00	each	\$100 each	\$1,000	
Columns Subtotal					\$350,000
Torsion / Cover Components:					
Custom Torsion Panels - Coated Aluminum (18' avg. span)	165.00	panels	\$6,300 each	\$1,039,500	
Torsion Spine	242.00	lf	\$125 per lf	\$30,250	
Custom Brackets / Fasteners / Bearings / Dampeners	165.00	sets	\$650 per set	\$107,250	
Specialty Installation Labor, Handling, Commissioning	165.00	panels	\$1,100 each	\$181,500	
Columns Subtotal					\$1,358,500
Electrical / Lighting / Audio-Visual: (Excludes Polk Canopy)					
Decorative Lighting (up-lights)	1.00	ls	\$75,000 ls	\$75,000	
Power, Low Voltage & Controls (for interactive lighting)	7.00	segments	\$15,000 per segment	\$105,000	
Interactive Lighting in Canopies	7.00	segments	\$28,000 per segment	\$196,000	
Electrical / Lighting / Audio-Visual Subtotal					\$376,000
General Contractor's OH&P:					
General Conditions	\$2,333	direct costs (\$000)	2.50% of hard cost	\$58,320	
General Requirements	\$2,391	direct costs (\$000)	1.50% of hard cost	\$35,867	
General Contractor's Contingency	\$2,427	direct costs (\$000)	1.50% of hard cost	\$36,405	
Insurance	\$2,463	direct costs (\$000)	1.00% of hard cost	\$24,634	
Subguard	\$2,488	direct costs (\$000)	1.25% of hard cost	\$31,100	
General Contractor's Fee	\$2,519	direct costs (\$000)	3.00% of hard costs	\$75,574	
Bonding	\$2,595	direct costs (\$000)	2.00% of hard costs	\$51,894	
			13.45% of direct costs		\$313,794
TOTAL ESTIMATED COST	242	lf of Torsion Canopies	\$12,756 per lf of canopy		\$3,087,000
Delta from Baseline Canopy Design:				\$1,787,000	

SUBMISSION FOR: **ONE OAK - EXTERIOR LARGE SCALE** **CANOPY ART RFP**

DAVID DELGADO + DAN GOODS

January 11th, 2016

DAVID DELGADO

Independent Artist

Artist | Jet Propulsion Laboratory, Pasadena, CA.

4036 Chevy Chase Drive | Los Angeles, California

david@davidjdelgado.com | 323 428 0744

www.davidjdelgado.com

EDUCATION HISTORY

2002 Art Center College Of Design, BFA

1994 UCLA, BA, Anthropology

PROFESSIONAL HISTORY

2013- Artist, Jet Propulsion Laboratory [JPL], Pasadena, CA.

2012- Independent Artist

2006-12 Creative Lead, Imagine Mars Project, JPL, Pasadena, CA.

2002 Art Director, Goodby Silverstein and Partners/Art Center, San Francisco, CA.

SELECTED PROJECTS

Dazzle | Permanent Public Art installation for the San Diego International Airport | Artistic concept and Production in collaboration with Dan Goods and Nik Hafermaas, Opens in 2016

Orbit Pavilion | NASA temporary sculpture | World Science Festival NYC, Exploratorium SF | Artistic concept and Production in collaboration with Dan Goods and StudioKCA, 2014

Metamorphosis | NASA temporary sculpture | World Science Festival NYC, Intrepid Museum NYC | Artistic concept and Production in collaboration with Dan Goods and StudioKCA, 2014

Refraction | NuSkin Innovation Center | Provo, UT | Artistic concept, Design, Production in collaboration with Dan Goods | 2014

Undersea | Temporary art installation for private event | San Marino, Ca | Artistic concept, Design, Production in collaboration with Dan Goods, 2012

Curiosity | Permanent installation for Nevada Discovery Museum, Reno NV | Artistic concept, Design, Production in collaboration with Dan Goods, 2010-11

Data + Art: Art and Science in the Age of Information | Pasadena Museum of California Art | Co-Curator in collaboration with Dan Goods, 2009

SELECTED SPEAKING ENGAGEMENTS

Talks: Spacefest (Seattle), AIGA National Convention (New Orleans), PCBC (San Diego), TEDx (Denmark), TEDx (Kish), Innovate Socal (Long Beach), SXSW (Austin), Campfireball (Los Angeles), TEDx (Orange Coast), SIAS University (China), Autodesk University (Las Vegas), GOOD Magazine Symposium, Buena Vista Pictures (Mars Exploration Documentary), Cooper-Hewitt National Design Museum (NYC)

Media: Metamorphosis (New York Times, Discovery News, Discovery Channel, Mashable) Orbit Pavilion: (Washington Post) Mars: Past, Present and Future (Buena Vista Pictures)

SELECTED AWARDS AND RECOGNITIONS

Art and Science Golden Crown Award, Pasadena Art Council, 2015

NASA Honor Award | Imagine Mars Project | 2011

GOOD Magazine Article | Steal This Idea: GOOD Design LA | Issue 23, 2009

Los Angeles Real Creativity Award | Los Angeles Urban Land Institute | Imagine Mars Project | 2009

Los Angeles Times, "Shaping information; Data take many forms in an exhibition for our digital times at the Pasadena Museum of California Art." Hugh Hart; Feb 3, 2009

ADVISORY PANELS AND AWARD JURIES

Board member | Caltech Management Association (CMA)

STEM + The Arts Advisory Board (LA, Orange County, San Diego)

DAN GOODS

Independent Artist | DirectedPlay

Visual Strategist | Jet Propulsion Laboratory. Pasadena, CA

634A Orange Grove Drive | South Pasadena, California

dan@directedplay.com | 626 399 7316

EDUCATION HISTORY

2002 Art Center College of Design, BFA, valedictorian + graduation speaker

1995 The Art Institute of Seattle, with honors. AA, Visual Communications

PROFESSIONAL HISTORY

2004- Independent Artist

2004- Visual Strategist, Jet Propulsion Laboratory. Pasadena, CA

2003 Artist in Residence, Jet Propulsion Laboratory. Pasadena, CA

SELECTED PROJECTS

Dazzle | Permanent Public Art installation for the San Diego International Airport | Artistic concept and Production in collaboration with David Delgado and Nik Hafermaas, Opens in 2016

Orbit Pavilion | NASA temporary sculpture | World Science Festival NYC, Exploratorium SF | Artistic concept and Production in collaboration with David Delgado and StudioKCA, 2014

Metamorphosis | NASA temporary sculpture | World Science Festival NYC, Intrepid Museum NYC | Artistic concept and Production in collaboration with David Delgado and StudioKCA, 2014

Refraction | NuSkin Innovation Center, Provo UT | Artistic concept, Design, Production in collaboration with David Delgado, 2014

Hi Juno | NASA Event | Artistic concept, Design, Production in collaboration with the Juno mission, 2013

airFIELD | Permanent Public Art installation for Atlanta International Airport | Artistic concept, Design, Production in collaboration with Jamie Barlow and Nik Hafermaas, 2010-12

Curiosity | Permanent installation for Nevada Discovery Museum, Reno NV | Artistic concept, Design, Production in collaboration with David Delgado, 2012

Beneath the Surface | NASA Art Installation | Pasadena Museum of California Art, 2012

eCloud | Permanent Public Art installation for San Jose Airport | Artistic concept, Design, Production in collaboration with Aaron Koblin and Nik Hafermaas, 2010

Hidden Light | NASA Art Installation | TED Active 2010, Nevada Museum of Art, 2008, Pasadena Museum of California Art, 2007, Bumbershoot, 2005, Fort Collins Museum of Contemporary Art, 2005

Data + Art Exhibition | Co-Curator with David Delgado | Pasadena Museum of California Art, 2009

Solid Smoke | Art Installation | TED Active 2010, Summit Series Washington DC, 2010, Technorama, Winterthur Switzerland, 2008 | von Karman Museum, 2006

The Past Is Present | NASA Art Installation | Alyce de Roulet Williamson Gallery, 2008

The Big Playground | NASA Art Installation | TED 2005

SELECTED AWARDS AND RECOGNITIONS

Art and Science Golden Crown Award, Pasadena Art Council, 2015

NASA Honor Award for the “Hi Juno” collaborative art project, 2014

“Cosmic Creativity” National Endowment for the Arts (NEA) Monthly Magazine; Number 3, 2013

LA Weekly, Selected for 2012’s “Most Interesting People in LA”

International Design Excellence (IDEA) Silver Award for eCLOUD, 2011

Los Angeles Times, “Shaping information; Data take many forms in an exhibition for our digital times at the Pasadena Museum of California Art.” Hugh Hart; Feb 3, 2009

Fortune magazine, “What would Christo Do?” Sept. 12th - Vol. 152, No 5, 2005

Leonardo Magazine, “Revelations at the Jet Propulsion Laboratory” Vol.38 Number 8, 2005

Art Center College of Design, Valedictorian, 2002

Caltech, Summer Undergraduate Research Fellowship (SURF), 2002

SELECTED TALKS

AIGA National Convention (New Orleans), EG2015 (Monterey), Factory of Imagination (Denmark), AdTEch (Australia), INST-INT, REMIX (NYC), TEDxEAL (Denmark), TEDxSMU (Dallas), TEDxYouth (Hollywood), National Academies of Science (DC), ISEA 2012, SIAS University (China), National Arts Education Association National Convention (Seattle), USC, GOOD Magazine Symposium, UCSB, Art + Environment Conference at the Nevada Museum of Art, Pixar

ADVISORY PANELS AND AWARD JURIES

Advisor | LACMA Art + Technology Program

Judge | Core77 Awards 2014, Interactive Design

Board member | International Astronautical Federation | Technical Activities Committee for the Cultural Utilization of Space (ITACCUS)

Board member | Caltech Management Association (CMA)

ORBIT PAVILION

Artists: David Delgado, Dan Goods with StudioKCA
Dimensions: 40ft long x 38ft wide x 18ft tall
Media: Aluminum, custom 28 speaker sound system
Year of Completion: 2015
Commissioning Agency: NASA

Description: Inside the Orbit Pavillon you are enveloped in a 180 degree soundscape that changes as NASA satellites move through the sky, enabling one to hear their location in real time. If you were to point to one of the tones, 100 miles away from your finger is a satellite.

Watch video at: vimeo.com/129466014 (pw = jazeera)





METAMORPHOSIS

Artists: David Delgado, Dan Goods with StudioKCA
Dimensions: 12ft long x 10ft tall x 8ft wide
Media: Steel, Fog
Year of Completion: 2014
Commissioning Agency: NASA

Description: Metamorphosis, a glowing, 12-foot-long steel sculpture shrouded in fine mist, is a representation of a real comet known as 67P/Churyumov-Gerasimenko. This comet is the target of the Rosetta Mission, the first ever to make a soft landing on a comet and study its chemical composition.

This sculpture celebrates the Rosetta Mission and aims to spark curiosity about comets and how they behave. Lit from within and emitting clouds of mist and water vapor, Metamorphosis evokes the glow and atmosphere of comets, which produce light, gas, and dust when heated by the Sun.

Watch video at: bit.ly/1TISYda





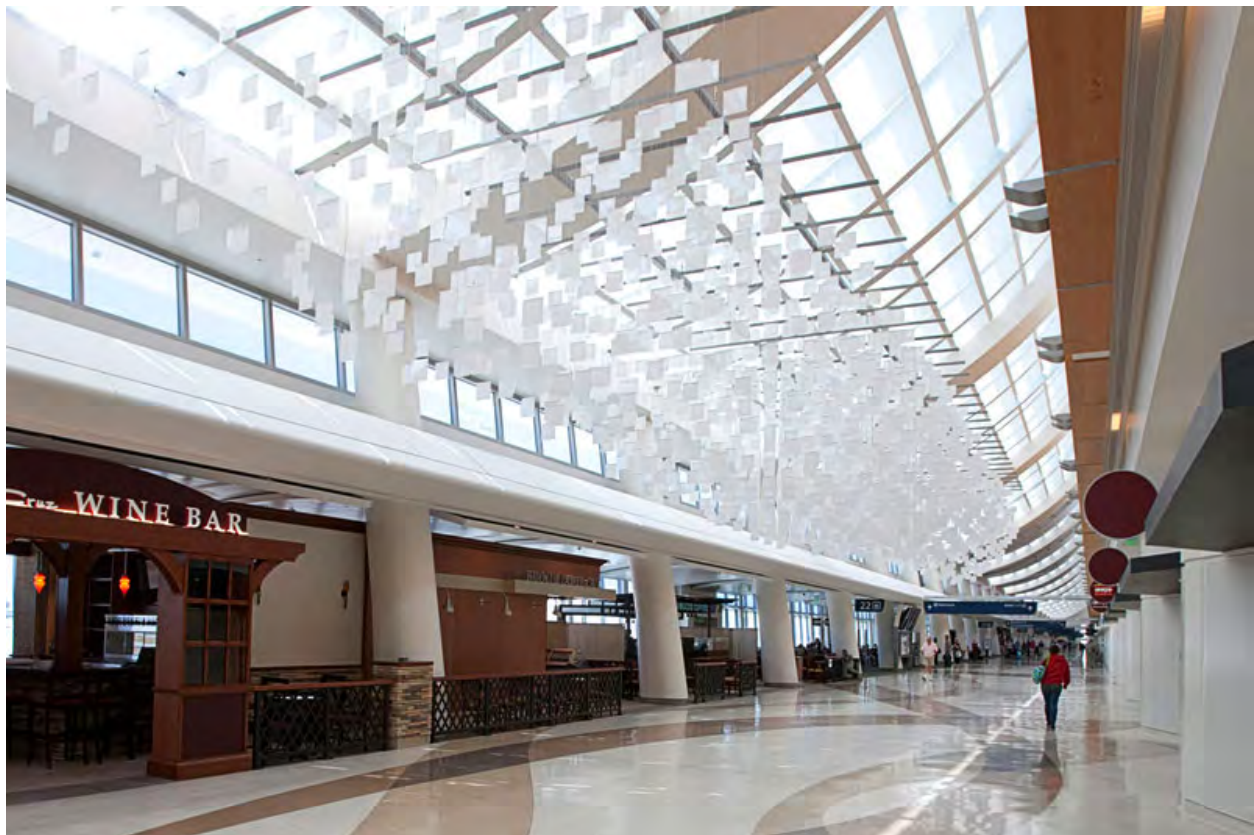
eCLOUD

Artists: Dan Goods, Nik Hafermaas, and Aaron Koblin
Awards: Silver International Design Excellence Award (IDEA) in the “Environments” category
Dimensions: 108’ long x 16’ wide x 12’ tall
Media: 8” square liquid crystal panels
Year of Completion: Permanently Installed in March of 2010
Commissioning Agency: San José Office of Cultural Affairs for the Mineta San José International Airport

Description: The eCloud is a dynamic sculpture inspired by the volume and behavior of an idealized cloud. It consists of thousands of small square panels of electrically switchable laminated plexiglass that perform as pixels. This material has the ability to progressively graduate opacities with the transmission of an electrical charge: with no power the panel’s are opaque and when sent an electronic charge the material transitions to a visually transparent state.

The animations that move through the eCloud are based on weather data changes. Unique animations are displayed through the sculpture as guided by the weather at different airports that might be flying in and out of the concourse. An additional signage display communicates the current dataset to the viewers.

Watch video at: vimeo.com/15108251



CURIOSITY

Artists: Dan Goods and David Delgado
Dimensions: 7' x 12'
Media: Glass, Plexiglass, Fresnel Lenses
Year of Completion: 2011
Commissioning Agency: Reno Discovery Museum

Description: When asked to create a donor recognition wall for a new children's museum in Reno Nevada, we were hesitant. Usually donor walls are boring. But we were given permission to play. We thought that magnifying glasses, symbols of curiosity and investigation, would be a perfect material to use for a "discovery" museum. Curiosity is 7 feet tall, 12 feet wide and consists of ~30 variously sized fresnel lenses (flat plastic lenses) mounted between two sheets of etched glass. The larger the donation, the larger the lens. This has become a centerpiece in the main entrance thoroughfare and sets the tone for the museum as a place of curiosity, exploration, and fun.

More at: directedplay.com/curiosity





REFERENCES

CAROLINE GELB

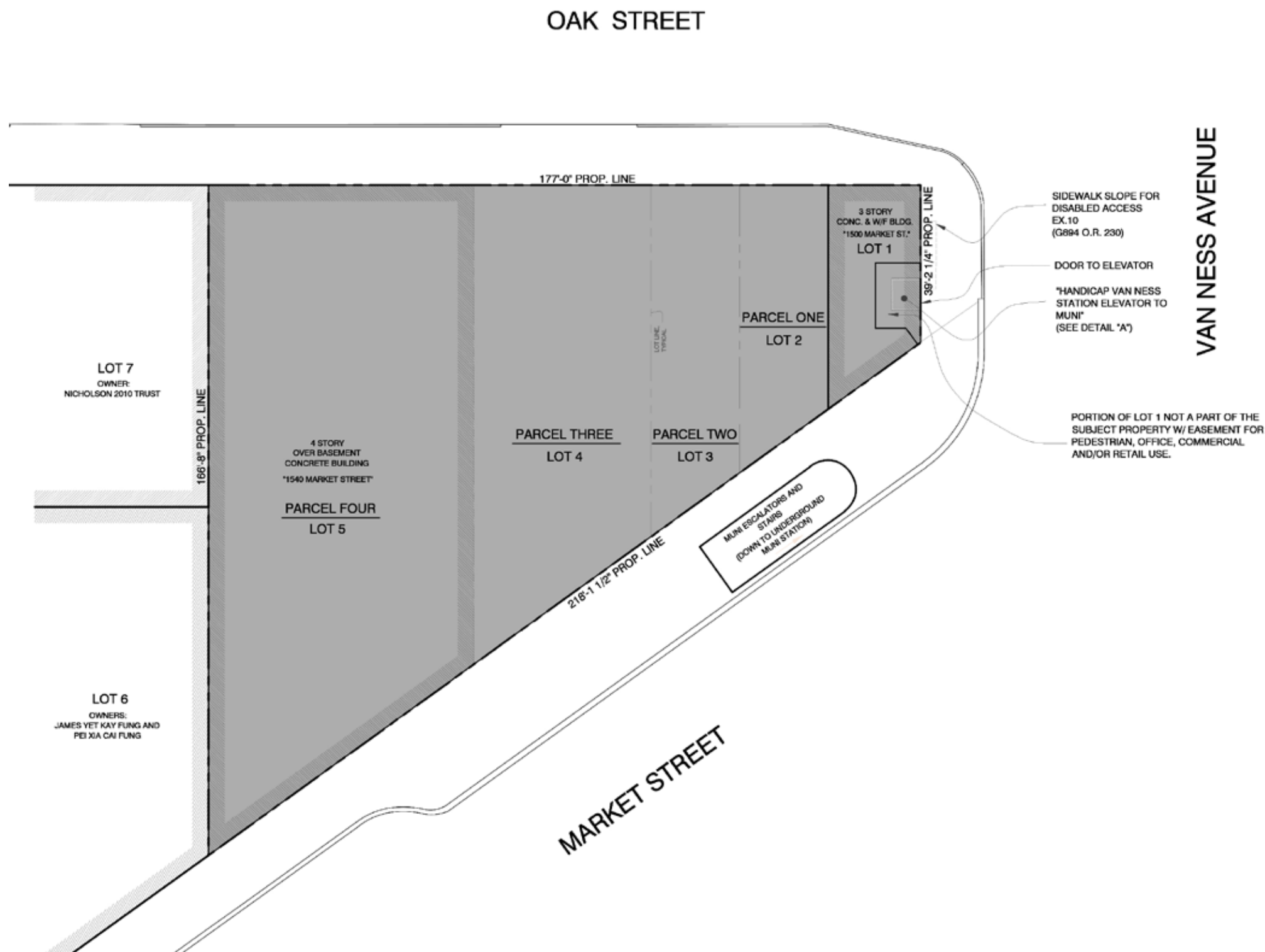
Client Project Manager for *Orbit Pavilion* and *Metamorphosis*
World Science Festival
cgelb@worldsciencefestival.com
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MEGAN MERENDA

Client Project Manager for *Curiosity*
Nevada Discovery Museum (Has since moved onto another organization)
megmerenda@gmail.com
775-750-0185

MARY RUBIN

Client Project Manager for *eCLOUD*
San José Public Art Program
mary.rubin@sanjoseca.gov
408-793-4340




0 15' 30'





OAK
PLAZA

OAK PLAZA RENDERING
VIEW EAST DOWN OAK

Snøhetta 
05/09/2017

