



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary CEQA Findings Downtown Project Authorization Conditional Use Authorization Shadow Findings Variance

HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2015-004568PRJ  
*Project Address:* 10 South Van Ness Avenue  
*Zoning:* C-3-G (Downtown – General) Zoning District  
(Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts  
(Proposed) 120/400-R-2 // 140/590-R-2, and  
120/400-R-2/120-R-2 // 140/590-R-2  
Van Ness and Market Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
10 SVN LLC  
8 10<sup>th</sup> Street, Suite 1205  
San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
2200 Biscayne Blvd.  
Miami, FL 33137  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The Project includes demolition of the existing building last used as a Honda automobile sales and repair establishment, and new construction of a 55-story, 590-ft tall (610 feet, including elevator penthouses and screening features), mixed-use residential building (approximately 909,065 gross square feet) with 966 dwelling units and approximately 29,443 square feet of commercial retail space. The dwelling unit mix will consist of 347 studios, 433 1-bedrooms, 165 2-bedrooms, and 21 3-bedrooms. The building will contain two basement garage levels with 255 off-street vehicle parking spaces, 6 car-share spaces, 4 loading spaces, and 2 service vehicle spaces. Also provided at the basement level are 321 Class 1 bicycle parking spaces along with a bicycle repair facility, resident storage areas, and lockers and showers for those who will be employed at the project site.

The Project will include streetscape improvements along its three frontages on Market Street, 12<sup>th</sup> Street, and South Van Ness Avenue. These improvements will be closely coordinated with relevant City agencies

and with the plans developed under Better Market Street, the Van Ness BRT project, and the Hub Public Realm Plan, and will include widened sidewalks along 12<sup>th</sup> Street, new street furnishings, street trees and 61 Class 2 bicycle spaces. These improvements will additionally complement other portions of the ground floor including an approximately 4,560 square foot privately-owned public open space (POPOS) along South Van Ness Avenue near the intersection with Market Street, and a mid-block pedestrian passage that cuts across the project site between Market and 12<sup>th</sup> Streets. As part of the Hub public realm plan, 12<sup>th</sup> Street is an important pedestrian promenade with connections to the future 30 Otis plaza and Brady Park, and will include sidewalk bulbouts and raised crosswalks at the intersection with Stevenson Street.

Lastly, the Project would provide a new entry to the Van Ness Muni Station accessed primarily from Market Street at the mid-block alley. The new entry would include a new elevator, escalator and stair connection into the existing station, eventually allowing for the closure of the existing portal within the Market Street public right-of-way. The Project Sponsor will continue to coordinate with relevant City agencies and BART on final designs for station entry improvements and seek all necessary permits and approvals, subject also to City funding and reimbursement for such improvements.

## **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must take the following actions:

1. **CEQA Findings.** The Planning Commission certified the 10 South Van Ness Project Final Environmental Impact Report (FEIR) on May 21, 2020 under Motion No. 20720. The Department has also prepared a Memorandum to File, dated June XX, 2020, that provides additional analysis of the environmental effects of the Project. The Planning Commission must now adopt CEQA Findings, a Statement of Overriding Considerations and a Mitigation and Monitoring Reporting Program (MMRP) related to the Project's FEIR under the California Environmental Quality Act (CEQA).
2. **Downtown Project Authorization.** The Planning Commission must approve the Downtown Project Authorization and grant exceptions from the following Code requirements: 1) Dwelling Unit Exposure (Section 140); 2) Sunlight Access to Public Sidewalks (Section 146); 3) Maximum Ground-Level Wind Currents (Section 148); 4) Maximum Projections Over the Public Right-Of-Way (Section 136); 5) Height and Bulk Limits (Sections 263.19 and 270(f)); 6) Mid-Block Alleys for Large Lot Development (Section 270.2); and 7) Dwelling Unit Mix (Section 207.6).
3. **Conditional Use Authorization.** The Planning Commission must approve a Conditional Use Authorization for a single non-residential retail use size over 6,000 square feet, pursuant to Sections 303 and 249.33(b)(7).
4. **Shadow Findings.** The Planning Commission must adopt findings, pursuant to Section 295 that the impacts from new shadow cast onto parks under the jurisdiction of the Recreation and Park Department will not be adverse to the use of those parks. The Project has the potential to affect seven properties under RPD jurisdiction. On May 21, 2020, the Recreation and Park Commission recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of the seven parks.
5. **Variance.** Although not a Planning Commission action, the Project will require the Zoning Administrator to grant a Variance from Section 145.1(c)(2) for the maximum garage entry width.



The Planning Code limits individual garage entries to a width of 20 feet and the Project proposes a single garage entry along 12<sup>th</sup> Street of 24 feet.

## **ISSUES AND OTHER CONSIDERATIONS**

- **Public Comment & Outreach.** The Project Sponsor has conducted community outreach regarding the Project dating back to about 2017 with a variety of stakeholders, both individuals and with established neighborhood organizations. The majority of project meetings with neighborhood organizations occurred in 2018 and 2019, having met with the following groups: Hayes Valley Neighborhood Association (HVNA), Van Ness Corridor Neighborhood Coalition (VNCNC), Civic Center Central Business District (CCCBD), San Francisco Heritage, and San Francisco Housing Action Coalition (SFHAC). Letters of support for the project were received by CCCBD and SFHAC. Apart from comments received by the Department during the DEIR review period, staff has received minimal public comment regarding the proposal. The few comments received were generally supportive of the project, with similar concern regarding the loss of the Fillmore West historic resource as also noted during the DEIR period.
- **Inclusionary Affordable Housing Proposal.** The Project Sponsor proposes to comply with the inclusionary affordable housing requirements of Section 415 through the land dedication alternative included as part of the Hub amendments to the Van Ness and Market Residential Special Use District. Under the proposal, the Project Sponsor would dedicate a site to the City for the purposes of constructing affordable housing. The site would need to demonstrate that it could accommodate at least 35 percent of the units proposed in the 10 South Van Ness development project; with 966 units in the proposed Project, a dedicated site should be able to accommodate at least 338 units. A letter from MOHCD accepting a site must be received within 180 days of the effective date of the Market and Octavia Area Plan Amendments, or the Project must select another alternative to comply with Section 415. If the land dedication alternative is not met, the Project Sponsor has elected to provide on-site affordable units as the alternative means of compliance with this Section.
- **Significant Unavoidable Impacts and Historic Displays.** The Project will have 3 significant unavoidable impacts: a substantial adverse change in the significance of a historical resource; significant cumulative construction-related impacts in combination with other projects in the vicinity; and significant wind impacts in combination with other projects in the vicinity. The project includes mitigation measures to reduce these impacts, but not to less-than-significant levels. The demolition of the building will result in the loss of the historic Fillmore West; the Project Sponsor intends to incorporate some of the interpretive displays of this mitigation measure into the Project's on-site public art under Section 429.

## **ENVIRONMENTAL REVIEW**

The 10 South Van Ness Project FEIR was certified by the Planning Commission on May 21, 2020 under Motion No. 20720. The Department has also prepared a Memorandum to File, dated June XX, 2020, that provides additional analysis of the environmental effects of the Project. At today's hearing, the Planning Commission is considering adoption of CEQA Findings.

## **BASIS FOR RECOMMENDATION**

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and those of the Downtown Area Plan and Market and Octavia Area Plan. The Project will add 966 dwelling units to the City's housing stock in a location that is in close proximity to downtown, with numerous and robust public transportation options. The Project will contribute toward the creation of affordable housing in the City by electing the land dedication alternative, which conveys a site to the City for the purpose of construction of affordable housing. Additionally, an estimated \$17 million in affordable housing fees will be paid to the City as part of Market and Octavia Area Plan requirements. The Project is well-designed and consistent with the height, bulk, and overall urban design envisioned for the Hub area of Market and Octavia. The Project will include numerous streetscape improvements coordinated with other City agencies and planning efforts already underway. In addition to the benefits above, it is anticipated that the Project will include a new entry to the Van Ness Muni Station within the ground floor of the building along Market Street at the mid-block alley.

## **ATTACHMENTS:**

Draft Motion – CEQA Findings (Attachment A) and MMRP (Attachment B)  
Draft Motion – Downtown Project Authorization with Conditions of Approval  
Draft Motion – Conditional Use Authorization with Conditions of Approval  
Draft Motion – Shadow Findings  
Exhibit B – Plans and Renderings  
Exhibit C – FEIR Certification Motion (from May 21, 2020 CPC Hearing)  
Exhibit D – Shadow Analysis Technical Memorandum  
Exhibit E – Wind Analysis Technical Memorandum  
Exhibit F – Land Use Data  
Exhibit G – Maps and Context Photos  
Exhibit H – Public Correspondence  
Exhibit I – Project Sponsor Brief  
Exhibit J – Inclusionary Affordable Housing Affidavit  
Exhibit K – Anti-Discriminatory Housing Affidavit  
Exhibit L – First Source Hiring Affidavit



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Draft Motion CEQA Findings

HEARING DATE: JUNE 11, 2020

*Record No.:* 2015-004568ENV  
*Project Address:* 10 SOUTH VAN NESS AVENUE  
*Zoning:* C-3-G (Downtown – General) Zoning District  
 (Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts  
 (Proposed) 120/400-R-2 // 140/590-R-2, and  
 120/400-R-2/120-R-2 // 140/590-R-2  
 Van Ness and Market Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
 10 SVN LLC  
 8 10<sup>th</sup> Street, Suite 1205  
 San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
 2200 Biscayne Blvd.  
 Miami, FL 33137  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), 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 10 SOUTH VAN NESS AVENUE PROJECT TO DEMOLISH THE EXISTING TWO-STORY COMMERCIAL BUILDING, AND CONSTRUCT A NEW 55-STORY, 590-FT TALL (610-FT TALL INCLUSIVE OF ROOFTOP SCREENING), MIXED-USE RESIDENTIAL BUILDING (APPROXIMATELY 906,811 GROSS SQUARE FEET) WITH 966 DWELLING UNITS (CONSISTING OF 347 STUDIOS, 433 1-BEDROOM UNITS, 165 2-BEDROOM UNITS, AND 21 3-BEDROOM UNITS), APPROXIMATELY 29,443 SQUARE FEET OF RETAIL SALES AND SERVICE USES, TWO BASEMENT GARAGE LEVELS CONSISTING OF 255 OFF-STREET PARKING SPACES, 4 OFF-STREET FREIGHT LOADING SPACES, 2 OFF-STREET SERVICE VEHICLE SPACES, 6 CAR-SHARE SPACES, AND 321 CLASS 1 BICYCLE PARKING SPACES, PLUS 61 CLASS 2 BICYCLE PARKING SPACES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, AT 10 SOUTH VAN NESS AVENUE, LOTS 003A AND 004 IN ASSESSOR’S BLOCK 3506, WITHIN THE C-3-G (DOWNTOWN - GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, THE 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, AND THE PROPOSED 120/400-R-2//140/590-R-2 AND 120/400-R-2/120-R-2//140/590-R-2 HEIGHT AND BULK DISTRICTS UNDER THE MARKET OCTAVIA AREA PLAN AMENDMENTS.

## **PREAMBLE**

The 10 South Van Ness Avenue Project (“Project”) comprises a project site of approximately 51,150 square feet (sf), bordered by public streets along all three sides along Market Street, 12<sup>th</sup> Street, and South Van Ness Avenue, near the borders of the South of Market, Downtown/Civic Center, Mission and Western Addition neighborhoods (Assessors Block 3506, Lots 003A and 004) (hereinafter “Project Site”). A two-story commercial building currently exists on the site.

The Project would merge the lots, demolish the existing building, and construct a mixed-use residential building with residential above retail uses predominantly located at the ground floor. The proposed building would be comprised of a 13-story (140-foot tall) podium structure on the northern part of the site and a second 15-story (170-foot tall) podium structure on the southern part of the site, with a 55-story (590-foot tall and 610-foot tall inclusive of rooftop screening) single tower located roughly in the middle of the site. The proposed building would contain approximately 1,063,507 square feet (sf) (906,811 gross square feet (gsf) per the San Francisco Planning Code). The proposed building would include 966 residential units, ranging from studios to three-bedroom units; approximately 29,443 sf of retail space; approximately 31,060 sf of common open space provided at various residential open space terraces and decks, as well as on the ground floor through a new public open space along South Van Ness Avenue, in addition to 11,484 sf of private open space for 319 units in the form of balconies. The project would expand the existing 15-foot-wide sidewalk on the east side of 12th Street to 25 feet to create a wide pedestrian way and serving as a connection between the 30 Otis Plaza, Brady Park and Market Street. The Project would provide 242 accessory residential parking spaces, 13 accessory spaces for the non-residential uses, and six car-share spaces in two basement levels. The Project would include 321 Class 1 bicycle parking spaces and 61 Class 2 spaces. The Project will construct wind mitigation features along the east side of South Van Ness Avenue, along the 1 South Van Ness Avenue public right-of-way.

The existing building at 10 South Van Ness Avenue, and specifically the ballroom at the second-floor level on the northern side of the building, has been determined to be a historic resource particularly given its use as the Fillmore West venue from 1968 to 1971.

The Project site is located in a Downtown General Commercial (C-3-G) District, the Van Ness and Market Residential Special Use District, the existing 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market Octavia Area Plan Amendments.

The Project requires a Planning Code section 309 downtown project authorization for the construction of a new building in a Downtown (C-3) Zoning District with exceptions to Planning Code Section 140 for dwelling unit exposure, Section 146 for sunlight access to public sidewalks, Section 148 for ground-level wind currents, Section 136 for projections over the public right-of-way, Section 263.19 and 270(f) for height and bulk, Section 270.2 for mid-block alleys and Section 207.6 for dwelling unit mix; a conditional use authorization for a single retail space in excess of 6,000 square feet (Planning Code Section 249.33(b)(7)); and a variance from the Planning Code’s requirements for maximum garage entry width (Planning Code section 145.1(c)(2)).

On April 8, 2015, the Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department (“Department”), which was accepted on September 28, 2015. The Department is the Lead Agency responsible for the implementation of the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq., (“CEQA”), the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq., (“CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”).

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”). Publication of the NOP initiated a 30-day public review and comment period that began on July 12, 2017 and ended on August 11, 2017. On August 2, 2017, the Department held a public scoping meeting regarding the Project. On May 2, 2018, the Department published the Initial Study (“IS”) and provided public notice in a newspaper of general circulation of the availability of the IS; this notice was mailed to the Department’s list of persons requesting such notice.

During the 30-day public scoping period that ended on June 4, 2018, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in the preparation of the DEIR.

The Department prepared the DEIR, which describes the Project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the Project. The DEIR assesses the potential construction and operational impacts of the Project on the environment, and the potential cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the DEIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division’s guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

On August 8, 2018, the Project Sponsor submitted an application to the Governor’s Office of Planning and Research seeking certification of the Project as an Environmental Leadership Development Project (ELDP) pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (and as updated by AB 734 (Chapter 210, Statutes of 2016) and AB 246 (Chapter 522, Statutes of 2017), and California Environmental Quality Act (CEQA) Section 21178. Under AB 900, ELDPs generally are projects that promote environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, substantial economic investment, and job creation, and that meet certain other specified criteria and metrics. On October 9, 2018 Governor certified the Project as an ELDP.

The Department published a DEIR for the project on October 17, 2018, and circulated the DEIR to local, state, and federal agencies and to interested organizations and individuals for public review. On October 17, 2018, the Department also distributed notices of availability of the DEIR; published notification of its

availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the Project area. The Planning Commission ("Commission") held a public hearing on December 6, 2018, to solicit testimony on the DEIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the DEIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the DEIR until December 11, 2018.

The San Francisco Planning Department then prepared the Response to Comments on DEIR document ("RTC"). The RTC document was published on March 3, 2020 and includes copies of all of the comments received on the DEIR and written responses to each comment.

During the period between publication of the DEIR and the RTC document, the Project Sponsors initiated revisions to the Project that: i) reduced the number of residential units proposed, altered the proposed dwelling unit mix, and decreased the overall project gross square footage primarily through a small massing reduction in the tower bulk; ii) reduced the amount of accessory off-street parking; iii) increased slightly the podium heights at both the northern and southern ends of the building; iv) altered the ground floor to not only include construction of a new Muni station elevator to connect with the existing station, but also to include a new stairway and escalator; and v) reduced the heights of the wind canopies projecting from the façade of the Project over the sidewalk from a height of about 35 feet to about 20 feet, and decreased the size of the porous windscreen along 12<sup>th</sup> Street at the mid-block alley from 20 feet tall by 30 feet wide to 8 feet tall and 10 feet wide ("Preferred Project"). The Preferred Project would provide 966 residential units versus the 984 residential units analyzed in the DEIR. The reduction primarily decreases the number of 1-bedroom units; units proposed as studios remain constant at 347 units, 1-bedrooms decrease from 449 to 433 units, 2-bedrooms decrease from 166 to 165 units, and 3-bedrooms decrease from 22 to 21 units. The amount of accessory residential parking provided would decrease from 491 spaces in the DEIR to 242 spaces, a parking-to-unit ratio of 0.25, with six car-share spaces still being provided. The number of Class 1 bicycle parking spaces would decrease slightly from 336 to 321, while the number of Class 2 spaces remains at 61.

Some of the proposed changes in the Preferred Project would also result in changes to the height and bulk of the building. The tower portion of the proposed design would become generally more slender, decreasing the maximum tower length from 112'-6" to 109' and decreasing the average tower floor plate size from an average of about 12,181 square feet to about (and no greater than) 12,000 square feet. Conversely, the effective podiums on both the north and south sides of the tower would increase slightly in height, on the northern (Market Street) side from 139'-6" to 140', and on the southern (Van Ness Avenue & 12<sup>th</sup> Street) side from 164'-10" to 170'. Wind and shadow consultants for the Project have submitted supplemental memos regarding these additional changes, noting that they would not materially alter the results found in the respective studies. The Preferred Project fits generally within the envelope previously analyzed in the DEIR. As a result, the Preferred Project was fully studied in the DEIR and RTC document. The "Project" as analyzed under the Final EIR and these CEQA Findings includes the Project and the Preferred Project.

In addition to describing and analyzing the physical and environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the DEIR. The Final EIR (FEIR), which includes the DEIR, the RTC document, the Appendices to the DEIR and RTC document, and all of the supporting information, including a Memorandum to File dated June XX, 2020, has been reviewed and considered. The RTC document and appendices and all supporting information do not add significant new information to the FEIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21166 or CEQA Guidelines Sections 15162 or 15163 so as to require a subsequent or supplemental FEIR (or any portion thereof) under CEQA. The supporting information in the Memorandum to File dated June XX, 2020, contains no information revealing that since the Planning Commission certified the FEIR, there have been (i) substantial changes to the project; (ii) substantial changes with respect to the surrounding circumstances; and (iii) new information of substantial importance, that would result in new or more severe significant impacts than were addressed in the FEIR. Accordingly, no supplemental or subsequent EIR or other environmental review is required for the Planning Commission approval actions associated with the Project.

The Commission reviewed and considered the FEIR for the Project and found the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the California Environmental Quality Act, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

The Commission found the FEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the DEIR, and certified the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 on May 21, 2020, by its Motion No. 20720.

The Commission, in certifying the FEIR, found that the Project described in the FEIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource that would result in a significant impact as defined in CEQA Guidelines Section 15064.5.
- Combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site to result in potentially hazardous conditions and significant delays to transit due to contributing considerably to significant cumulative construction-related transportation impacts, with substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas.
- Combine with past, present and reasonably foreseeable future projects to alter wind in a manner that would substantially affect public areas in the vicinity of the project site.

The Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2015-004568ENV, 10 South Van Ness Avenue Project, at 1650 Mission Street, Fourth Floor, San Francisco, California. 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. The project files are also available on the Internet at the following address: <https://www.ab900record.com/10svn>.

On June 11, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-004568PRJ, 10 South Van Ness Avenue Project to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

The City and County of San Francisco, acting through the Department, fulfilled all procedural requirements of the California Environmental Quality Act, the State CEQA Guidelines, and Chapter 31.

The Commission has reviewed the entire record of this proceeding, including the California Environmental Quality Act Findings prepared by the Department, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and including the proposed Mitigation Monitoring and Reporting Program (“MMRP”) attached as Attachment B and incorporated fully by this reference, which material was made available to the public, and including the Memorandum to File dated June XX, 2020.

MOVED, that the Commission hereby adopts these findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Attachment B, 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 11, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 11, 2020

ACTION: Adoption of CEQA Findings





# SAN FRANCISCO PLANNING DEPARTMENT

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1650 Mission St.  
Suite 400  
San Francisco,  
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Planning  
Information:  
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## ATTACHMENT A

### California Environmental Quality Act Findings 10 South Van Ness Avenue

#### PREAMBLE

In determining to approve the Project described in Section I, Project Description below, the San Francisco Planning Commission (Commission) makes and adopts the following findings of fact and decisions regarding the significant and unavoidable impacts of the Project, and mitigation measures and alternatives, and adopts the 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 Sections 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 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 10 South Van Ness Avenue, analyzed as a "variant" in the Final Environmental Impact Report (hereinafter, the "Project"), the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

**Section II** identifies 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 significant project-specific or cumulative impacts 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.

**Section V** evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof.

**Section VI** presents a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 that sets forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the Project.

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 Planning Commission Motion No. \_\_\_\_\_. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce or avoid a significant adverse impact. 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 is set forth in Attachment B.

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 Draft Environmental Impact Report (Draft EIR) or Responses to Comments Document (RTC) 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 consists of two parcels (Assessor's Block 3506, Lots 003a and 004), located at the southwest corner of Market Street and South Van Ness Avenue and comprises the entire block bounded by South Van Ness Avenue to the east, Market Street to the north, and 12th Street to the west. The Project site is located within the Downtown Area Plan and Market & Octavia Area Plan and is located within the C-3-G (Downtown General Commercial) Use District, the Van Ness and Market Residential Special Use District, the existing 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market Octavia Area Plan Amendments..

The Project site totals 51,150 square feet (approximately 1.17 acres), and the lot is generally flat. The site is a triangular shape and is occupied by a 91,088 square foot, two-story building, ranging from 30 to 45 feet in height at the northern end of the site (Lot 004), with a small, undeveloped area at the southern end of the site (Lot 003A). The building was constructed in 1927 and is the former home of the Fillmore West concert venue. It is considered to be a historic resource eligible for the California Register of Historic Places. Until 2018, the building was occupied by the San Francisco Honda auto dealership and until 2017 by an associated automobile service center.

Six curb cuts and associated driveways are located along the perimeter of the Project site: three curb cuts along South Van Ness Avenue, and three along 12th Street. Along the west side of South Van Ness Avenue, there are six metered vehicle parking spaces, with five spaces subject to restricted hours for street cleaning (the no parking restriction is in effect between 12:01 a.m.–6:00 a.m.). The east side of 12th Street along the project site's frontage has 10 general metered parking spaces, and one metered commercial loading space

with restricted loading hours. On the west side of 12th Street, across from the project site, there are five general metered parallel parking spaces, 16 angled general metered parking spaces, three metered commercial loading spaces with restricted loading hours, one passenger loading space, and one parking space with Americans with Disabilities Act (ADA) access.

The Project would merge the lots, demolish the existing building, and construct a mixed-use residential building with residential above retail uses predominantly located at the ground floor. The proposed building would be comprised of a 13-story (140-foot tall) podium structure on the northern part of the site and a second 15-story (170-foot tall) podium structure on the southern part of the site, with a 55-story (590-foot tall, 610-feet-tall with roof screening and mechanical equipment) single tower located roughly in the middle of the site. The proposed building would contain approximately 1,063,507 square feet (sf) (906,811 gross square feet (gsf) per the San Francisco Planning Code). The proposed building would include 966 residential units, ranging from studios to three-bedroom units; approximately 29,443 sf of retail space; approximately 31,060 sf of common open space provided at various residential open space terraces and decks, as well as on the ground floor through a new public open space along South Van Ness Avenue, in addition to 11,484 sf of private open space for 319 units in the form of balconies. The Project would provide 242 accessory residential parking spaces, 13 accessory spaces for the non-residential uses, and six car-share spaces in two basement levels. The Project would include 321 Class 1 bicycle parking spaces and 61 Class 2 spaces. The Project will construct wind mitigation features along the east side of South Van Ness Avenue, along the 1 South Van Ness Avenue public right-of-way.

## **B. Project Objectives**

The Final EIR discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- Redevelop a large, underused site at a prominent location with a residential development that will serve as an iconic addition to the City's skyline demarking the Market Street and Van Ness Avenue intersection and including a range of residential unit types and neighborhood-serving retail uses.
- Provide the maximum number of dwelling units on a site that currently has no housing, and was designated through community planning processes for higher density due to its proximity to downtown and accessibility to local and regional transit, in order to increase the City's supply of housing, contribute to the City's General Plan Housing Element goals, and the Association of Bay Area Governments' Regional Housing Needs Allocation for San Francisco.
- Implement the objectives and policies of the Market & Octavia Area Plan and the proposed Market Street Hub Plan by activating a key site along the Van Ness Avenue and Market Street transit corridors, providing small business and employment opportunities, building housing that is affordable to a range of incomes, improving the quality and safety of the open space and streetscape, and providing other public benefits that would strengthen the mixed-use character of the neighborhood.
- Promote transit ridership by constructing a substantial number of new housing units at a major transit hub at the development density and building heights anticipated by the Market & Octavia Area Plan and the proposed Market Street Hub Plan.

- Encourage pedestrian activity and increase connectivity to the proposed Brady Park by creating a welcoming mid-block passageway that connects either South Van Ness Avenue to 12<sup>th</sup> Street under the proposed project or Market Street to 12th Street under the single-tower variant.
- Construct a project that qualifies as an Environmental Leadership Development Project (as defined by the California Jobs and Economic Improvement Through Environmental Leadership Act [AB 900], as amended) to promote environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, substantial economic investment, and job creation.
- Encourage and enliven pedestrian activity by improving 12th Street with wider sidewalks, street trees, special sidewalk paving, and bulb-outs, and developing ground-floor retail and public amenity space that 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 the existing utilitarian structures with a prominent residential tower or towers that provide a transition between two planning districts and increase building heights at the corner of Market Street and Van Ness Avenue to demarcate the significance of this intersection.
- Provide publicly accessible open space on a site that would be privately owned by the project sponsor.
- Provide well-designed parking, loading, and other transportation facilities and amenities with adequate access to serve the needs of the project's residents, employees, and guests, and respond to the neighborhood context and location.
- Construct a high-quality project with enough residential floor area to produce a return on investment sufficient to attract private capital and construction financing.

## **C. Project Approvals**

### **The Hub Plan**

Approval of the Hub Plan by the San Francisco Planning Commission and San Francisco Board of Supervisors, specifically, the general plan, planning code, and zoning map amendments, would also approve land use and height changes proposed for the individual projects, including the Project.

As it relates to the Project, the Hub Plan requires the following Board of Supervisors approvals:

- Approve general plan amendments, planning code text amendments, and zoning map amendments to update the Market and Octavia Area plan and change the land use, zoning, and height and bulk classifications in the Hub Plan area.
- Approve encroachment permits for the installation of nonstandard street or sidewalk paving or other nonstandard street or sidewalk improvements.

As it relates to the Project, the Hub Plan requires the following Planning Commission approvals/actions:

- Certify EIR.
- Initiate general plan amendments
- Recommend to the San Francisco Board of Supervisors general plan amendments, planning code text amendments, and zoning map amendments to update the Market and Octavia Area plan and change the land use, zoning, and height and bulk classifications in the Hub Plan area.

The Project would require approvals from several authorities, including those listed below:

**Actions by the Planning Commission**

- Certification of the FEIR
- Request for Downtown Project Authorization pursuant to Planning Code Section 309 to allow a project greater than 50,000 square feet of floor area within the C-3-G Zoning District with exceptions for: exposure (Section 140); sunlight access to public sidewalks (Section 146); ground-level wind currents (Section 148); limits to projections over the public right-of-way (Section 136); height and bulk (Sections 263.19 and 270(f)); mid-block alleys in large lot developments (Section 270.2; and dwelling unit mix (Section 207.6).
- Request for Conditional Use Authorization pursuant to Planning Code Section 303 to permit a single retail space in excess of 6,000 gross square feet (Section 249.33(b)(7)).
- Findings, upon the recommendation of the Recreation and Park General Manager and/or Commission, that new shadow would not adversely affect public open spaces under Recreation and Park Commission jurisdiction (Planning Code Section 295).
- Potential approval of an in-kind improvements agreement under Planning Code Section 424.3(c) for community improvements for the neighborhood infrastructure portion of the Market Octavia Community Improvements fee.

**Actions by the Zoning Administrator**

- Granting of a variance from requirements for maximum garage entry width (Planning Code Section 145.1(c)(2)).

**Actions by other City Departments and State Agencies**

- Approval of public access easement to elevator to Van Ness Muni Station located on project site (Board of Supervisors).
- Approval of elevator connection to Van Ness Muni Station located on project site (SFMTA and Bay Area Rapid Transit).

- Potential approval of public access easement or fee simple dedication to City for stairs and escalator to Van Ness Muni Station on the project site, if such improvements are identified and designed within the timeframes specified and otherwise in accordance with the requirements of the condition of approval specified in the Project's Downtown Project Authorization (Board of Supervisors).
- Potential approval of stair and escalator connection to Van Ness Muni Station from the project site, if such improvements are identified and designed within the timeframes specified and otherwise in accordance with the requirements of the condition of approval specified in the Project's Downtown Project Authorization (SFMTA and Bay Area Rapid Transit).
- Demolition, grading, building and occupancy permits (Department of Building Inspection).
- Approval of a lot merger application; minor or major street encroachment permits for construction within the public right-of-way (e.g., wind canopy, sidewalk wind screens, and benches) on 12<sup>th</sup> Street and South Van Ness Avenue (San Francisco Public Works).
- Approval of sewer connections, relocations and changes; approval of Erosion and Sediment Control Plan; approval of post-construction stormwater design guidelines (San Francisco Public Utilities 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 Enhanced Ventilation Proposal, as well as Dust Control Plan for construction-period activities (San Francisco Department of Public Health).
- Issuance of permits for installation and operation of emergency generator (Bay Area Air Quality Management District).

#### **D. Environmental Review**

The Project Sponsor submitted an Environmental Evaluation Application for the Project on April 8, 2015. On July 12, 2017, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting ("NOP"). Publication of the NOP initiated a 30-day public review and comment period that began on July 12, 2017 and ended on August 11, 2017. On August 2, 2017, the Department held a public scoping meeting regarding the Project. Twelve comment letters, comment cards, and emails were received during the public scoping period.

On May 2, 2018, the Department published the Initial Study ("IS") and provided public notice in a newspaper of general circulation of the availability of the IS; this notice was mailed to the Department's list of persons requesting such notice. Four written communications were received during the Initial Study public scoping period, which ended on June 4, 2018.

On August 8, 2018, the Project Sponsor submitted an application to the Governor's Office of Planning and Research seeking certification of the Project as an Environmental Leadership Development Project (ELDP) pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (and as updated by AB 734 (Chapter 210, Statutes of 2016) and AB 246 (Chapter 522, Statutes of 2017), and California Environmental Quality Act (CEQA) Section 21178. Under AB 900, ELDPs generally are projects that promote environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, substantial economic investment, and job creation, and that meet certain other specified criteria and metrics. On October 9, 2018 Governor certified the Project as an ELDP.

On October 17, 2018, the Department published the Draft Environmental Impact Report (hereinafter, "DEIR") 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 the date and time of the public hearing were posted near the Project Site by the Project Sponsor on October 17, 2018.

On October 17, 2018, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, 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 October 17, 2018.

The Commission held a duly advertised public hearing on the DEIR on December 6, 2018, 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 December 11, 2018.

The Department prepared responses to comments on environmental issues received during the 54 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 a Responses to Comments document, published on March 3, 2020, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

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 Responses to Comments document, all as required by law. The IS is included as Appendix A to the DEIR and is incorporated by reference thereto.

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 May 14, 2020, 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 Administrative Code. The FEIR was certified by the Commission on May 21, 2020 by adoption of its Motion No. 20720.

## **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 by 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 or workshop related to the Project and 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 included as part of 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 the Planning Department and other City 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 FEIR preparers and 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 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 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. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AND THUS REQUIRING NO MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.). Based on the evidence in the whole record of this proceeding, the Planning Commission finds that the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

### A. Cultural Resources (Historic Architectural)

- Substantial adverse effect on any offsite historical resource.
- In combination with past, present and future project in the vicinity of the Project site, contribute considerably to a significant cumulative impact related to historical resources.

### B. Transportation and Circulation

- Cause substantial additional VMT or substantially induce automobile travel.
- Cause major traffic hazards. To further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-2a: Monitoring and Abatement of Queues* and *Improvement Measure I-TR-2b: Active Garage Driveway Controls and Curbside Management*.
- Cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity such that unacceptable levels of transit service could result, or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels would result.
- Create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site or adjoining areas.
- Result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- Result in a loading demand during the peak hour of loading activities that could not be accommodated within proposed onsite loading facilities or within convenient on-street loading zones, and would not create potentially hazardous conditions affecting traffic, transit, bicycles, or pedestrians or significant delays affecting transit. To further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-6: Coordination of Freight Loading/Service Vehicle Activities*.
- Result in inadequate emergency access to the project site or adjoining areas.
- Result in substantial interference with pedestrian, bicycle, or vehicular circulation and accessibility to adjoining areas that could create potentially hazardous conditions.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts related to VMT or traffic hazards. To further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-2a: Monitoring and Abatement of Queues*, *Improvement Measure I-TR-2b: Active Garage Driveway Controls and Curbside Management*, and *Improvement Measure I-TR-6: Coordination of Freight Loading/Service Vehicle Activities*.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on transit.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on bicycle travel. To

further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-2a: Monitoring and Abatement of Queues*, *Improvement Measure I-TR-2b: Active Garage Driveway Controls and Curbside Management*, and *Improvement Measure I-TR-6: Coordination of Freight Loading/Service Vehicle Activities*.

- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on pedestrians. To further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-2a: Monitoring and Abatement of Queues*, *Improvement Measure I-TR-2b: Active Garage Driveway Controls and Curbside Management*, and *Improvement Measure I-TR-6: Coordination of Freight Loading/Service Vehicle Activities*.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on loading. To further ensure that this impact would be less than significant, the Project Sponsor will implement *Improvement Measure I-TR-2a: Monitoring and Abatement of Queues*, *Improvement Measure I-TR-2b: Active Garage Driveway Controls and Curbside Management*, and *Improvement Measure I-TR-6: Coordination of Freight Loading/Service Vehicle Activities*.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on emergency vehicle access.

### C. Noise

- Generate noise levels in excess of standards or result in substantial temporary increases in ambient noise levels, above levels existing without the project.
- Generate or result in exposure of persons to excessive groundborne vibration.
- In combination with past, present, and reasonably foreseeable future projects, result in a significant cumulative impact related to vibration.
- In combination with past, present, and reasonably foreseeable future projects, result in a considerable contribution to significant cumulative impacts related to operational noise and vibration.

### D. Air Quality

- During Project construction, violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- During Project operations, violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- During Project operations, generate toxic air contaminants, including diesel particulate matter, at levels which would expose sensitive receptors to substantial air pollutant concentrations.
- Generate emissions that create objectionable odors affecting a substantial number of people.
- Conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to cumulative regional air quality impacts.

## E. Wind

- Alter wind in a manner that would substantially affect public areas in the vicinity of the project site.

## F. Shadow

- Alter shadows in a manner that would substantially affect public areas or outdoor recreation facilities.
- Substantially shade outdoor recreation facilities or other public areas, such as streets and sidewalks that are not under the jurisdiction of the San Francisco Recreation and Park Commission.
- In combination with past, present, and reasonably foreseeable future projects in the project area, create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas.

The Initial Study determined that the Project would result in a less than significant impact or no impact for the following impact areas and, therefore, these impact areas were not included in the EIR for further analysis:

- Land Use and Land Use Planning (all impacts)
- Population and Housing (all impacts)
- Transportation and Circulation (impacts to air traffic)
- Noise (impacts related to airport noise)
- Greenhouse Gas Emissions (all impacts)
- Recreation (all impacts)
- Utilities and Services Systems (all impacts)
- Public Services (all impacts)
- Biological Resources (all impacts)
- Geology and Soils (all impacts, except impacts to paleontological resources/unique geological features)
- Hydrology and Water Quality (all impacts)
- Hazards and Hazardous Materials (all impacts)
- Mineral and Energy Resources (all impacts)
- Agriculture and Forest Resources (all impacts)

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 visual simulations 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 III and in Section IV concern mitigation measures set forth in the Draft EIR to mitigate the potentially significant impacts of the Project. 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 noise, air quality, cultural resources, and geology and soils 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 will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or avoid significant or potentially significant environmental impacts. These mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or FEIR, 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 approvals, 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.

#### A. Noise

- **Impact NO-1:** The proposed Project construction would generate noise levels in excess of standards and would result in substantial temporary increases in ambient noise levels. With implementation of *Mitigation Measure M-NO-1 (Prepare and Implement Construction Noise Plan)*, Impact NO-1 is reduced to a less-than-significant level.

The use of a concrete pump truck and augur during the foundation and podium construction phase may result in a noise level of 80 dBA, an increase above this ambient of up to 13 dBA at noise-sensitive receptor location D (the Civic Center Hotel on 12th Street, across the street from the Project site). The 13 dBA increase would be greater than 10 dBA above the ambient noise level; therefore, this impact would be significant. Implementing *Mitigation Measure M-NO-1: Prepare and Implement Construction Noise Plan*, would reduce the daytime noise level at noise-sensitive receptor location D, the Civic Center Hotel, during the foundation and podium construction phase by a range of 3-15 dBA, to reduce the increase in ambient noise to below the 10 dBA increase above ambient noise level standard. Implementing Mitigation Measure M-NO-1 would reduce evening and nighttime construction exterior noise levels during the foundation and podium construction phase to 69 dBA Leq and 67 dBA Leq,

respectively. With a 25-dB exterior-to-interior noise reduction to account for the building structure with windows closed, the resulting interior noise levels at the Civic Center Hotel would be approximately 44 to 42 dBA. Therefore, the impact would be less than significant with mitigation incorporated.

- **Impact NO-2:** Operation of the proposed Project would generate noise levels in excess of standards or result in substantial temporary increases in ambient noise levels, above levels existing without the project. With implementation of *Mitigation Measure M-NO-2 (Require that Exterior Mechanical Equipment Comply with Noise Ordinance Prior to Certificate of Occupancy)*, Impact NO-2 is reduced to a less-than-significant level.

Because the Project is required to comply with Health Code article 38, which requires the project's residential units to be equipped with Minimum Efficiency Reporting Value (MERV) 13 filters, the Project is likely to require a substantial HVAC system; one that is larger than what would typically be required for a project of this size that is not subject to Health Code article 38. Therefore, the impact is determined to be significant. *Mitigation Measure M-NO-2: Require that Exterior Mechanical Equipment Comply with Noise Ordinance Prior to Certificate of Occupancy*, establishes a performance standard that when met would result in compliance with the Noise Ordinance and thus reduce the impact to a less-than-significant level.

- **Impact C-NO-1:** The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would result in a considerable contribution to significant cumulative construction noise. With implementation of *Mitigation Measure M-C-NO-1 (Prepare and Implement Construction Noise Plan)*, Impact C-NO-1 is reduced to a less-than-significant level.

Based on the number of projects in the immediate vicinity of the Project site, it is possible that construction activities from cumulative projects could overlap with the Project's construction activities, increasing the severity of construction noise impacts. Therefore, construction of the Project in combination with that of nearby projects could combine to result in a significant cumulative construction noise impact. Based on the noise levels predicted for some of the Project's construction activities, it would contribute considerably to the significant cumulative noise impacts. However, with implementation of *Mitigation Measure M-NO-1*, the Project's contribution to significant cumulative construction noise impacts would not be cumulatively considerable. Therefore, cumulative construction noise impacts would be less than significant with mitigation.

## B. Air Quality

- **Impact AQ-3:** Construction and operation of the Project could generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of *Mitigation Measure M-AQ-3a (Minimize Off-Road Construction Equipment Emissions)* and *M-AQ-3b (Implement Best Available Control Technology for Operational Diesel Generators)*, Impact AQ-3 (construction-related PM<sub>2.5</sub> concentrations; cancer risk) is reduced to a less-than-significant level.

The maximum PM<sub>2.5</sub> concentration due to construction of the Project would be approximately 2.0 µg/m<sup>3</sup>; this level exceeds the APEZ threshold of 0.2 µg/m<sup>3</sup>. Therefore, construction of the Project would generate emissions that would expose sensitive receptors to substantial pollutant concentrations. Thus,

this impact would be significant. Implementation of *Mitigation Measure M-AQ-3a: Minimize Off-Road Construction Equipment Emissions*, would be required to reduce annual PM<sub>2.5</sub> concentrations. The Project's contribution to cancer risk at onsite and offsite receptors would exceed the significance threshold of seven in one million persons exposed, resulting in a significant impact. Implementation of *Mitigation Measure M-AQ-3a: Minimize Off-Road Construction Equipment Emissions*, and *Mitigation Measure M-AQ-3b: Implement Best Available Control Technology for Diesel Equipment* would be required to reduce the excess cancer risk. In addition to these mitigation measures, Article 38 requires that the Project Sponsor submit an Enhanced Ventilation Proposal for approval by the Director of Public Health that achieves protection from PM<sub>2.5</sub> equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration because the Project is located within the APEZ. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal. This requirement would further reduce indoor exposure to air pollutants for the Project's residents.

- **Impact C-AQ-2:** The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would contribute to cumulative health risk impacts on sensitive receptors. With implementation of *Mitigation Measure M-AQ-3a (Minimize Off-Road Construction Equipment Emissions)* and *M-AQ-3b (Implement Best Available Control Technology for Operational Diesel Generators)*, Impact C-AQ-2 is reduced to a less-than-significant level.

In the unmitigated scenario, the Project would contribute approximately 2 µg/m<sup>3</sup> of PM<sub>2.5</sub> at offsite receptors, exceeding the 0.2 µg/m<sup>3</sup> significance threshold. Therefore, the Project would result in a significant contribution to cumulative PM<sub>2.5</sub> concentrations. With implementation of *Mitigation Measure M-AQ-3a* the contribution of the Project to cumulative construction-related PM<sub>2.5</sub> impacts would be less than significant. Operation of the Project with implementation of *Mitigation Measure M-AQ3b* would result in a cancer risk of 2.43 in 1 million at an onsite receptor, with a cumulative cancer risk of 105.71, or approximately 106 in 1 million when nearby projects are accounted for. The Project would not exceed the significance threshold of 7 in 1 million cancer risk with implementation of *Mitigation Measure M-AQ-3b*. Therefore, the Project's contribution to significant cumulative cancer risk impacts to onsite sensitive receptors would not be considerable with mitigation. The Project would result in a less-than-significant cumulative impact with mitigation.

### C. Cultural Resources (Historic Architectural)

- **CR-2:** The Project's construction could cause a substantial adverse change in the significance of an unknown archeological resource. With implementation of *Mitigation Measure M-CR-1: Conduct Archeological Testing and, if Required, Archeological Monitoring*, Impact CR-2 is reduced to a less-than-significant level.

Project construction requires subsurface excavation for the construction of underground parking. As such, due to the moderate-high sensitivity of the Project area, the Project has the potential to disturb unknown archeological resources, and these impacts would be considered significant. Accordingly, to reduce potential impacts to significant archeological resources, the Project would implement *Mitigation Measure M-CR-1: Conduct Archeological Testing and, if Required, Archeological Monitoring*, which would require the Project Sponsor to retain the services of an archeologist from the Department Qualified

Archeological Consultants List to develop and implement an archeological testing plan. Implementation of *Mitigation Measure M-CR-1* would reduce the impact to a less-than-significant level.

- **CR-3:** The Project's construction could disturb human remains, including those interred outside of formal cemeteries. With implementation of *Mitigation Measure M-CR-1: Conduct Archeological Testing and, if Required, Archeological Monitoring*, Impact CR-3 is reduced to a less-than-significant level.

The inadvertent exposure of previously unidentified human remains, including those interred outside of formal cemeteries, would be considered a significant impact. To reduce this impact to a less-than-significant level, the Project would comply with *Mitigation Measure M-CR-1: Conduct Archeological Testing and, if Required, Archeological Monitoring*, which includes the procedures required for appropriate treatment of human remains. With implementation of *Mitigation Measure M-CR-1*, the Project would have a less-than-significant impact related to the potential disturbance of human remains.

- **CR-4:** The Project's construction could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074. With implementation of *Mitigation Measure M-CR-2: Tribal Cultural Resources Interpretive Program*, Impact CR-3 is reduced to a less-than-significant level.

Unknown archeological resources may be encountered during construction that could be identified as tribal cultural resources at the time of discovery or at a later date. Therefore, the potential adverse effects of the Project on previously unidentified archeological resources also represent a significant impact on tribal cultural resources. Implementation of *Mitigation Measure M-CR-2: Tribal Cultural Resources Interpretive Program*, would reduce potential adverse effects on tribal cultural resources to a less-than-significant level.

- **C-CR-2:** The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would result in cumulative impacts to archeological resources, tribal cultural resources, and human remains. With implementation of *Mitigation Measure M-CR-1: Conduct Archeological Testing and, if Required, Archeological Monitoring*, Impact C-CR-2 is reduced to a less-than-significant level.

Implementation of the approved plans for testing, monitoring, and data recovery would preserve and realize the information potential of archeological resources. This information would be available to future archeological studies, contributing to the collective body of scientific and historic knowledge. With implementation of *Mitigation Measures M-CR-1* and *M-CR-2*, the Project's contribution to any potential cumulative impacts related to archeological resources, human remains, or tribal cultural resources would not be cumulatively considerable.

## D. Geology and Soils

- **GE-5:** Construction activities for the Project would directly or indirectly result in damage to, or destruction of, as-yet unknown paleontological resources or sites, should such resources, sites, or features exist on or beneath the Project site. With implementation of *Mitigation Measure M-GE-6:*



Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources, Impact GE-5 would be less-than-significant.

The Project has a moderate potential to destroy as-yet unknown paleontological resources. *Mitigation Measure M-GE-6: Implement Appropriate Measures in Case of Inadvertent Discovery of Paleontological Resources* would be implemented to reduce potentially significant adverse effects on paleontological resources, including fossils and associated contextual data, 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 are significant project-specific and cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identifies one significant and unavoidable impact on cultural resources, one significant and unavoidable impact on transportation and circulation, and one significant and unavoidable impact on wind.

The Planning Commission further finds based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that feasible mitigation measures are not available to reduce the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although measures were considered in the FEIR that could reduce some significant impacts, certain measures, as described in this Section IV below, are infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the FEIR, are 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 these impacts are 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 impacts for which no feasible mitigation measures were identified that would reduce these impacts to a less than significant level:

##### A. Cultural Resources (Historic Architectural)

**Impact CR-1:** The proposed Project would demolish the culturally significant 10 South Van Ness Avenue building, which would cause a substantial adverse change in the significance of a historical resource, as defined in CEQA Guidelines Section 15064.5(b). 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 three mitigation measures, as follows:

- *Mitigation Measure M-CR-1a (Documentation);*
- *Mitigation Measure M-CR-1b (Interpretation); and*

- *Mitigation Measure M-CR-1c (Salvage Architectural Materials from the Site for Public Information or Reuse)*

The Commission finds that, for the reasons set forth in the FEIR, although implementation of *Mitigation Measures M-CR-1a, M-CR-1b, and M-CR-1c* would reduce the cultural resources impact of demolition of the 10 South Van Ness Avenue building, this impact would nevertheless remain significant and unavoidable. As described in detail in the discussion of preservation and partial preservation alternatives in Section V below, the preservation alternatives were determined to be infeasible per CEQA Guidelines Section 15091(a)(3). Therefore, this impact would be significant and unavoidable even with identified mitigation.

## **B. Transportation and Circulation**

**Impact C-TR-7:** The proposed Project, combined with past, present, and reasonably foreseeable future projects, 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 three mitigation measures, as follows:

- *Mitigation Measure M-C-TR-7a (Cumulative Construction Coordination);*
- *Mitigation Measure M-C-TR-7b (Construction Truck Deliveries During Off-Peak Periods); and*
- *Mitigation Measure M-C-TR-7c (Construction Management Plan)*

The Commission finds that, for the reasons set forth in the FEIR, although implementation of *Mitigation Measures M-C-TR-7a, M-C-TR-7b, and M-C-TR-7c* would reduce the cumulative transportation and circulation impact of the construction phase of the Project, this impact would nevertheless remain significant and unavoidable because the mitigation measures would reduce but not eliminate the significant cumulative impacts related to conflicts between multiple construction activities and pedestrians, bicyclists, transit vehicles and automobiles.

## **C. Wind**

**Impact C-WI-1:** The proposed Project, combined with past, present, and reasonably foreseeable future projects, would alter wind in a manner that would make a cumulatively considerable contribution to a significant cumulative wind impact. 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-WI-1 (Design Measures to Reduce Cumulative Off-Site Wind Impacts)*

The Commission finds that, for the reasons set forth in the FEIR, although implementation of *Mitigation Measure M-C-WI-1* would reduce the cumulative wind impact of the Project, this impact would nevertheless remain significant and unavoidable. The effectiveness of *Mitigation Measure M-C-WI-1* is considered uncertain because landscaping such as street trees is considered an “impermanent” feature that may change over time or through the seasons and therefore may not consistently perform in the manner assumed in

the wind model. In addition, the feasibility of *Measure M-C-WI-1* contemplates installation of wind screens on an off-site property not fully under the Project Sponsor's control. Thus, the impact is conservatively identified as significant and unavoidable with mitigation.

## V. EVALUATION OF PROJECT ALTERNATIVES

This section describes the EIR alternatives 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 would feasibly attain most of the Project's basic objectives, but that would avoid or substantially lessen any identified significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. 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 5 of the FEIR. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 5 of the FEIR. The FEIR analyzed:

- Alternative 1: No Project Alternative
- Alternative 2: Proposed Project Full Preservation Alternative
- Alternative 3: Proposed Project Partial Preservation Alternative
- Alternative 4: Variant Full Preservation Alternative
- Alternative 5: Variant Partial Preservation Alternative

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.

### A. 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.

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

**1. Alternative 1 – No Project Alternative**

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition. The buildings on the Project site would not be altered, and the proposed approximately one million combined square feet of residential, retail, open space, and supporting uses would not be constructed. While San Francisco Honda no longer operates the site, the site could be occupied with a similar use. Building heights on the site would not be increased. The No Project Alternative has been identified as the overall environmentally superior alternative.

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.

The Planning Commission rejects the No Project Alternative as infeasible because it would fail to meet the Project Objectives, as described in Table 5.7 on page 5.43 of the FEIR, or the City's policy objectives for reasons including, but not limited to, the following:

- 1) The No Project Alternative would not meet any of the Project Sponsor's or City'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 achieve any of the objectives regarding the redevelopment of a large underutilized site, creation of the maximum number of new residential dwelling units, and provision of publicly accessible open space.

For the foregoing reasons, the Planning Commission rejects the Full Preservation Alternative as infeasible.

## 2. Alternative 2 – Proposed Project Full Preservation Alternative

Under the Proposed Project Full Preservation Alternative (Alternative 2), a single tower design would preserve the adjacent historical resource by maintaining the historically significant ballroom on the northern portion of the Project site, including its concrete construction, orientation, footprint, massing, facades, windows, and detailing. The non-contributing southern garage addition portion of the existing building would be demolished, and a new mixed-use building would be constructed in its place. Construction of the single tower avoids the need for deep excavation surrounding the existing building because the existing building would be retained in place, while still adhering to the load requirements above the Bay Area Rapid Transit (BART) easement at the north end of the project site.

The new building under Alternative 2 would include an approximately 548,500-gross-square-foot, 41-story single tower (400-feet-tall plus an additional 20 feet for roof screens and elevator penthouses) constructed with a trapezoidal footprint situated over a 120-foot-tall podium. This alternative would comply with the existing height limits. However, Alternative 2 would contain 434 dwelling units (550 fewer units than under the Project). This alternative would provide more retail and/or commercial space square footage than the Project because the existing building would be devoted to retail/commercial uses (the second floor would not be suitable for residential use). The historic building would provide a total of about 59,400 gross square feet of retail and/or commercial space, with no residential uses.

By retaining the existing historic building, the Proposed Project Full Preservation Alternative would avoid the significant and unavoidable impact related to demolition of a historical resource. As with the Project, Alternative 2 would result in a significant and unavoidable impact related to cumulative transportation (construction traffic) and cumulative wind conditions, and less-than-significant impacts related to air quality, noise, other transportation subtopics, and shadow. Additionally, this alternative meets most 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 56%.

The Planning Commission rejects Alternative 2 because it would not eliminate all significant and unavoidable impacts of the Project and it would not meet the Project Objectives, as described in Table 5.7 on page 5.43 of the FEIR, or the City's policy objectives or reasons including, but not limited to, the following:

- 1) Alternative 2 would limit the Project to 434 units; whereas the proposed Project would provide up to 966 units to the City's housing stock and maximize the creation of new residential units.
- 2) Alternative 2 would also reduce the Project's provision of below-market-rate units and in-lieu fee contribution under the City's Inclusionary Housing Program.
- 3) 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 eliminate all significant unavoidable impacts of the proposed Project.
- 4) Alternative 2 would create a project with fewer housing units in an area well-served by transit, services and shopping and adjacent to employment opportunities, which would then push demand for residential development to other sites in the City or the Bay Area.

- 5) Alternative 2 is less consistent and compatible with the surrounding high-rise residential and commercial architecture. The proposed Project consists of a more graceful urban design that would do more to enhance the attractiveness of the site for pedestrians than Alternative 2 does.

For the foregoing reasons, the Planning Commission rejects Alternative 2 as infeasible.

### **3. Alternative 3 – Proposed Project Partial Preservation Alternative**

The Proposed Project Partial Preservation Alternative (Alternative 3) would retain historically significant portions of the existing building at 10 South Van Ness Avenue and adapt the property for residential use by adding two new buildings. All interior character-defining features would be removed, but the only main exterior character-defining feature that would be partially compromised is the massing. The majority of the exterior character-defining features would be retained, including the concrete walls, orientation, footprint, façades, windows, and detailing.

This alternative would have a total of approximately 812,500 gross square feet (including parking and excluding rooftop mechanical). The two new buildings under Alternative 3 would have a total of about 31,400 gross square feet of retail and/or commercial space on the ground floor with access along Market Street, South Van Ness Avenue, and 12th Street. There would be about 707,600 gross square feet of residential uses across both buildings, with a total of 713 residential units (271 fewer units than under the Project).

Like the Project, Alternative 3 would result in a significant and unavoidable impact related to cumulative transportation (construction traffic), air quality, and cumulative wind conditions, and less-than-significant impacts related to noise, other transportation subtopics, and shadow. Alternative 3 also would not avoid the significant and unavoidable impact on historical resources since the historic interior, including the ballroom, the southeast wall, and the roof of the historic north portion of the resource, would be demolished, resulting in a significant and unavoidable impact with mitigation. Additionally, this alternative meets most, but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it provides 271 fewer residential units than the Project.

The Planning Commission rejects Alternative 3 because it would not eliminate all significant and unavoidable impacts of the Project, and it would not meet the Project Objectives, as described in Table 5.7 on page 5.43 of the FEIR, or the City's policy objectives for reasons including, but not limited to, the following:

- 1) Alternative 3 would limit the Project to 713 units; whereas the Project would provide up to 966 units to the City's housing stock and maximize the creation of new residential units.
- 2) Alternative 3 would also reduce the Project's provision of below-market-rate units and in lieu fee contribution under the City's Inclusionary Housing Program.

- 3) 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 unavoidable impacts.
- 4) Alternative 3 would create a project with fewer housing units in an area well-served by transit, services and shopping and adjacent to employment opportunities which would then push demand for residential development to other sites in the City or the Bay Area.
- 5) Alternative 3 is less consistent and compatible with the surrounding high-rise residential and commercial architecture. The Project consists of a more graceful urban design that would do more to enhance the attractiveness of the site for pedestrians than would Alternative 3.

For the foregoing reasons, the Planning Commission rejects Alternative 3 as infeasible.

#### **4. Alternative 4 – Variant Full Preservation Alternative**

Under Alternative 4, the existing historical resource at 10 South Van Ness would undergo some changes but it would retain all of its exterior and interior character-defining features. This alternative would include a 55-story single tower (590-foot-tall plus an additional 20 feet for roof screens and elevator penthouses) constructed with a trapezoidal footprint situated over a 120-foot-tall podium with a triangular footprint. The single tower design would preserve the adjacent historical resource, since construction of the single tower avoids the need for deep excavation surrounding the existing building while still adhering to the BART easement at the north end of the site. The façades of the new building would be clad in modern materials, such as steel and glazing.

Alternative 4 would provide more retail and/or commercial space square footage than the variant because the existing building would be devoted to retail/commercial uses (the second floor would not be suitable for residential use). Overall, Alternative 4 would provide a total of about 64,400 gross square feet of retail and/or commercial space. The historic building would be used for retail and/or commercial space, with no residential uses. Under this alternative, the new building would include approximately 619,900 gross square feet of residential use on the upper floors of the tower, with a total of 605 residential units (379 fewer units than under the Project).

Alternative 4 would avoid the significant and unavoidable impact related to the demolition of this historical resource. Unlike the Project, there would be no significant impact related to historic architectural resources. As with the Project, this alternative would result in a significant and unavoidable impact related to cumulative transportation (construction traffic) and cumulative wind conditions, and less-than-significant impacts related to air quality, noise, other transportation subtopics, and shadow. Additionally, this alternative meets most, but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it provides 379 fewer residential units than the Project.

The Planning Commission rejects Alternative 4 because it would not eliminate all significant and unavoidable impacts of the Project and it would not meet the Project Objectives, as described in Table 5.7 on page 5.43 of the FEIR, or the City's policy objectives for reasons including, but not limited to, the following:

- 1) Alternative 4 would limit the Project to 713 units; whereas the Project would provide up to 966 units to the City's housing stock and maximize the creation of new residential units.
- 2) Alternative 4 would also reduce the Project's provision of below-market-rate units and in lieu fee contribution under the City's Inclusionary Housing Program.
- 3) 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 unavoidable impacts.
- 4) Alternative 4 would create a project with fewer housing units in an area well-served by transit, services and shopping and adjacent to employment opportunities which would then push demand for residential development to other sites in the City or the Bay Area.
- 5) Alternative 4 is less consistent and compatible with the surrounding high-rise residential and commercial architecture. The Project consists of a more graceful urban design that would do more to enhance the attractiveness of the site for pedestrians than would Alternative 4.

For the foregoing reasons, the Planning Commission rejects Alternative 4 as infeasible.

#### **5. Alternative 5 – Variant Partial Preservation Alternative**

Alternative 5 would retain the historically significant portions of the existing building at 10 South Van Ness Avenue and adapt the property for residential use by adding a new building. All interior character-defining features would be removed, but the character-defining features of the building's exterior would be partially retained, including the concrete walls, orientation, footprint, façades, windows, and detailing. This alternative would include construction of a new tower on the southern portion of the project site. It would partially retain the historic building on site while accommodating more of the land development program than the Alternative 3. The new tower would be 55 stories and 590 feet tall (610 feet including roof screens and elevator penthouses) constructed above a 120-foot-tall podium, with a triangular footprint. In the northern portion of the project site, the podium would be retained and would incorporate the historic façades of the historical resource. The façades of the tower under Alternative 5 would be designed with modern materials, such as steel and glazing.

Alternative 5 would have a total of approximately 876,800 gross square feet (including parking and excluding rooftop mechanical). The new building under this alternative would have a total of about 28,100 gross square feet of retail and/or commercial space on the ground floor with access along Market Street, South Van Ness Avenue, and 12th Street. There would be about 770,300 gross square feet (543,700 net square feet) of residential use across both buildings, with a total of 765 residential units (219 fewer units than under the Project).

Like the Project, Alternative 5 would result in a significant and unavoidable impact related to cumulative transportation (construction traffic), air quality, and cumulative wind conditions, and less-than-significant impacts related to noise, other transportation subtopics, and shadow. Alternative 5 would also not avoid the significant and unavoidable impact on historical resources, since the historic interior, including the



ballroom, the southeast wall, and the roof of the historic north portion of the resource, would be demolished, thus resulting in a significant and unavoidable impact with mitigation measures. Additionally, this alternative meets most but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it provides 219 fewer residential units than the Project.

The Planning Commission rejects Alternative 5 because it would not eliminate all significant and unavoidable impacts of the Project and it would not meet the Project Objectives, as described in Table 5.7 on page 5.43 of the FEIR, or the City's policy objectives for reasons including, but not limited to, the following:

- 1) Alternative 5 would limit the Project to 765 units; whereas the Project would provide up to 966 units to the City's housing stock and maximize the creation of new residential units.
- 2) Alternative 5 would also reduce the Project's provision of below-market-rate units and in lieu fee contribution under the City's Inclusionary Housing Program.
- 3) 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 unavoidable impacts.
- 4) Alternative 5 would create a project with fewer housing units in an area well-served by transit, services and shopping and adjacent to employment opportunities which would then push demand for residential development to other sites in the City or the Bay Area.
- 5) Alternative 5 is less consistent and compatible with the surrounding high-rise residential and commercial architecture. The Project consists of a more graceful urban design that would do more to enhance the attractiveness of the site for pedestrians than would Alternative 5.

For the foregoing reasons, the Planning Commission rejects Alternative 5 as infeasible.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, three impacts related to cultural resources, cumulative transportation (construction traffic) and cumulative wind conditions 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 these significant and unavoidable impacts 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, in the documents found in the record, as defined in Section I, and also found below.

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 impacts, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approvals, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures and improvement 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 signification effects on the environment found to be unavoidable are acceptable due to the following specific individual and collective overriding economic, technological, legal, social, and other considerations. In addition, the Project provides additional benefits as described in the reasons for rejecting alternatives in Section V., which are incorporated herein by reference.

The Project will have the following benefits:

- 1) The Project would add up to 966 dwelling units (approximately 347 studios, 449 1-bedroom units, 166 2-bedroom units, and 22 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.
- 2) The Project would increase the stock of permanently affordable housing, by complying with the requirements of Planning Code section 415. In addition to the in-lieu fee, the Project would also pay approximately \$17 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 structure 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 existing building and its replacement with active street frontages will improve pedestrian and neighborhood safety. By including ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would include significant streetscape improvements, particularly to 12th Street, 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 substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
- 7) The Project adds approximately 29,443 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.
- 8) The Project will include a 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.
- 9) 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.
- 10) The Project provides approximately 321 Class 1 secure indoor bicycle parking spaces and 61 Class 2 sidewalk bicycle rack spaces, both in excess of the number required by the Planning Code, encouraging residents and visitors to access the site by bicycle.
- 11) 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.
- 12) 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.

- 13) The Conditions of Approval for the Project include all the mitigation measures set forth in the FEIR to 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. The Conditions of Approval also include all the improvement measures set forth in the FEIR to further reduce the magnitude of less-than-significant effects.
  
- 14) 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, and in light of evidence contained in the FEIR and in the record, 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

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## Planning Commission Draft Motion

HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2015-004568DNX  
*Project Address:* 10 SOUTH VAN NESS AVENUE  
*Zoning:* C-3-G (Downtown – General) Zoning District  
(Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts  
(Proposed) 120/400-R-2 // 140/590-R-2, and  
120/400-R-2/120-R-2 // 140/590-R-2  
Van Ness and Market Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
10 SVN LLC  
8 10<sup>th</sup> Street, Suite 1205  
San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
2200 Biscayne Blvd.  
Miami, FL 33137  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309, AND GRANT EXCEPTIONS FROM PLANNING CODE REQUIREMENTS FOR: 1) DWELLING UNIT EXPOSURE (SECTION 140); 2) SUNLIGHT ACCESS TO PUBLIC SIDEWALKS (SECTION 146); 3) MAXIMUM GROUND-LEVEL WIND CURRENTS (SECTION 148); 4) MAXIMUM PROJECTIONS OVER THE PUBLIC RIGHT-OF-WAY (SECTION 136); 5) HEIGHT AND BULK LIMITS (SECTIONS 263.19 AND 270(f)); 6) MID-BLOCK ALLEYS FOR LARGE LOT DEVELOPMENT (SECTION 270.2); AND 7) DWELLING UNIT MIX (SECTION 207.6). THE PROJECT PROPOSES TO DEMOLISH THE EXISTING TWO-STORY COMMERCIAL BUILDING, AND CONSTRUCT A NEW 55-STORY, 590-FT TALL (610-FT TALL INCLUSIVE OF ROOFTOP SCREENING), MIXED-USE RESIDENTIAL BUILDING (APPROXIMATELY 906,811 GROSS SQUARE FEET) WITH 966 DWELLING UNITS (CONSISTING OF 347 STUDIOS, 433 1-BEDROOM UNITS, 165 2-BEDROOM UNITS, AND 21 3-BEDROOM UNITS), AND APPROXIMATELY 29,443 SQUARE FEET OF RETAIL SALES AND SERVICE USES, TWO BASEMENT GARAGE LEVELS CONSISTING OF 255 OFF-STREET PARKING SPACES, 4 OFF-STREET FREIGHT LOADING SPACES, 2 OFF-STREET SERVICE VEHICLE SPACES, 6 CAR-SHARE SPACES, AND 321 CLASS 1 BICYCLE PARKING SPACES, PLUS 61 CLASS 2 BICYCLE SPACES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, AT 10 SOUTH VAN NESS AVENUE, LOTS 003A AND 004 IN ASSESSOR'S BLOCK 3506, WITHIN THE C-3-G (DOWNTOWN - GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, THE 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, AND THE PROPOSED 120/400-R-2//140/590-R-2 AND 120/400-R-2/120-R-2//140/590-R-2 HEIGHT AND BULK DISTRICTS UNDER THE MARKET AND OCTAVIA AREA PLAN AMENDMENTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## **PREAMBLE**

On April 8, 2015, Adam Tartakovsky, on behalf of the property owner 10 SVN LLC (hereinafter “Project Sponsor”) filed an Environmental Evaluation Application with the Planning Department (hereinafter “Department”) for a demolition and new construction development project at 10 South Van Ness Avenue, Block 3506, Lots 003A and 004 (hereinafter “Project Site”). The Department accepted the Environmental Evaluation Application as complete on September 28, 2015.

On January 20, 2016, the Project Sponsor filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code (hereinafter “Application”) to facilitate the construction of a new 400-foot tall building located at the Project Site, consisting of studio, 1-bedroom, 2-bedroom and 3-bedroom residential units, associated amenity spaces, and retail spaces at the ground floor. On August 31, 2017, the Application was updated to facilitate the construction of a new 590-foot tall mixed-use residential building located at the Project Site, with approximately 906,811 gross square feet and containing approximately 966 dwelling units (347 studios, 433 1-bedroom units, 165 2-bedroom units, and 21 3-bedroom units), approximately 29,443 square feet of ground- and 2<sup>nd</sup>-floor retail space, approximately 42,544 total square feet of private, common, and publicly accessible open space (inclusive of 4,560 square feet of POPOS near the corner of Market Street and Van Ness Avenue), two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 Class 1 bicycle parking spaces, plus 61 Class 2 bicycle parking spaces located within the public right-of-way (hereinafter “Project”).

On July 12, 2017, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”) for the Project. Publication of the NOP initiated a 30-day public review and comment period that began on July 12, 2017 and ended on August 11, 2017. On August 2, 2017, the Department held a public scoping meeting regarding the Project. On May 2, 2018, the Department published the Initial Study (“IS”) and provided public notice in a newspaper of general circulation of the availability of the IS; this notice was mailed to the Department’s list of persons requesting such notice.

On May 23, 2018, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”) for the Hub Plan (also called the Market and Octavia Area Plan Amendment), 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District. Publication of the NOP initiated a 30-day public review and comment period that ended on June 22, 2018. On June 12, 2018, the Department held a public scoping meeting regarding the Hub Plan Project.

On August 8, 2018, the Project Sponsor submitted an application to the Governor’s Office of Planning and Research seeking certification of the Project as an Environmental Leadership Development Project (ELDP) pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (and as updated by AB 734 (Chapter 210, Statutes of 2016) and AB 246 (Chapter 522, Statutes of 2017), and California Environmental Quality Act (CEQA) Section 21178. Under AB 900, ELDPs generally are projects that promote environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, substantial economic investment, and job creation, and that meet certain other specified criteria and metrics. On October 9, 2018 Governor certified the Project as an ELDP.

On October 17, 2018, the Department published a Draft Environmental Impact Report for the Project (hereinafter, "DEIR") 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 the date and time of the public hearing were posted near the Project Site by the Project Sponsor on October 17, 2018.

On December 6, 2018, 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 DEIR ended on December 11, 2018. The Department prepared responses to comments on environmental issues received during the 54-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 January 17, 2019 the Project Sponsor gave an informational presentation to the Planning Commission regarding the revised single-tower variant design.

On July 24, 2019, the Department published a Draft Environmental Impact Report for the aforementioned Hub Plan (also called the Market and Octavia Area Plan Amendment), 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District (hereinafter, the "Hub Plan DEIR") and provided public notice in a newspaper of general circulation of the availability of the Hub Plan DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the Hub Plan DEIR; this notice was mailed to the Department's list of persons requesting such notice. Notices of availability of the Hub Plan DEIR. The Hub Plan DEIR contains analysis at a "program-level" pursuant to California Environmental Quality Act (CEQA) Guidelines section 15168 for adoption and implementation of the Hub Plan, including program-level review of potential development at the Project site. The Hub Plan DEIR also includes "project-level" environmental review for the streetscape and street network improvements and the project at 30 Van Ness Avenue and the project at 98 Franklin Street. The Hub Plan DEIR also evaluates the designation of portions or all of the Hub Plan area as an HSD, in accordance with Assembly Bill 73 (Government Code sections 66202 to 66210 and Public Resources Code sections 21155.10 and 21155.11). Designation of an HSD, through adoption of an ordinance by the San Francisco Board of Supervisors, would allow the City and County of San Francisco (City) to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements within the HSD.

On August 29, 2019, the Commission held a duly advertised public hearing on the Hub Plan DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the Hub Plan DEIR ended on September 9, 2019. The Department prepared responses to comments on environmental issues received during the 46-day public review period for the Hub Plan DEIR, prepared revisions to the text of the Hub Plan 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 13, 2020, the Planning Commission adopted Resolution 20653 to initiate legislation entitled “Ordinance amending the General Plan to amend the Market and Octavia Area Plan; making conforming amendments to the Arts Element and Housing Element; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code Section 302”.

On February 13, 2020, the Planning Commission adopted Resolution 20654 to initiate legislation entitled “Ordinance amending the Planning Code to amend the Van Ness and Market Downtown Residential Special Use District, to encourage more housing and uses that support the neighborhood residents and business, and to give effect to amendments in the Market and Octavia Area Plan; and amending Planning Code Sections 145.4, 151.1, 207.6, 249.33, 261.1, 263.19, 270, 309, 401, 411A.5, 416.3, 421.5, 424.1, 424.3, 424.4; and 424.5; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

On February 13, 2020, the Planning Commission adopted Resolution 20656 to initiate legislation entitled “Ordinance amending the Zoning Map of the Planning Code to amend the boundaries of the Van Ness and Market Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with amendments to the Market and Octavia Area Plan, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10th Street, midblock between 10th Street and 11th Street from Market Street to Mission Street, Mission Street from 10th Street to Washburn Street, a portion of Washburn Street, Minna Street from 10th Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12th Street to Howard Street, Howard Street just north of 12th and 13th Streets, and 13th Street to Octavia Boulevard and Haight Street; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.”

On March 3, 2020, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report for the Project (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 Responses to Comments document, all as required by law.

On March 12, 2020, the Planning Department published a Responses to Comments document for the Hub Plan DEIR. A Final Environmental Impact Report (hereinafter the “HUB Plan FEIR”) has been prepared by the Department, consisting of the Hub Plan DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document, all as required by law.

On April 29, 2020, the Project Sponsor filed an application requesting approval of a Conditional Use Authorization pursuant to Section 303 of the San Francisco Planning Code to permit a single retail space in excess of 6,000 gross square feet within the Project.



On May 11, 2020 the Project Sponsor filed an application requesting approval of a Variance from the requirements of Planning Code Section 145.1(c)(2) to permit a garage opening exceeding 20-feet in width.

On May 21, 2020 the full 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 would not be adverse to the use of Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site.

On May 21, 2020, the Commission reviewed and considered the Hub Plan FEIR and found that the contents of said report and the procedures through which the Hub Plan 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 May 21, 2020 by adoption of its Motion No. 20707.

On May, 21, 2020, through Motion No. 20708, the Commission approved findings required by CEQA, including adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2015-000940ENV, for approval of the Hub Plan ("Hub Plan CEQA Findings"), which are incorporated by reference as though fully set forth herein.

On May 21, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) an ordinance amending the General Plan to amend the Market and Octavia Plan; (2) an ordinance amending the Planning Code to implement the updated Market and Octavia Area Plan; (3) an ordinance amending the zoning map to change the land use, zoning and height and bulk classifications in the Market and Octavia Plan Area, respectively; (4) an ordinance amending the Business and Tax Regulations and Planning Code to create the Hub Housing Sustainability District; and (5) the Hub Plan Implementation Program. At that May 21, 2020 meeting, the Commission adopted Resolution Nos. 20709, 20710, 20711, 20712, and 20713 to recommend that the Board of Supervisors approve the aforementioned ordinances and Implementation Program (collectively, the "Market and Octavia Area Plan Amendment".

On May 21, 2020, 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 May 21, 2020 by adoption of its Motion No. 20720. The Department has also prepared a Memorandum to File, dated June XX, 2020, that provides additional analysis of the environmental effects of the Project.

On June 11, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance application for the 10 South Van Ness Project (Record No. 2015-004568PRJ). 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.

At the same Planning Commission 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, including adoption of a Mitigation Monitoring and Reporting Program (“MMRP”) based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. (“CEQA”), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. (“CEQA Guidelines”), Sections 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. [\_\_\_\_].

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2015-004568DNX is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Downtown Project Authorization as requested in Application No. 2015-004568DNX, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes demolition of the existing two-story commercial building on the project site, last used for Automobile Sales and Repair, and new construction of a 55-story, 590-ft tall (610 feet, including elevator penthouses and screening features), mixed-use residential building (approximately 906,811 gross square feet in total) with 966 dwelling-units (347 studios, 433 one-bedroom units, 165 two-bedroom units, and 21 three-bedroom units), approximately 29,443 square feet of Retail Sales and Service uses, two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 class 1 bicycle parking spaces, plus 61 class 2 bicycle spaces located within the public right-of-way. The Project includes an area of privately-owned public open space (POPOS) measuring approximately 4,560 square feet along South Van Ness Avenue near the intersection with Market Street, as well as approximately 26,500 square feet of common open space at podium level and other terraces within the proposed building tower, and at least 11,484 square feet of private open space for 319 of the proposed units via balconies and terraces. The Project will also include a pedestrian mid-block alley through the site, connecting Market and 12<sup>th</sup> Streets. The Project will include a number of streetscape improvements along its three street frontages – Market Street, 12<sup>th</sup> Street, and South Van Ness Avenue – consistent with the Better Streets Plan and various City planning efforts in the Better Market Street Plan, the Van

Ness Bus Rapid Transit (BRT) Improvement Project, and the Hub Public Realm Plan. The Project will construct wind mitigation features along the east side of South Van Ness Avenue, along the 1 South Van Ness Avenue public right-of-way. The Project will provide a new entry and elevator to the Van Ness Muni Station (a new elevator), and may also provide a new staircase and escalators for entry to the Van Ness Muni Station within the ground floor of the Project itself and adjacent to the proposed mid-block alley, pending coordination with the City around final design and approvals, as specified in the conditions of approval (Condition No. 8) contained within the Project's Downtown Project Authorization, Motion No. [\_\_\_\_\_]. The improvements to the Muni metro entrance and the land dedication affordable housing alternative would include future actions by the City, including: 1) City approval of the purchase of an easement, fee title, and/or other property right that the City will acquire from the sponsor to facilitate the Muni access; 2) potential street vacation of underground portions of 12<sup>th</sup> Street and/or Market Street for building design elements that the Project Sponsor must construct to accommodate the Muni access (street vacation, if necessary, will also involve the granting of an easement, fee title, and/or other property right from the City to the sponsor); and 3) City acceptance and approval of the Project Sponsor's offer/dedication of off-site real property and acquisition of fee title to that property. Lastly, the Project will include the merger of Lots 003A and 004 on Block 3506.

- 3. Site Description and Present Use.** The Project Site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, is roughly triangular in shape and is made up of two contiguous lots within Assessor's Block 3506, Lots 003A and 004. In total, the Project Site comprises 51,150 square feet (sf) with frontage along Market Street to the north, 12<sup>th</sup> Street to the west, and South Van Ness Avenue to the east. The Project Site measures approximately 227 feet along Market Street, 372 feet along 12<sup>th</sup> Street, and 420 feet along South Van Ness Avenue. The majority of the site (Lot 004) is developed currently with a two-story commercial building containing approximately 91,088 square feet, last used for Automobile Sales and Repair (d.b.a. San Francisco Honda). Prior to about mid-1971, the building had also been used as a concert venue, under the names "Carousel Ballroom" and "Fillmore West". The remainder of the site (Lot 003A) is currently undeveloped. In addition to the main developable area within the property line boundaries, the Project Site also includes the adjacent public rights-of-way where the Project proposes to construct a variety of streetscape improvements.

The Project Site is located in the Downtown – General Zoning District (C-3-G), the Van Ness and Market Residential Special Use District, the 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market and Octavia Area Plan Amendments. The Project Site also borders several neighborhoods including the Downtown/Civic Center, South of Market, Mission, and Western Addition, and is within the Downtown and Market and Octavia Plan Areas.

- 4. Surrounding Properties and Neighborhood.** The area surrounding the Project Site is primarily an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are commonly located at upper floors along Market Street and Van Ness Avenue, including many government and public uses to the north of the site, clustered around Civic Center and City Hall. Moving along Market Street to the west of the Project Site and away from downtown, the zoning is predominantly NCT-3 and RTO, and the

development pattern correspondingly begins to decrease in height and intensity, with residential and neighborhood-serving retail comprising a greater proportion of the uses. To the east and southeast of the Project Site are the Western SoMa mixed-use districts, which include a wide variety of uses from light industrial to residential and institutional. This diversity of uses, and particularly light industrial, manufacturing and repair-type uses, continues to be seen farther to the east and southeast in the Showplace Square and northern Mission, which includes some PDR-zoned areas.

The intersection of Market Street and Van Ness Avenue is an important transit node in the City – 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 Site occupies the entire block bounded by Market Street, 12<sup>th</sup> Street and South Van Ness Avenue, so there are no other buildings on the immediate block face. In general, the surrounding blocks are largely characterized by low- to mid-rise structures, often occupied with commercial, office or light industrial uses; a small number of residential uses are interspersed in the area.

However, the immediate vicinity is expected to change significantly, with a number of projects either already approved or under construction, and still others currently under Planning Department review. Consistent with the proposed Market and Octavia Area Plan Amendments (also called the “Hub Plan”) and the original Market and Octavia Area Plan, this area is expected to see a large increase in the number of residential units. Within this plan area, the Market and Octavia Area Plan already anticipated capacity for about 8,070 dwelling units; with the Market and Octavia Area Plan Amendments, this increases to a capacity of approximately 9,710 units. Some of the anticipated developments in the vicinity of this Project include:

- 1540 Market Street (aka “One Oak”) – 319 units; approved
- 1554 Market Street – 109 units; under construction
- 1629 Market Street (aka “Plumber’s Union”) – 584 units and rehab of Civic Center Hotel, new assembly space and Brady Park; approved
- 30 Otis Street – 416 units, new facility for City Ballet; under construction
- 1601 Mission Street – 220 units; approved
- 1500 Mission Street – 550 units, new City office building; under construction
- 98 Franklin Street – 345 units; proposed
- 30 Van Ness Avenue – 333 units; proposed

5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach regarding the Project dating back to about 2017 with a variety of stakeholders, both individuals and with established neighborhood organizations. The majority of project meetings with neighborhood organizations occurred in 2018 and 2019, having met with the following groups: Hayes Valley Neighborhood Association (HVNA), Van Ness Corridor Neighborhood Coalition (VNCNC), Civic Center Central Business District (CCCBD), San Francisco Heritage, and San Francisco Housing Action Coalition (SFHAC). Letters of support for the Project were received by

CCCBD and SFHAC. Apart from comments received by the Department during the DEIR review period, staff has received minimal public comment regarding the proposal. The few comments received were generally supportive of the Project, with similar concern regarding the loss of the Fillmore West historic resource as also noted during the DEIR period.

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. **Use and Density.** Planning Code Sections 210.2 and 249.33 permit residential uses within the C-3-G Zoning District and the Van Ness and Market Residential Special Use District without an applicable density limit. Planning Code Section 210.2 principally permits general retail sales and service uses within the C-3-G District. Within the Van Ness and Market Residential Special Use District, as amended through the Market and Octavia Area Plan Amendments, Planning Code Section 249.33 requires that at least three occupied square feet of residential use shall be provided for each occupied square foot of non-residential use.

*The proposed Project includes residential and general retail sales and service uses, which are principally permitted within the subject C-3-G Zoning District and Van Ness and Market Residential Special Use District. The Project may also include institutional uses such as a community facility, which uses are also permitted in the subject C-3-G District and Van Ness and Market Residential Special Use District. With no applicable density limit, the Project proposes to construct 966 dwelling units. Non-residential uses are provided only at the ground floor and a portion of the second floor, consistent with the controls of the Van Ness and Market Residential Special Use District. The total occupied square footage of the proposed residential units only is approximately 692,200 square feet; with approximately 29,443 square feet of retail, the Project far exceeds the 3-to-1 residential to non-residential requirement, with approximately 23.5 square feet of residential occupied floor area for every non-residential square foot.*

- B. **Non-Residential Use Size.** As amended under the Market and Octavia Area Plan Amendments, pursuant to Planning Code Section 249.33(b)(7), individual retail uses are principally permitted up to 5,999 square feet and require conditional use authorization above this amount.

*The Project is proposing 11 distinct commercial spaces located at the ground floor, all of which are less than 6,000 square feet in size. Additionally, the Project is proposing one commercial tenant space at the second floor that is approximately 9,087 square feet. The Project is requesting conditional use authorization for this individual use size greater than 6,000 square feet (Case No. 2015-004568CUA).*

- C. **Floor Area Ratio.** Pursuant to Planning Code Sections 123, 249.33 and 424, 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-to-1 and may reach an FAR of 9.0-to-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 51,150 square feet. As shown in the plans, the Project includes approximately 1,063,507 square feet of development, of which approximately 906,811 square feet would count towards FAR. As proposed, the Project has a total FAR of approximately 17.73-to-1. Since the Project exceeds an FAR of 9.0-to-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-to-1 up to a ratio of 9.0-to-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-to-1.*

- D. **Rear Yard.** Within the Van Ness and Market 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 except on levels in which all residential units face onto a public right-of-way.

*The Project provides residential dwelling units at the third floor and above. Proposed building lot coverage is greatest at floors 3 through 8, and subsequently decreases at other podium floors of the building and above at the tower portion of the Project. On floors 3 through 8, the proposed building has a total coverage of 38,775 square feet, or approximately 76 percent of the Project Site's 51,150-square foot lot area and therefore complies.*

- E. **Residential Usable 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 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

*The Project proposes to construct 966 dwelling units, 319 of which will be provided with private usable open space in the form of balconies that are a minimum of six feet in each horizontal dimension and meet the exposure requirements of Section 135(f)(2). For the remaining 647 dwelling units, the Project is therefore required to provide at least 31,056 square feet of common usable open space. In order to meet this requirement, the Project is providing a number of outdoor amenity terraces throughout the building. Two are located at the building's podium levels to the north and south of the proposed tower, at level 14 and 16, and providing 9,375 square feet and 4,025 square feet, respectively. Three terraces are located throughout the tower at levels 24, 34 and 44, corresponding to the areas of volumetric reduction in the tower. These open spaces will each have vertical clearance equal to three stories of height and at level 24 will contain approximately 3,720 square feet, while levels 34 and 44 will contain 2,435 square feet of open space each. Common open space terraces will also be found at levels 54 and 55, with 1,910 square feet and 2,600 square feet of usable area, respectively. At the uppermost level 55, the adjacent interior space will also consist of residential amenity areas such as a resident lounge and game room, and space for private dining. The balance of the usable open space requirement will be met through provision of an on-site, ground-level privately-owned public open space (POPOS), which also meets the requirements of Section 138. This POPOS area will be located on the eastern side of the property, adjacent to the property's South Van Ness frontage and will*

*contain approximately 4,560 square feet. The Project does not need to meet any of its open space requirement off-site within the Special Use District as allowed by Section 249.33.*

- F. **Public Open Space.** Pursuant to Planning Code Section 138, 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.

*The Project proposes approximately 29,443 square feet of non-residential use, and therefore must provide at least 589 square feet of public open space pursuant to this Section. The Project proposes to include a privately-owned public open space (POPOS) area at the ground floor level that measures approximately 4,560 square feet, in excess of the requirement. The POPOS will be located adjacent to the building and the corner of Market Street and South Van Ness Avenue on the eastern side of the property. There will be no physical barriers between the sidewalk and the POPOS and will be of adequate size to be usable by the public. The POPOS will be adjacent to both ground floor retail and the residential lobby entry for the building and will include planters with a variety of landscaping and built-in seating. The POPOS area will be of an open nature and clearly visible from the public right-of-way and interior portions of the building and will be well-lit during nighttime hours. While there is no proposed building mass cantilevered or otherwise located over the POPOS area, the Project does include a projecting wind canopy over a portion of the space at approximately 20 feet in height. In addition to the trees in and adjacent to the POPOS, the canopy should help to minimize wind and make the POPOS more comfortable and usable. Mitigation Measure M-CR-1b requires the Project Sponsor to install and maintain a permanent interpretive display commemorating the historical significance of the Fillmore West and Bill Graham. Although such interpretive display has not been finalized, it is possible that some materials may be located within the POPOS area.*

- G. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new residential building of ten or more units is constructed on a lot that is greater than half an acre in area or contains 150 feet or more of total lot frontage, or encompasses the entire block face between the two nearest intersections, pedestrian elements in conformance with the Better Streets Plan shall be required.

*The Project is located on an assemblage of two lots, which collectively measure 51,150 square feet, or more than 1.1 acres in area. In total, the Project Site encompasses an entire block face and is bounded by Market Street to the north with more than 227 feet of frontage, 12<sup>th</sup> Street to the west with more than 372 feet of frontage, and South Van Ness Avenue to the east with more than 419 feet of frontage. Therefore, the proposed residential project is subject to pedestrian and streetscape improvements in conformance with the Better Streets Plan. Additionally, the Project Site is unique in that its frontages are also part of several larger streetscape planning efforts currently in progress by the City. Planning work has been done along each frontage as part of the Better Market Street Plan, the Van Ness Bus Rapid Transit (BRT) improvement plan, and the Hub Public Realm Plan. As such, it is important that proposed streetscape improvements are coordinated and consistent with the planning efforts considered in those plans. In general, the Project will include a variety of streetscape improvements from built-in*

*seating and other furnishings, street tree plantings, installation of Class 2 bicycle parking, curb ramps and bulbouts, and specific sidewalk pavers.*

*Along Market Street, and proposed to be memorialized as a condition of this Project approval, the Project Sponsor would continue to work with the City's Better Market Street (BMS) team on the proposed design and build-out of this segment of Market Street from 12<sup>th</sup> Street to South Van Ness Avenue. At a minimum, the Project will re-construct sidewalks along its Market Street frontage consistent with Public Works' standards to match the legacy Market Street design. Should the City's design and construction plans be advanced far enough at the time of the Project Sponsor's submittal of street improvement permits for the Project, and the City approves an in-kind agreement or some other funding mechanism for the cost of such improvements in excess of standard sidewalk improvements, the Project Sponsor would improve Market Street to those City-approved specifications under the Better Market Street Plan. Plans for both scenarios have been included in the plans for the Project.*

*Along South Van Ness Avenue, the Project Sponsor will continue to work with the City's Van Ness BRT team to coordinate proposed streetscape elements. Coordination is required, for example, as the City has recently installed new light standards along the South Van Ness Avenue roadway. The proposed location of passenger loading zones, street tree planters and Class 2 bicycle racks for the Project will be coordinated so as not to impact the installation, or require further relocation of these lights. The sponsor shall match the approved Van Ness Avenue design palette by incorporating street furniture, special sidewalk paving in the furnishing zone, and other streetscape features consistent with the design of City's Van Ness BRT Project.*

*Lastly, along 12<sup>th</sup> Street, the Project Sponsor has worked with the City and proposes improvements that are consistent with the Hub's Public Realm Plan for 12<sup>th</sup> Street. The Project would help fully realize the build-out of a new street and pedestrian promenade, to the centerline of the street and for the portion of the street contiguous with the Project Site. The eastern side of 12<sup>th</sup> Street would be widened and would include new street tree plantings, pavers and Class 2 bicycle parking. The Project also includes ground floor retail opportunities to line and increase activity along the block. Similar to the possibility for additional streetscape improvements along Market Street, if the City approves an in-kind agreement or some other funding mechanism for the cost of the improvements, the Project would also be responsible for constructing not only the adjacent widened eastside sidewalk area, but the 12<sup>th</sup> Street roadway itself and reconstructing the westside sidewalk between Stevenson Street and Market Street. Bulb-outs will be added at Market Street to shorten the crossing distance for pedestrians. The Plumber's Union project will provide a fair-share contribution to improvements to 12<sup>th</sup> Street on their frontage, as required by that project's approvals. These improvements, in conjunction with the sidewalk improvements provided by the 30 Otis Street project on the western side of 12<sup>th</sup> Street south of Stevenson Street, will complete the vision for 12<sup>th</sup> Street. The City is also considering additional traffic-calming features on 12<sup>th</sup> Street which, pending future City approval, the sponsor will be required to install. These include a new mid-block raised crosswalk, which will help slow vehicular traffic along the street and provide a pedestrian connection between the Project's midblock alley passage, 12<sup>th</sup> Street and the new Brady Park (to be constructed as part of the adjacent Plumber's Union project). Pending future City approval, and approval of an in-kind agreement or other funding mechanism as noted above, the Project will also be required to install a raised crosswalk that will help connect to the proposed 30 Otis plaza at the southern end of the block as envisioned by the Hub Public*



*Realm Plan. Lastly, the Project will provide commercial and passenger loading spaces along 12<sup>th</sup> Street, which is in addition to the Code-required freight loading spaces that are provided within the Project's garage.*

*The Planning Department finds that the proposed changes listed above are supported by the Better Streets Plan which was found to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 (b) in Planning Commission Resolution No. 18212 and Board of Supervisors Ordinance 310-10; and incorporates those findings herein by reference. Improvements in excess of Better Streets Plan requirements will be consistent with the Better Market Street plan, the Van Ness BRT plan, and the Hub Public Realm Plan, as relevant. These plans have been found to be consistent with the General Plan and Priority Policies of Planning Code Section 101.1(b), through their relevant approvals on June 26, 2012 for the Van Ness BRT, on October 15, 2019 for the Better Market Street Plan, and March 21, 2020 for the Hub Public Realm Plan.*

- H. **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 majority of the dwelling units in the Project comply with exposure requirements by facing onto one of the public streets bordering the site or some other Code-compliant area that is at least 25' by 25' at the level of the dwelling unit and expands in area above the unit. However, there are 42 units in the Project at levels three through eight, which face only onto the triangular open area above the mid-block alley. Of those units, and of the 966 total units proposed in the Project, 34 units (or approximately 3.5% of the overall units in the Project) do not meet the exposure requirements of the Code and require an exception pursuant to Section 309(a)(14) as part of the Downtown Project Authorization approval. The triangular shape of the lot and the overall layout and design of the building would otherwise result in underutilized space within the building. The triangular area that these units face onto measures approximately 65 feet, 68 feet, and 94 feet on each side and will receive some amount of light and air as this area will be fully open above the eighth floor and open to the mid-block alley below.*

- I. **Street Frontages in Commercial Districts.** Section 145.1 of the Planning Code sets forth requirements that are intended to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented and fine-grained, and that are appropriate and compatible with the buildings and uses in Commercial Districts. Within Commercial Districts, this Section requires that: (a) off-street parking at or above street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above; (b) no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure shall be devoted to parking and loading ingress or egress; (c) space for active uses, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, must be provided within the first 25 feet of building depth on the ground floor and first 15 feet of depth on floors above; (d) ground floor non-residential uses in all C-3 Districts have a minimum floor-to-floor height of 14 feet as measured from grade; (e) the floors of street-fronting interior spaces housing non-

residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and (f) that frontages with active uses must be fenestrated with transparent windows and doorways for not less than 60% of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project complies with the various street frontage requirements of Planning Code Section 145.1. The Project does not provide any off-street parking at grade or above. The Project includes a single entrance for both off-street parking and loading. Vehicular access is restricted along the Project's Market Street and South Van Ness Avenue frontages, as per Planning Code Section 155(r); therefore, the single access point for the Project's garage is located on 12<sup>th</sup> Street, approximately 48 feet from the building's southern end near the intersection of South Van Ness Avenue and 12<sup>th</sup> Street. In order to accommodate the required off-street freight loading and the turn geometry of the triangular site and narrower 12<sup>th</sup> Street, the entry to the garage is proposed to be 24 feet wide, in excess of the 20-foot limit specified by Code; therefore, a variance will be required from this Code requirement.*

*With exception of space allowed for parking and loading access, building egress and access to other mechanical systems, the Project provides for active uses within the first 25 feet of building depth at the ground floor and the first 15 feet above the ground floor. At the ground floor, the Project includes space for active retail sales and service uses and the residential lobby, which does not exceed 25 percent of the building's frontage along South Van Ness Avenue where it is located. Above the ground floor, the Project primarily consists of residential uses, considered an active use for purposes of the requirements of this Section. At the ground floor, proposed non-residential floor-to-floor ceiling heights will be constructed with a minimum of 22 feet of height. Retail spaces along Market Street and the mid-block passage will be even taller, double-height spaces, ranging from 25 to 30 feet in height. The floor levels of all entries to ground floor non-residential spaces will be located as close as possible to the adjacent sidewalk grade. At the ground floor level, all frontages with active uses will be fenestrated with transparent doorways and windows for not less than 60 percent of those frontages.*

- J. **Required Ground Floor Commercial Use.** Planning Code Section 145.4 requires that active commercial uses be provided at the ground floor of specific street frontages. Such ground floor nonresidential uses may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along the subject street-facing façade.

*The Project Site contains two frontages along Market Street and South Van Ness Avenue that are subject to the required ground floor commercial use requirements of Section 145.4. Along these frontages, the Project provides space for commercial retail sales and service uses within the first 25 feet of depth and no proposed commercial space occupies more than 75 feet of contiguous linear feet along a single frontage.*

- K. **Sunlight Access to Public Sidewalks in C-3 Districts.** Planning Code Section 146 requires that in C-3 Districts, in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use, new structures on parcels which abut certain streets in the downtown area shall be required to avoid penetration of a sun access plane.

*The Project Site is located on the southern side of Market Street between South Van Ness Avenue and 12<sup>th</sup> Street and is therefore required to avoid penetrating a sun access plane of 50-degrees above a height of 119 feet. The Project's podium along Market Street varies in height from 90 feet along its western portion to 140 feet along its eastern portion near the intersection of Market Street and South Van Ness Avenue. In addition to the eastern portion of the podium that directly penetrates the sun access plane beginning above 119 feet, the Project's proposed tower also penetrates the sun access plane much farther up in height. The Project seeks an exception from the requirement of Section 146(a) pursuant to Section 309 and the Downtown Project Authorization approval.*

*With respect to Section 146(c), the Project would replace a two-story commercial structure with a 55-story mixed-use residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site other than those specifically regulated by Section 146(a), 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(c).*

- L. **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 cast additional shadow on one other public plaza or accessible open space, other than those protected under Section 295 – the future Brady Park. The proposed Brady Park would be approximately 21,000 square feet and would be constructed as part of the proposed development at 1629 Market Street (aka "Plumber's Union" project). The park is expected for passive recreation use; however, the exact design and layout of the park is unknown at this time, as is its timing for construction and opening. When constructed, Brady Park will have existing shading from the five buildings that were approved as part of the 1629 Market Street project. Based on the shadow analysis conducted by FASTCAST for the Project at 10 South Van Ness Avenue, the Project would cast shadow on Brady Park during summer months between May and July prior to 9 a.m. Additionally, when factoring in cumulative projects such as those as part of the Plumber's Union project and 30 Otis Street, this project would not cast any net new additional shadow, as its potential shading would occur exclusively in areas already shaded by other projects. Under CEQA, the Project's shadow on the future Brady Park would not constitute an adverse effect because it would not be expected to substantially and adversely affect the use of the park. Therefore, the Project complies with the requirements of Section 147.*

- M. **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.

*Independent wind consultant RWDI analyzed pedestrian ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 69 test points throughout public areas in the general vicinity of the Project Site; existing conditions test only 60 of the 69 test points, with the additional nine points located in areas of existing building massing that are to become publicly accessible as part of the Project. An additional 20 test points were selected to analyze ground-level wind currents within bike lanes in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI (dated February 6<sup>th</sup>, 2020), was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project, with inclusion of various wind reduction features, would not result in any substantial change to the wind conditions of the area, with similar or slightly improved average wind speeds when compared with existing conditions. The wind reduction features to be included as part of the Project are: 25-foot tall proposed street trees on the Project Site, 25-foot tall proposed street trees along the east side of South Van Ness Avenue adjacent to the 1 South Van Ness frontage, an approximately 20-foot high, 10- to 20-foot deep, 30% porous wind canopy wrapped around the Project building perimeter, and an 8-foot tall, 10-foot wide, 30% porous screen at the entrance to the mid-block alley along 12<sup>th</sup> Street.*

#### **Comfort Criterion**

*Under existing conditions, 42 of the 60 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured approximately 14 mph and across all points, the 11 mph criterion was exceeded approximately 23% of the time.*

*With the Project, including the wind reduction features described above, 50 of 69 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds remain approximately the same at 14 mph and across all points, the 11 mph criterion was exceeded approximately 24% of the time. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 15 mph, with 51 of 69 points that exceed comfort criterion.*

*The Project does not result in a substantial change to the wind comfort conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. Both the podium and tower have been designed and reshaped through a rigorous and iterative series of wind tests, and wind canopies and other wind reduction features 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 42 of the existing comfort exceedances or the 8 additional 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 prepared by RWDI indicated that the Project, with the wind reduction features described above, 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 407 hours to 372 hours with the Project, a decrease of 35 fewer hours of hazardous wind conditions. Additionally, the Project would decrease the number of test locations that exceed the hazard criterion from 10 of 60 test locations in the existing, to 8 of 69 test locations with the Project and wind reduction features.*

*For informational purposes, the RWDI study also analyzed wind speeds at 20 test points located within bike lanes in the vicinity of the Project. Under existing conditions, none of the test points exceed the hazard criteria, with an average wind speed of 8 mph across all points. With the proposed Project and wind reduction features, none of the test points will exceed the comfort criteria of 11 mph, with the average wind speed across all points decreasing slightly to 7 mph.*

- N. **Parking.** Planning Code Section 151.1 principally permits up to one car for each four dwelling units (0.25 ratio) within the Van Ness and Market Residential Special Use District. Parking proposed for all non-residential uses within the C-3-G District shall not exceed 7% of the occupied floor area for such uses.

*The Project contains 966 dwelling units. Thus, a total of 242 spaces are principally permitted as accessory parking for the residential use. The Project also provides approximately 29,443 square feet of non-residential use, allowing for approximately 2,061 square feet of accessory parking to be dedicated for these uses. Within the Project's garage at the two basement levels of the building, the Project proposes to maximize its accessory parking allocation, with 242 spaces dedicated for residential use and 13 spaces, occupying approximately 2,000 square feet, allocated for non-residential accessory parking. The majority of residential accessory spaces are provided as either double- or triple-stacked spaces; however, ten individual spaces are provided and designed for persons with disabilities, a 1-to-25 ratio as required by Section 155(i). The Project also includes 6 car-share spaces, which do not factor into the project's overall parking ratio. All accessory residential off-street parking spaces will be unbundled from the rental or sale price of each unit, consistent with the requirements of Section 167.*

- O. **Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include more than 500,000 square feet of residential development must provide three off-street freight loading spaces plus one additional space for each 400,000 square feet of additional residential development above 500,000 square feet. Additionally, within C-3 Districts, projects that provide between 10,000 and 30,000 square feet of retail sales and service uses must provide one freight loading space. 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 approximately 913,000 square feet of residential use; thus, the Project requires four off-street freight loading spaces for the residential portion of the Project. The Project also includes just under 30,000 square feet of proposed retail sales and service uses, requiring an additional freight loading space and bringing the total required number of off-street freight loading spaces to five. The*

*Project is proposing to provide four off-street freight loading spaces within the upper basement level of the garage along with two service vehicle spaces to substitute for the last required freight loading space. Therefore, the Project complies with the off-street freight loading requirements of this Section.*

- P. **Driveway and Loading Operations Plan.** Within the Van Ness and Market Residential Special Use District, as amended through the Market and Octavia Area Plan Amendments, Planning Code Section 155(u) requires that projects larger than 100,000 gross square feet prepare a Driveway and Loading Operations Plan (DLOP) for review and approval by the Planning Department, in consultation with the San Francisco Municipal Transportation Agency.

*The Project will prepare and submit a Driveway and Loading Operations Plan for review and approval by the Planning Department prior to the issuance of a site permit for the Project. Condition of Approval #29 memorializes this requirement.*

- Q. **Bicycle Parking and Shower Facilities.** 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 general retail sales and service uses, 1 Class 1 space is required for every 7,500 square feet of Occupied Floor Area (“OFA”) and one Class 2 space is required for every 2,500 square feet of OFA, with a minimum of 2 spaces required. Planning Code Section 155.4 requires buildings to provide one shower and six clothes lockers where there are between 25,000 and 50,000 square feet of Retail Sales and Service uses.

*With 966 dwelling units, the Project requires 317 Class 1 spaces for the residential use. The proposed retail spaces, totaling almost 30,000 square feet, require four (4) Class 1 bicycle parking spaces. The Project proposes to provide 321 Class 1 spaces in a secure bicycle parking room located at the first basement level of the Project. The bicycle parking room can be accessed through a dedicated bicycle entry off South Van Ness Avenue and dedicated elevator that can accommodate bicycles and serves only the ground floor and first basement level of the building. Also adjacent to the bike storage room are bicycle repair and family storage amenities, provided as part of the project’s TDM plan, as well as shower and locker rooms, provided as required for Section 155.4.*

*Based on the proposed 966 dwelling units and approximately 30,000 square feet of Retail Sales and Service Use, the Project requires at least 61 Class 2 bicycle parking spaces. The Project will continue to work with the City on final locations for bicycle racks, but propose to provide a total of 61 spaces between its three street frontages. Currently, 10 spaces are proposed along Market Street, near the termination of the mid-block passage, 16 spaces are proposed along South Van Ness Avenue, adjacent to the residential lobby and Class 1 bike entry, and lastly 35 spaces are proposed along 12<sup>th</sup> Street.*

- R. **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.

*With 966 proposed residential dwelling units, the Project requires a total of six (6) car share spaces. Six spaces will be provided within the proposed garage at the first basement level. These spaces are located in a manner that would still be accessible to users that are not residential tenants of the building, accessed through the residential lobby and building elevators. Therefore, the Project complies with Planning Code Section 166.*

- S. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 9 points for the Retail uses and 16 points for the Residential use.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 9 points for the Retail uses proposed by the Project. As currently proposed, the Project will achieve 13 points for the Retail uses through the following TDM measures:*

- Unbundled Parking
- Short Term Daily Parking Provision
- Bicycle Parking (Option A)
- Bicycle Showers and Lockers
- Bicycle Repair Station
- Delivery Supportive Amenities
- Multimodal Wayfinding Signage
- Real Time Transportation Displays

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 16 points for the Residential portion of the Project. As currently proposed, the Project will achieve 19 points through the following TDM measures:*

- Unbundled Parking
- Parking Supply
- Bicycle Parking (Option A)
- Bicycle Repair Station
- Car-share Parking (Option A)
- Delivery Supportive Amenities
- Family TDM Amenities (Option A)
- Multimodal Wayfinding Signage
- Real Time Transportation Displays
- Tailored Transportation Marketing Services (Option B)

- T. **Dwelling Unit Mix.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 207.6 requires projects within the Van Ness and Market Residential

Special Use District to meet certain dwelling unit mix requirements. Projects must either provide no less than 40% of all units with at least two bedrooms, or no less than 30% of all units with at least three bedrooms, or no less than 35% of all units with at least two bedrooms and at least 10% of which must contain at least three bedrooms. Projects within the Van Ness and Market Residential Special Use District may modify the requirements of this section through an exception pursuant to the Section 309 Downtown Project Authorization approval.

*Prior to the Market and Octavia Area Plan Amendments, the Project would have been subject to the dwelling unit mix requirements of Planning Code Section 207.7. However, the requirements of Section 207.7 do not apply to projects that had an Environmental Evaluation Application on file prior to January 12, 2016, such as the Project at 10 South Van Ness Avenue. Therefore, prior to the Market and Octavia Area Plan Amendments, there were no effective dwelling unit mix requirements applicable to the Project. The Project's design and interior layout were informed previously by this Section 207.7. Now, as proposed under the Market and Octavia Area Plan Amendments, the Project instead is subject to Section 207.6, and there is not a similar date-based exemption within that Section.*

*The proposed Project includes 966 total dwelling units, which includes 347 studio units, 433 one-bedroom units, 165 two-bedroom units, and 21 three-bedroom units. As a result, the Project is only providing approximately 19 percent of units with at least two bedrooms and approximately 2 percent of units with at least three bedrooms. Therefore, the Project does not comply with the dwelling unit mix requirements of Section 207.6 and has requested an exception pursuant to Section 309.*

- U. **Micro-Retail.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 249.33(b)(9) requires new construction projects to provide space for Micro-Retail uses measuring between 100 and 1,000 gross square feet and a 10-foot minimum depth from the front façade. One Micro-Retail space shall be provided for each 20,000 square feet of lot area, rounded to the nearest unit. Projects providing ground floor space for Arts Activities, Child Care Facility, Social Service Community Facility, or Public Facility are exempt from these requirements. Projects may also seek an exception from this requirement pursuant to the Section 309 Downtown Project Authorization approval.

*With approximately 51,150 square feet of lot area, the Project is required to provide three Micro-Retail spaces. However, as the Project is proposing to create a community-serving space at the first and second floors for an Arts Activities use, a Social Service Community Facility use, or a neighborhood-serving retail use, the Project is exempt from the Micro-Retail requirement set forth in this Section. Additionally, the Project is providing a range of commercial use sizes at the ground floor, including four spaces that are between 1,000 and 1,300 square feet. With the Project providing several spaces near the upper threshold of the Micro-Retail range, the intent of the requirement is being met, while still allowing the Project to create flexible retail spaces that can be modified as demand changes. The Project design also does not preclude the Project from creating such spaces in the future and opportunities for Micro-Retail will continue to be explored as the design for the new Muni entry is finalized.*

- V. **Height and Bulk.** As amended under the Market and Octavia Area Plan Amendments, the Project falls within the 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height



and Bulk Districts. Within these Districts, heights are principally permitted up to a podium height of 120 feet and a tower height of 400 feet, where tower bulk controls apply above the podium height. Additionally, within this District, projects may seek an exception pursuant to Planning Code Sections 263.19(c) and 309(a)(17) to achieve greater building heights up to a maximum podium height of 140 feet and a maximum tower height of 590 feet, where tower bulk controls apply above the podium height. Projects within this District must comply with the bulk limitations described in Section 270(e)(2)(A)-(E), and to encourage tower sculpting must comply with a floor area reduction at the top third of the tower as described in Planning Code Section 270(f)(1). Projects may similarly seek an exception pursuant to Planning Code Sections 270(f)(2) and 309(a)(17) to increase the allowed bulk.

*The proposed building is comprised of a podium and a tower, which would be constructed to a height of 140 feet and 590 feet, respectively. As such, the Project seeks an exception pursuant to Planning Code Section 309(a)(17) from the principally permitted height limits in the District, in order to achieve the maximum building heights envisioned as part of the Market and Octavia Area Plan Amendments. Mechanical equipment and a penthouse enclosure is located above the tower roof, extending upward by 20 feet, for a total tower height of 610 feet; however, such projections above the height limit are allowed under Planning Code Section 260(b). The Project does not comply with the bulk limits of Section 270(e)(2)(A)-(F) above the podium height and similarly seeks an exception pursuant to Section 309(a)(17). The Project maintains tower separation of at least 115 feet from all other adjacent proposed projects and towers as per Section 270(f)(3).*

- W. Mid-Block Alleys in Large Lot Development.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 270.2 requires that for new construction within the Van Ness and Market Residential Special Use District, on lots with greater than 300 linear feet of street frontage, a project shall provide a publicly-accessible mid-block alley between any two frontages of at least 200 feet each. Such mid-block alley shall meet specific design and performance standards as described in Section 270.2(e), except that subsection (14) shall not apply within the Van Ness and Market Residential Special Use District. Additionally, projects within the Van Ness and Market Residential Special Use District may seek an exception through the Section 309 Downtown Project Authorization to reduce the percentage of the alley that is required to remain open to the sky, though no exception may be granted for a mid-block alley that is less than 35 percent open to the sky.

*The Project is required to provide a mid-block alley as it involves new construction on a project site that has more than 200 feet of linear frontage on a block face that is longer than 400 feet between intersections, such as the distance between the intersections of Market and South Van Ness Avenue, and South Van Ness Avenue and 12<sup>th</sup> Street. All project frontages are greater than 200 feet, therefore the Project is choosing to comply with the requirement by providing a mid-block alley between Market and 12<sup>th</sup> Streets. The mid-block alley will be provided generally toward the middle of each respective block face, and will serve as a logical connection between the Van Ness MUNI station along Market Street, the envisioned shared street along 12<sup>th</sup> Street, and either the 30 Otis plaza or Brady Park depending on the direction of travel.*

*The proposed mid-block alley is designed for pedestrian use only and will be readily visible and accessible to the general public. The mid-block alley will not be gated and will be publicly accessible 24 hours a day, with ample pedestrian lighting during evening hours. The mid-block alley will be lined active ground floor uses, including several retail spaces along with secondary entries to the residential lobby and leasing office. The mid-block alley is also the assumed primary point of connection for a redesigned entry to the Van Ness Muni Station, which may be located within the ground floor of the Project. The mid-block alley will vary in width between approximately 25'-9" and 32'-9"; toward the middle of the alley, the width expands further to approximately 50 feet. Due to the partially enclosed nature of the mid-block alley it will be adequately protected from wind, though will still receive some daylight and air through a triangular opening toward the middle of the alley. The mid-block alley requires an exception pursuant to Planning Code Section 309(a)(18) as the mid-block alley will be less than 60 percent open to the sky. The triangular area open to the sky measures approximately 65 feet by 68 feet by 94 feet on each side and allows the mid-block alley to remain 35 percent open to the sky. Mitigation Measure M-CR-1b requires the Project Sponsor to install and maintain a permanent interpretive display commemorating the historical significance of the Fillmore West and Bill Graham. Although such interpretive display has not been finalized, it is possible that some materials may be located within the mid-block alley area.*

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

*A technical memorandum was prepared by FASTCAST, dated January 17, 2018 ("Shadow Study"), which analyzed the potential shadow impacts of the proposed Project to parks subject to Section 295 (in addition to other open spaces under public jurisdiction and privately owned, publicly accessible open spaces).*

*As detailed in the Shadow Study, the proposed Project would cast new shadow on six existing parks and one proposed park under the jurisdiction of the Recreation and Park Department and subject to Planning Code Section 295. The seven parks in total are: Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site.*

*On May 21<sup>st</sup>, 2020 the full Recreation and Park Commission conducted duly noticed public hearings at regularly scheduled meetings and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of all seven parks referenced above and discussed in more detail below.*

*Patricia's Green*

*Patricia's Green is an approximately 17,900 sf (0.41 acre) urban park along the former Central Freeway parcel, bounded by Hayes Street to the north, Fell Street to the south, and Octavia Boulevard on its east and west. The park has approximately 66,620,503 square foot hours (sfh) of Theoretically Available Annual Sunlight (TAAS), of which, existing shadow coverage accounts for 13,462,755 sfh, or 20.21 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 212,668 sfh of net new shadow resulting in a 0.319 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Patricia's Green would be 13,675,423 sfh, or 20.53 percent of TAAS. Shadow from the proposed Project on Patricia's Green would occur between January 18<sup>th</sup> – March 1<sup>st</sup>, and October 8<sup>th</sup> – November 22<sup>nd</sup>. No new shadow would affect the park after 9:29 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> at 9:00 a.m., lasting approximately 15 minutes and covering an area of approximately 11,895 sf. The average duration of new shadow resulting from the Project would be 29 minutes and 33 seconds. The longest new shadow duration resulting from the Project would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> for approximately 55 minutes and 48 seconds.*

Page & Laguna Mini Park

*Page & Laguna Mini Park is an approximately 6,576 sf (0.15 acre) park located on the western side of the block bounded by Page Street to the north, Rose Street to the south, Octavia Boulevard to the east, and Laguna Street to the west. The park primarily consists of a curving walkway surrounded by vegetation and some seating. The park has approximately 24,472,209 sfh of TAAS, of which, existing shadow coverage accounts for 12,095,949 sfh, or 49.43 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 14,086 sfh of net new shadow resulting in a 0.058 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Page & Laguna Mini Park would be 12,110,036 sfh, or 49.49 percent of TAAS. Shadow from the proposed Project on Page & Laguna Mini Park would occur between April 9<sup>th</sup> – May 10<sup>th</sup>, and August 2<sup>nd</sup> – August 23<sup>rd</sup>. During the periods of shadow, the largest new shadow by area would occur on May 3<sup>rd</sup> and August 9<sup>th</sup> at 7:45 a.m., lasting approximately 15 minutes and covering an area of approximately 1,236 sf. The average duration of new shadow resulting from the Project would be 19 minutes and 12 seconds. The longest new shadow duration resulting from the Project would occur on April 26<sup>th</sup>, May 3<sup>rd</sup>, August 9<sup>th</sup> and August 16<sup>th</sup> for approximately 27 minutes and 36 seconds.*

Hayes Valley Playground

*Hayes Valley Playground is an approximately 32,805 sf (0.75 acre) playground featuring play areas for children, a stage and plaza to facilitate community gatherings, community garden plots and outdoor fitness equipment. The Playground occupies the western half of the block, and is bounded by Hayes Street to the north, Linden Street to the south, and Buchanan Street to its west. The park has approximately 122,080,743 sfh of TAAS, of which, existing shadow coverage accounts for 32,458,749 sfh, or 26.59 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 29,168 sfh of net new shadow resulting in a 0.024 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Hayes Valley Playground would be 32,487,917 sfh, or 26.61 percent of TAAS. Shadow from the proposed Project on Hayes Valley Playground would occur between March 1<sup>st</sup> – March 8<sup>th</sup>, and October 4<sup>th</sup> – October 11<sup>th</sup>. No new shadow would affect the playground after 8:29 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on March 8<sup>th</sup> and October 4<sup>th</sup> at 8:15 a.m., lasting approximately 10 minutes and covering an area of approximately 7,762 sf. The average duration of new shadow resulting from the Project would be 9 minutes and 54 seconds. The longest new shadow duration resulting from the Project would occur on March 4<sup>th</sup> and October 8<sup>th</sup> for approximately 12 minutes and 36 seconds.*

Koshland Community Park and Learning Center

*Koshland Community Park and Learning Center is an approximately 35,775 sf (0.82 acre) park featuring children's play equipment, community garden plots, and a half-basketball court in the northwest corner of the park. The park is located in the northwest corner of the block bounded by Page Street to the north, Haight Street to the south, Buchanan Street to the west, and Laguna Street to the east. The park has approximately 133,133,539 sfh of TAAS, of which, existing shadow coverage accounts for 21,611,520 sfh, or 16.23 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 82,257 sfh of net new shadow resulting in a 0.06 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Koshland Community Park and Learning Center would be 21,696,777 sfh, or 16.3 percent of TAAS. Shadow from the proposed Project on Koshland Community Park and Learning Center would occur between April 19<sup>th</sup> – May 3<sup>rd</sup>, and August 9<sup>th</sup> – August 23<sup>rd</sup>. No new shadow would affect the park after 7:44 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on April 26<sup>th</sup> and August 16<sup>th</sup> at 7:25 a.m., lasting approximately 2 minutes and 24 seconds, covering an area of approximately 19,772 sf. The average duration of new shadow resulting from the Project would be 10 minutes and 36 seconds. The longest new shadow duration resulting from the Project would occur on April 26<sup>th</sup>, May 3<sup>rd</sup>, August 9<sup>th</sup> and August 13<sup>th</sup> for approximately 12 minutes and 36 seconds.*

Howard & Langton Mini Park

*Howard & Langton Mini Park is an approximately 10,218 sf (0.23 acre) park and community garden located along the northern side of the block bounded by Howard Street immediately to the north and Langton Street immediately to the east, Rausch Street to the west and Folsom Street to the south. The park has approximately 38,025,265 sfh of TAAS, of which, existing shadow coverage accounts for 18,575,415 sfh, or 48.85 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 812 sfh of net new shadow resulting in a 0.002 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Howard & Langton Mini Park would be 18,576,228 sfh, or 48.85 percent of TAAS. Shadow from the proposed Project on Howard & Langton Mini Park would occur for approximately one week around February 22<sup>nd</sup> and October 18<sup>th</sup>. During the periods of shadow, the largest new shadow by area would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> at 5:27 p.m., lasting approximately 6 minutes and covering an area of approximately 602 sf; this would also be the longest new shadow by duration. The average duration of new shadow resulting from the Project would be 6 minutes.*

Buchanan Street Mall

*Buchanan Street Mall is an approximately 78,925 sf (1.81 acre) linear park that runs roughly north to south for five city blocks with distinct sections, containing in aggregate lawn areas, children's play equipment, and a half-basketball court. The park primarily runs along Buchanan Street from Eddy Street to the north, to Grove Street to the south. The park has approximately 293,711,495 sfh of TAAS, of which, existing shadow coverage accounts for 81,866,060 sfh, or 27.87 percent of TAAS.*

*The Shadow Study found that the proposed Project would add 9,632 sfh of net new shadow resulting in a 0.003 percent increase in annual shadow as a percentage of TAAS. Under existing plus project*

conditions, the total annual shadow coverage on Buchanan Street Mall would be 81,875,692 sfh, or 27.88 percent of TAAS. Shadow from the proposed Project on Buchanan Street Mall would occur between January 11<sup>th</sup> – February 8<sup>th</sup>, and November 1<sup>st</sup> – November 29<sup>th</sup>. No new shadow would affect the park after 8:10 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on January 18<sup>th</sup> and November 22<sup>nd</sup> at 8:00 a.m., lasting approximately 9 minutes and covering an area of approximately 2,475 sf. The average duration of new shadow resulting from the Project would be 7 minutes and 3 seconds. The longest new shadow duration resulting from the Project would occur on January 18<sup>th</sup> and November 22<sup>nd</sup> for approximately 10 minutes and 12 seconds.

11<sup>th</sup> and Natoma Future Park Site

The Recreation and Park Department has acquired a new park property on 11<sup>th</sup> Street between Minna and Natoma Streets. Construction of the proposed park has not yet commenced and it is unclear exactly how the park will be programmed. When completed, it is expected that it will contain approximately 19,597 sf (0.45 acre), approximately 72,927,691 sfh of TAAS, of which, existing shadow coverage accounts for 15,160,278 sfh, or 20.79 percent of TAAS.

The Shadow Study found that the proposed Project would add 1,048,546 sfh of net new shadow resulting in a 1.44 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on the 11<sup>th</sup> and Natoma Future Park Site would be 16,208,824 sfh, or 22.23 percent of TAAS. Shadow from the proposed Project on the 11<sup>th</sup> and Natoma Future Park Site would occur between March 22<sup>nd</sup> and September 20<sup>th</sup>. No shadow from the project would occur prior to 5:30 p.m. on any day of the year. During the periods of shadow, the largest new shadow by area would occur on May 31<sup>st</sup> and July 12<sup>th</sup> at 6:00 p.m., lasting approximately 15 minutes and covering an area of approximately 11,679 sf. The average duration of new shadow resulting from the Project would be 59 minutes and 50 seconds. The longest new shadow duration resulting from the Project would occur on May 17<sup>th</sup> and July 26<sup>th</sup> for approximately 1 hour, 42 minutes and 36 seconds.

Page Street Community Garden

Page Street Community Garden is an approximately 3,305 sf (0.08 acre) community garden located between two residential structures and bordered by Page Street to the south and Lily Street to the north, on the block also bound by Webster Street to the west and Buchanan Street to the east. The park has approximately 12,299,726 sfh of TAAS, of which, existing shadow coverage accounts for 8,485,777 sfh, or 69 percent of TAAS. The Shadow Study found that although the community garden is located within the boundary of the shadow fan, all potential new shading from the project would be cast on areas of the park that are already shaded and no increase to the percentage of TAAS would result. The Recreation and Park Commission therefore did not need to make a recommendation with regard to shadow impacts on this park, nor was it the subject of the Shadow Determination considered by the Planning Commission at this hearing.

- Y. **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. As amended under the Market and Octavia Area Plan Amendments, and pursuant to Planning Code Section 249.33(b)(16), for projects within the Van Ness and Market Residential Special Use District, the Land Dedication Alternative may be elected as an alternative to satisfying the inclusionary housing requirements of Planning

Code Section 415. As further regulated by Planning Code Section 419.5(a)(2), an Applicant may dedicate a site to the City and County of San Francisco for the purpose of constructing units affordable to qualifying households. Such dedicated site must be capable of accommodating at least 35 percent of the units in the principal Project. To meet this requirement, the developer must convey title to land in fee simple absolute to the Mayor's Office of Housing and Community Development (MOHCD). Notwithstanding the requirements of Section 419.5(a)(2)(H), a letter from MOHCD verifying acceptance of the dedicated site may be obtained by the Project Sponsor within 180 days of the effective date of the Market and Octavia Area Plan Amendments.

*The Project Sponsor has elected to pursue the land dedication alternative pursuant to Planning Code Sections 249.33(b)(16) and 419.5(a)(2) in order to meet the inclusionary affordable housing program requirement of Section 415. The principal Project contains 966 dwelling units; therefore, in order to satisfy the entirety of the requirements of Section 415, a dedicated site should have the capacity to accommodate construction of 338 units of affordable housing. The Project Sponsor has not yet finalized selection of a site; however, site selection and a letter from MOHCD agreeing to accept the site for these purposes may be finalized and received by Planning no later than 180 days after the final effective date of the Market and Octavia Area Plan Amendments. The Project Sponsor has informed the Planning Department that they have engaged with several property owners and are considering several sites to possibly fulfill the requirement, including, but not limited to, a site located at 1979 Mission Street (Block 3553, Lot 052). In the event that the City does not accept a proposed site for land dedication, or the Project Sponsor is unable to fulfill the obligations of the land dedication alternative, the Project Sponsor has elected to satisfy the requirements of Planning Code Section 415 by providing on-site affordable units within the Project. Any further change to the method of compliance, other than on-site affordable units, will require an amendment to the Conditions of Approval (Condition No. 35) and a new approval hearing before the Planning Commission.*

- Z. **Public Art.** 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, Planning Code 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 one or more artistic installations to be commissioned by the Project Sponsor. Although final locations and artworks are still to be determined, all artistic installations will be located within publicly accessible areas within the Project Site, including at the POPOS and mid-block alley. It is anticipated that the installations shall also serve to commemorate the musical history of the Project Site, including its use prior to 1971 as a concert venue under the names "Carousel Ballroom" and "Fillmore West". All installations will be developed by professional artists, separate and distinct from the Project's architectural design and features. In the event that such artwork is not pursued, the Project also has the option to fulfill 100 percent of the public art requirement through payment of a fee equivalent to the one percent of the project's construction cost into the Public Artwork Trust Fund, or some combination between on-site artwork and payment of the fee.*

7. **Downtown Project Authorization Exceptions.** 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. **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. Exceptions may be granted to projects within C-3 Districts pursuant to Planning Code Section 309(a)(14).

*The majority of the dwelling units in the Project comply with exposure requirements by facing onto one of the public streets bordering the site or some other Code-compliant area that is at least 25' by 25' at the level of the dwelling unit and expands in area above the unit. However, there are 42 units in the project at levels three through eight, which face only onto the triangular open area above the mid-block alley. Of those units, and of the 966 total units proposed in the Project, 34 units (or approximately 3.5% of the overall units in the Project) do not meet the exposure requirements of the Code and require an exception pursuant to Section 309(a)(14) as part of the Downtown Project Authorization approval. The triangular shape of the lot and the overall layout and design of the building would otherwise result in underutilized space within the building. The triangular area that these units face onto measures 65 feet, 68 feet, and 94 feet on each side and will receive some amount of light and air as this area will be fully open above the eighth floor and open to the mid-block alley below.*

- B. **Sunlight Access to Public Sidewalks in C-3 Districts.** Planning Code Section 146 requires that in C-3 Districts, in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use, new structures on parcels which abut certain streets in the downtown area shall be required to avoid penetration of a sun access plane. Exceptions may be granted to projects within C-3 Districts pursuant to Planning Code Sections 146(b) and 309(a)(3).

*The Project Site is located on the southern side of Market Street between South Van Ness Avenue and 12<sup>th</sup> Street and is therefore required to avoid penetrating a sun access plane of 50-degrees above a height of 119 feet. The Project's podium along Market Street varies in height from 90 feet along its western portion to 140 feet along its eastern portion near the intersection of Market Street and South Van Ness Avenue. In addition to the eastern portion of the podium that directly penetrates the sun access plane beginning above 119 feet, the Project's proposed tower also penetrates the sun access plane much farther up in height. The Project seeks an exception from the requirement of Section 146(a) pursuant to Section 309 and the Downtown Project Authorization approval. The additional height seen at the project's podium along Market Street is consistent with the podium heights envisioned by the Market and Octavia Area Plan Amendments. As the Project is seeking exceptions from height and bulk consistent with the Market and Octavia Area Plan Amendments, it follows that an exception is similarly needed from this requirement. The Project will replace a two-story commercial structure with a 55-story mixed-use residential structure. Although the Project would create new shadows along Market Street, the additional shading caused due to the portion of the project above the required sun access plane would be minimal and consistent with the overall shading expected within a downtown urban area.*

- C. **Ground-Level Wind Currents.** Planning Code Section 148 requires that 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.

Exceptions may be granted pursuant to Planning Code Section 309(a)(2) related to the comfort criteria of Section 148. 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 wind consultant RWDI analyzed pedestrian ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 69 test points throughout public areas in the general vicinity of the Project Site; existing conditions test only 60 of the 69 test points, with the additional nine points located in areas of existing building massing that are to become publicly accessible as part of the Project. An additional 20 test points were selected to analyze ground-level wind currents within bike lanes in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project, with inclusion of various wind reduction features, would not result in any substantial change to the wind conditions of the area, with similar or slightly improved average wind speeds when compared with existing conditions. The wind reduction features to be included as part of the Project are: 25-foot tall proposed street trees on the Project Site, 25-foot tall proposed street trees along the east side of South Van Ness Avenue adjacent to the 1 South Van Ness frontage, an approximately 20-foot high, 10- to 20-foot deep, 30% porous wind canopy wrapped around the Project building perimeter, and an 8-foot tall, 10-foot wide, 30% porous screen at the entrance to the mid-block alley along 12<sup>th</sup> Street.*

**Comfort Criterion**

*Under existing conditions, 42 of the 60 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured approximately 14 mph and across all points, the 11 mph criterion was exceeded approximately 23% of the time.*



*With the Project, including the wind reduction features described above, 50 of 69 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds remain approximately the same at 14 mph and across all points, the 11 mph criterion was exceeded approximately 24% of the time. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 15 mph, with 51 of 69 points that exceed comfort criterion.*

*The Project does not result in a substantial change to the wind comfort conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. Both the podium and project tower have been designed and reshaped through a rigorous and iterative series of wind tests, and wind canopies and other wind reduction features 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 42 of the existing comfort exceedances or the 8 additional 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 prepared by RWDI indicated that the Project, with the wind reduction features described above, 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 407 hours to 372 hours with the Project, a decrease of 35 fewer hours of hazardous wind conditions. Additionally, the Project would decrease the number of test locations that exceed the hazard criterion from 10 of 60 test locations in the existing, to 8 of 69 test locations with the Project and wind reduction features.*

*For informational purposes, the RWDI study also analyzed wind speeds at 20 test points located within bike lanes in the vicinity of the Project. Under existing conditions, none of the test points exceed the hazard criteria, with an average wind speed of 8 mph across all points. With the proposed Project and wind reduction features, none of the test points will exceed the comfort criteria of 11 mph, with the average wind speed across all points decreasing slightly to 7 mph.*

- D. Projections Over the Public Right-of-Way.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 309(a)(20) allows for exceptions to the permitted obstructions listed in Planning Code Section 136 for projects located within the Van Ness and Market Residential Special Use District, provided the Commission finds that the proposed obstructions assist the proposed development to meet the requirements of Section 148, or otherwise reduce wind speeds at the ground level or at upper-level open spaces.

*The Project incorporates decorative wind-reduction canopies into the design that are necessary for the purposes of reducing the effects of wind at and in the vicinity of the Project Site. The canopy would be located around the full perimeter of the proposed building, with the depth of projection ranging between 10 and 20 feet off the face of the building. Although the proposed canopy would be located at a height of 20 feet such that the canopy projection maintains the minimum vertical clearance of 7.5' above grade, the canopy would project out over the property lines and POPOS areas of the property*

*beyond the depth limits established in Section 136. An exception is therefore required and also warranted as the canopy is needed entirely for wind reduction purposes.*

- E. **Height and Bulk.** As amended under the Market and Octavia Area Plan Amendments, the Project falls within the 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts. Within these Districts, heights are principally permitted up to a podium height of 120 feet and a tower height of 400 feet, where tower bulk controls apply above the podium height. Additionally, within this District, projects may seek an exception pursuant to Planning Code Sections 263.19(c) and 309(a)(17) to achieve greater building heights up to a maximum podium height of 140 feet and a maximum tower height of 590 feet, where tower bulk controls apply above the podium height. Projects within this District must comply with the bulk limitations described in Section 270(e)(2)(A)-(E), and to encourage tower sculpting must comply with a floor area reduction at the top third of the tower as described in Planning Code Section 270(f)(1). Projects may similarly seek an exception pursuant to Planning Code Sections 270(f)(2) and 309(a)(17) to increase the allowed bulk.

Pursuant to Section 309(a)(17), in considering the request for height and bulk exception, the Planning Commission must consider the extent to which the Project achieves the following: (a) sculpts the building massing to achieve an elegant and creative tower form that enhances the skyline; (b) reduces or minimizes potential impacts on wind and shadows; and (c) provides ground floor uses that serve a range of income levels and enriches the social landscape of the area, such as Arts Activities, Child Care Facility, Social Service, Community Facility, Public Facility, or neighborhood-oriented retail; and (d) maximizes housing density within the allowed envelope.

*The proposed building is comprised of a podium and a tower, which would be constructed to a height of 140 feet and 590 feet, respectively. As such, the project seeks an exception pursuant to Planning Code Section 309(a)(17) from the principally permitted height limits in the District, in order to achieve the maximum building heights envisioned as part of the Market and Octavia Area Plan Amendments. Mechanical equipment and a penthouse enclosure is located above the tower roof, extending upward by 20 feet, for a total tower height of 610 feet; however, such projections above the height limit are allowed under Planning Code Section 260(b).*

*The Project does not comply with the bulk limits of Section 270(e)(2)(A)-(F) above the podium height and similarly seeks an exception pursuant to Section 309(a)(17). As outlined in Planning Code Section 270(f)(2), above the applicable podium height, towers taller than 350 feet may not exceed an average floor area of 12,000 square feet, a maximum plan length of 150 feet, and maximum diagonal of 190 feet. Additionally, for towers taller than 550 feet, between the applicable podium height and a height of 170 feet, the tower may achieve an average floor area of 18,500 square feet and does not count toward the 12,000 square foot average floor plate size for the remainder of the tower. Such portion of the podium above 155 feet in height must be set back at least 10 feet from the property line for at least 90 percent of all street frontages.*

*The Project will be constructed to a height of 590 feet and have an average tower floor plate of 12,000 square feet. Between the podium height of 140 feet and a height of 170 feet, the project will provide two additional floors with an average floor plate of 18,100 sf. The additional massing at these two floors*

*will be located to the south of the tower primarily along South Van Ness Avenue and 12<sup>th</sup> Street, and will be set back from the street-fronting property lines as required.*

*Lastly, the Project seeks an exception from the tower sculpting requirements pursuant to Planning Code Section 270(f)(2)(D). For towers taller than 400 feet, at least one-quarter of the tower's floors shall be reduced by not less than 10 percent of the maximum average floor area of 12,000 square feet. Although the proposed tower does not incorporate the traditional tower sculpting at the top one-third of the building, the design does include a slight reduction at the top of the tower along with multiple massing cutouts that help to achieve a similar overall tower reduction. A reduction of the average tower floor plate by 10 percent would yield an average floor plate size of 10,800 square feet. The proposed tower is 42 stories tall and includes 11 floors at which the floor plate is less than 10,800 square feet, thus complying with the limits of the exception for tower sculpting.*

*The proposed tower achieves an elegant and unique design with staggered vertical elements providing the primary tower form, along with multiple three-story massing cutouts at varying heights and side of the tower. Such design has been proposed, in part, to help reduce or minimize potential wind impacts, and such proposal does not result in additional shadow than might otherwise be expected of a tower in this location. Overall, the Project, even at a greater height and bulk, does not result in significant impacts to wind or shadow. The Project proposes to provide space for a community-serving use at the ground and second floor levels as an Arts Activity use, a Community Facility use, or neighborhood-serving retail use. The Project design and additional height and bulk allow the Project to maximize the density of the site and provide more dwelling units than might otherwise be allowed with a shorter and smaller tower and podium.*

- F. Mid-Block Alleys in Large Lot Development.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 270.2 requires that for new construction within the Van Ness and Market Residential Special Use District, on lots with greater than 300 linear feet of street frontage, a project shall provide a publicly-accessible mid-block alley between any two frontages of at least 200 feet each. Such mid-block alley shall meet specific design and performance standards as described in Section 270.2(e), except that subsection (14) shall not apply within the Van Ness and Market Residential Special Use District. Exceptions may be granted to projects within the Van Ness and Market Residential Special Use District pursuant to Planning Code Section 309(a)(18) to reduce the percentage of the alley that is required to remain open to the sky, though no exception may be granted for a mid-block alley that is less than 35 percent open to the sky. The Planning Commission shall only grant such exception if it finds that: (a) the proposed mid-block alley and percent coverage do not negatively affect the use and purpose of the alley as a means of creating a more efficient pedestrian network, as described in Section 270.2(a)-(b); and (b) the proposed percent coverage does not negatively impact the quality of the mid-block alley as an area of pedestrian and retail activity and public open space.

*The Project will provide a mid-block alley that connects Market Street to 12<sup>th</sup> Street, near the middle of each block face. The proposed mid-block alley requires an exception pursuant to Planning Code Section 309(a)(18) as the mid-block alley will be less than 60 percent open to the sky. A triangular area open to the sky is proposed toward the middle of the mid-block alley, measuring approximately 65 feet by 68 feet by 94 feet on each side, which results in the mid-block alley being 35 percent open to the sky.*

*The requested exception meets the criteria in Section 309(a)(18) in that the additional coverage should not prevent this mid-block alley from its function and use as an efficient piece of the surrounding pedestrian network. The siting of the mid-block alley was specifically designed to enhance and make more efficient the pedestrian network, helping to connect Market Street to 12<sup>th</sup> Street directly, but also a network of parks beyond from One Oak Plaza, to 30 Otis Plaza, to Brady Park. The triangular opening is located toward the middle of the mid-block alley and is generally wider than the mid-block alley corridors on either side. Designed in this way, light and air is given a greater area to permeate down to the mid-block below. Within this triangular area, slightly removed from the primary pedestrian travel zone, space can be created for public performance or gathering. The mid-block alley is accessed on either side by wide openings, approximately 50 feet wide and 30 feet tall on both Market and 12<sup>th</sup> Streets, to create an inviting passage from the sidewalk. The inclusion of active retail space along both sides of the mid-block alley and a new Muni station entrance within the Project, primarily accessed from the mid-block alley, will both further reinforce the alley as an important piece of the immediate pedestrian network and an area that is clearly intended for public use.*

- G. **Dwelling Unit Mix.** As amended under the Market and Octavia Area Plan Amendments, Planning Code Section 207.6 requires projects within the Van Ness and Market Residential Special Use District to meet certain dwelling unit mix requirements. Projects must either provide no less than 40% of all units with at least two bedrooms, or no less than 30% of all units with at least three bedrooms, or no less than 35% of all units with at least two bedrooms and at least 10% of which must contain at least three bedrooms. Exceptions may be granted to projects within the Van Ness and Market Residential Special Use District pursuant to Planning Code Section 309(a)(19) to modify dwelling unit mix requirements for projects that either: (a) demonstrate a need or mission to serve unique populations; or (b) demonstrate that the project site or other physical constraints make it unreasonable to fulfill the requirements of Section 207.6.

*The proposed Project includes 966 total dwelling units, which includes 347 studio units, 433 one-bedroom units, 165 two-bedroom units, and 21 three-bedroom units. As a result, the Project is only providing approximately 19 percent of units with at least two bedrooms and approximately 2 percent of units with at least three bedrooms. Therefore, the Project does not comply with the dwelling unit mix requirements of Section 207.6 and must seek an exception pursuant to Section 309. Given the triangular shaped Project Site, an exception to dwelling unit mix requirements is justified as it would be difficult to accommodate a larger mix of two- and three-bedroom units without reducing the overall unit count of the Project. If the Project were to comply with this requirement it would decrease not only the number of units in the Project, but also the number of units that a dedicated site would accommodate for the future construction of affordable units.*

8. **General Plan Compliance.** The Project is, on balance, consistent with the General Plan Plan, including but not limited to the following Objectives and Policies:

## **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 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

#### **Policy 1.2**

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

#### **Policy 1.8**

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

#### **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.

#### **OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### **Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

#### **Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

#### **Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

**OBJECTIVE 7:**

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

**Policy 7.4**

Facilitate affordable housing development through land subsidy programs, such as land trusts and land dedication.

**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 11.3**

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

**Policy 11.6**

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

**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.

**RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM.

**Policy 1.7**

Support public art as an essential component of open space design.

**Policy 1.9**

Preserve sunlight in public open spaces.

**OBJECTIVE 3:**

IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE.

**Policy 3.1**

Creatively develop existing publicly-owned right-of-ways and streets into open space.

**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.

**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.

**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.

**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 2:**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

**Policy 2.8**

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

**Policy 2.9**

Review proposals for the giving up of street areas in terms of all the public values that streets afford.

**Policy 2.10**

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

**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 3.3**

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

**Policy 3.6**

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

**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.

**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.

**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.

**MARKET AND OCTAVIA AREA 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 1.1.4**

As SoMa West evolves into a high-density mixed-use neighborhood, encourage the concurrent development of neighborhood-serving uses to support an increasing residential population.

**Policy 1.1.5**

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

**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.

**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.

**Policy 4.1.2**

Enhance the pedestrian environment by planting trees along sidewalks, closely planted between pedestrians and vehicles.

**Policy 4.1.3**

Establish and maintain a seamless pedestrian right-of-way throughout the plan area.

**Policy 4.1.4**

Encourage the inclusion of public art projects and programs in the design of streets and public spaces.

**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.

**Policy 5.1.4**

Support innovative transit solutions that improve service, reliability, and overall quality of the transit rider's experience.

**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.

**OBJECTIVE 7.2:**

ESTABLISH A FUNCTIONAL, ATTRACTIVE AND WELL-INTEGRATED SYSTEM OF PUBLIC STREETS AND OPEN SPACES IN THE SOMA WEST AREA TO IMPROVE THE PUBLIC REALM.

**Policy 7.2.5**

Make pedestrian improvements within the block bounded by Market, Twelfth, Otis, and Gough Streets and redesign Twelfth Street between Market and Mission Streets, creating a new park and street spaces for public use, and new housing opportunities.

*The Project supports the objectives and policies of the General Plan, along with the Market and Octavia and Downtown Area Plans. The Project would replace the existing underutilized commercial structure with a 966-unit mixed-use residential structure containing retail and community-serving uses primarily at the ground floor level, which are consistent and compatible with the development anticipated within the Van Ness and Market Residential Special Use District. The Project is located in close proximity to multiple forms of public transportation that future tenants would be encouraged to use, including a new proposed entry to the Van Ness Muni Station constructed within the ground floor of the proposed building along Market Street. The Project has been creatively and thoughtfully designed and will be compatible with the adjacent buildings and neighborhood. The streetscape improvements proposed along the Project Site's three frontages – Market Street, South Van Ness Avenue and 12<sup>th</sup> Street - will enhance the character of the existing neighborhood, consistent with the plans for each. Additional enhancements in the pedestrian realm include a public open space along the South Van Ness Avenue frontage near Market Street and a pedestrian mid-block alley connecting Market and 12<sup>th</sup> Streets and lined with space for active retail uses.*

*The Project would create 966 dwelling units, of which 347 (51%) are studios, 433 (24%) are one-bedroom units, 165 (25%) are two-bedroom units, and 21 are three-bedroom units. The Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415) and is electing to meet the requirement through the land dedication option available to projects within the Van Ness and Market Residential Special Use District, provided the Project Sponsor obtains a letter from the Mayor's Office of Housing and Community Development (MOHCD) accepting dedication of a site within 180 days after the effective date of the Market and Octavia Area Plan Amendments. The land to be dedicated to the City must be demonstrated to accommodate at least 35 percent of the units being proposed as part of the Project, in this case 338 units. In addition to the dedication of land to the City, the Project Sponsor will also pay affordable housing fees through the Market and Octavia Affordable Housing Fee and the Van Ness and Market Residential Special Use District Affordable Housing Fee.*

*The Project supports the City's transit-first policy, including enhancement and support of the pedestrian environment and bicycle infrastructure. The Project Site's location at the intersection of Market Street and Van Ness Avenue is one of the primary transit intersections of the City. The Project Site is within walking distance of BART (Civic Center Station) and is located immediately adjacent and above the Van Ness Muni Station rail lines (J, KT, L, M, and N). Several MUNI bus lines also have stops within a quarter-mile of the Site including the 6, 7, 7X, 9, 9R, 14, 14R, 21, 47 and 49, as well as the historic F line that runs down Market Street above grade. Currently under construction, the Van Ness Bus Rapid Transit (BRT) improvements will terminate near the project at the Mission and South Van Ness Avenue intersection. A*

*BRT stop will be provided adjacent to the 10 South Van Ness project, at the Van Ness Avenue and Market Street intersections. The project team has been in coordination with SFMTA and DPW on streetscape plans along the South Van Ness Avenue frontage. As part of the Project's Transportation Demand Management Plan, there will be multiple real-time information displays for these nearby transit stops along with multimodal wayfinding signage.*

*In addition to providing 321 spaces of Class 1 bicycle parking at the first basement level, amenities such as a bicycle repair workshop, and a separate storage area for larger, cargo bikes or trailers, make cycling a convenient transit option, even for families. Located adjacent to the bike room are showers and lockers available to building staff and commercial tenants of the property. Accessory residential parking at a ratio of 0.25 spaces per dwelling unit will be provided at the basement levels of the building, accessed through a single garage entry on 12<sup>th</sup> Street so as to minimize the impact on the physical character of the public right-of-way and to restrict curb cuts along Market Street and South Van Ness Avenue. The garage will also contain thirteen spaces accessory to the commercial uses, six car-share spaces, four freight loading spaces and two service vehicle spaces.*

*The proposed streetscape improvements along all three frontages enhance both the safety and attractiveness of the pedestrian environment. Sidewalk widening along 12<sup>th</sup> Street will be done in coordination with other improvements constructed by the 30 Otis Street and 1629 Market Street (aka "Plumber's Union") projects and in total, will create a new key pedestrian connection with the 30 Otis Plaza to the south, access to the new Brady park at the midblock, and connected to Market and transit through the 10 South Van Ness Project mid-block alley. The 12<sup>th</sup> Street roadway includes a new pedestrian crossing midblock to slow traffic and pedestrian crossing distances are minimized through bulbouts. Numerous street trees are proposed along all three frontages, to both help green the public realm and minimize wind effects in pedestrian areas.*

*The building's massing gives consideration to light and air both for the units within the project, but also to surrounding properties as minimum tower separation is maintained to all nearby properties. Most units within the Project face out to one of the three rights-of-way; however, a small percentage of the total units in the project (42 of 966, or 4.3%), which are located at the podium level face only onto the court which allows for light and air to the mid-block alley below.*

*The proposed building has been designed thoughtfully and utilizes high-quality materials; it will be compatible with and enhance the neighborhood character, particularly as the surrounding vicinity continues to develop, consistent with the Market and Octavia Area Plan Amendments. The building's form is characterized by a 14-story, 140-foot tall podium and 55-story, 590-foot tall tower, plus an additional 20 feet of height for the tower's mechanical penthouse and screening. Additional massing at the 15<sup>th</sup> and 16<sup>th</sup> floors along the southern side of the tower result in a second, partial podium at 170 feet in height. The height and bulk of the Project are consistent with the amended zoning controls within the Van Ness and Market Residential Special Use District, the relevant area plans, and other buildings proposed in the vicinity. In the vicinity of the Project Site are several other towers either proposed for, or currently under construction including an approximately 400-foot tall residential tower at 1500 Mission Street, a 250-foot tower at 30 Otis Street, a 400-foot tower at One Oak Street, a 520-foot tower at 30 Van Ness Avenue, and a 365-foot tower at 98 Franklin Street. The proposed tower form has been shaped, in part, by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural form. The tower*

*form is comprised of four main vertical elements that vary in height as each terminates at the top of the tower. Additionally, within these vertical elements and spaced around the sides of the tower at different heights are multiple three-story terraces that carve out and modulate the massing in a unique way, in addition to two material palettes that define the vertical tower elements. Both the podium and tower have large amounts of fenestration expressed in a more ordered design and giving a lighter feel to a tower of this height. Materials used in the Project are high-quality and durable, predominantly masonry-like and stone materials, with metal frames around window groupings and in other accent areas in addition to some wood materials within the ground floor modules.*

*The ground floor is defined by tall ceiling heights and wide modules that allow for ample transparency at pedestrian eye level and a more balanced solid-transparent ratio at the transom levels above. This design allows for active ground floor uses around the majority of the project perimeter and through the mid-block alley. The residential lobby can be accessed from both South Van Ness Avenue and the mid-block alley and allows for additional permeability through the site. Lastly, the Project Sponsor will continue to work with the City and BART in order to provide a new entry to the Van Ness Muni Station within the ground floor of the project, ultimately removing the existing Muni portal adjacent to the site on Market Street and allowing for a wider pedestrian zone near that intersection. While final design and construction details remain in progress, it is envisioned that the new entry would include a replacement stair along with new escalators, and most importantly, a new elevator to improve station accessibility. The entry to the station is expected to be accessed from the mid-block alley and would be visible approaching the site from both the mid-block alley and Market Street, with a very open and gracious entry design.*

*The improvements to the Muni metro entrance described above, and the land dedication affordable housing alternative, would include future actions by the City, including: 1) City approval of the purchase of an easement, fee title, and/or other property right that the City will acquire from the sponsor to facilitate the Muni access; 2) potential street vacation of underground portions of 12<sup>th</sup> Street and/or Market Street for building design elements that the Project Sponsor must construct to accommodate the Muni access (street vacation, if necessary, will also involve the granting of an easement, fee title, and/or other property right from the City to the sponsor); and 3) City acceptance and approval of the Project Sponsor's offer/dedication of off-site real property and acquisition of fee title to that property. The City finds that all of the improvements and actions described would be consistent with the General Plan Policies, specifically outlined above.*

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 will not demolish a neighborhood-serving retail use, as the existing building is formerly an auto sales and service use. The Project will add approximately 30,000 square feet of commercial space across multiple tenant spaces, primarily intended for retail use but also including community-serving uses to be potentially an Arts Activity use, Community Facility use or neighborhood-serving retail use, and allowing for employment of those residing in the vicinity and broader neighborhood. These*

*businesses would be supported by the demand from the 966 proposed residential units and enhanced by the POPOS space along South Van Ness Avenue among other public plaza and park improvements in the area, which will attract pedestrian interest and provide space for seating and gathering.*

- 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 Site does not possess any existing housing. The Project would provide 966 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project will provide space for a community-serving use and will create new public open space and streetscape improvements that will help retain and enhance the existing neighborhood character. The project design is compatible with the scale and form of buildings both in the broader downtown, and more immediately with buildings that are either currently under construction or envisioned as part of the Market and Octavia Area Plan and Amendments. The Project incorporates high-quality materials and detailing to provide visual interest.*

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

*The Project Site does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program through the land dedication option available to projects within the Van Ness and Market Residential Special Use District, provided the Project Sponsor obtains a letter from the Mayor's Office of Housing and Community Development (MOHCD) accepting dedication of a site within 180 days of the effective date of the Market and Octavia Area Plan Amendments. The land to be dedicated to the City must be demonstrated to accommodate at least 35 percent of the units being proposed as part of the Project, in this case 338 units. In addition to the dedication of land to the City, the Project Sponsor will also pay additional affordable housing fees through the Market-Octavia Affordable Housing Fee and the Van Ness and Market Residential Special Use District Affordable Housing Fee. The dedication of land and the additional affordable housing fees will help facilitate and directly fund construction of new, permanently affordable housing throughout 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 near a major transit corridor with access to BART and MUNI rail and bus service that would promote rather than impede the use of MUNI transit service. The three existing curb cuts along South Van Ness Avenue will be removed, further enhancing this transit-preferential street; there are no existing curb cuts along Market, and none proposed. A single curb cut is proposed for access to the Project's garage along 12<sup>th</sup> Street, where no transit lines exist, and reducing the existing curb cuts along this street by one. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.*

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

*The Project would not displace an existing industrial or service sector use as the prior automotive sales and service use vacated the property in approximately the fall of 2018. The Project does not include any proposed commercial office development and is a primarily residential project; the provision of housing, particularly near transit, is a top priority for the City. Further, the proposed ground-floor retail spaces provide future opportunities for resident employment and ownership in service-sector businesses.*

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

*The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake. The proposed Project would replace an older building that does not comply with current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any Article 10 Designated City Landmarks and is similarly not within an Article 10 Historic District. The Project Site is also not located within any of the Article 11 downtown Conservation Districts. However, the existing building does contain a historic resource at the northern end of the project site in the ballroom located at the second floor, which operated as the Fillmore West between 1968 and 1971. The demolition of this structure would cause a substantial adverse change in the significance of this historic resource and as a result, the Project is required to implement a mitigation measure pertaining to this site's specific historical significance as well as its broader connection to the counterculture movement of the 1960s. Mitigation Measure M-CR-1b requires the Project Sponsor install and maintain a permanent interpretive display commemorating the historical significance of the Fillmore West and Bill Graham. Such display and installation may include, for example, interactive sound or video installations showcasing historic performances at Fillmore West, booths designed to record or play oral histories, as well as more traditional interpretive materials such as commemorative markers or plaques and displays of photographs or news articles. A qualified historian shall work with the Project Sponsor and Department to undertake an oral history of the Fillmore West and prior to the demolition of the building, the Project Sponsor shall salvage architectural materials from the site for use either as part of the interpretive program or to be made available to museums, archives, or other curation facilities.*

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

*The Project has the potential to create shadow on eight proposed parks under jurisdiction of the Recreation and Park Department – Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park,*

*Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site – as well as Brady Park, proposed through the private development of 1629 Market Street. For all these parks, the amount of additional shadow that would occur as a result of the Project has not been found to be significant or adverse to the use of the parks.*

10. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.*

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 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. 2015-004568DNX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 28, 2020, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Final Environmental Impact Report (FEIR), the Department's Memorandum to File dated June XX, 2020, and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. [\_\_\_\_\_] and the MMRP, included as Attachment B to that Motion. 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 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 11, 2020.

Jonas P. Ionin  
Commission Secretary

**Draft Motion  
June 11, 2020**

**RECORD NO. 2015-004568DNX  
10 South Van Ness Avenue**

AYES:

NAYS:

ABSENT:

ADOPTED: June 11, 2020

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** to allow demolition of the existing two-story commercial building, and new construction of a 55-story, 590-foot tall, mixed-use residential building (approximately 906,811 gross square feet) with 966 dwelling units (consisting of 347 studios, 433 1-bedroom units, 165 2-bedroom units, and 21 3-bedroom units), approximately 29,443 square feet of retail sales and service uses, two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 Class 1 bicycle parking spaces, plus 61 Class 2 bicycle spaces located within the public right of way, located at 10 South Van Ness Avenue, on Assessor's Block 3506, Lots 003A and 004, pursuant to Planning Code Section(s) 309, 140, 146, 148, 136, 207.6, 263.19, 270(f), and 270.2 within the C-3-G (Downtown – General) Zoning District, the Van Ness and Market Residential Special Use District, the 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market and Octavia Area Plan Amendments; in general conformance with plans, dated May 28, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2015-004568DNX and subject to conditions of approval reviewed and approved by the Commission on June 11, 2020 under Motion No. [\_\_\_\_]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 11, 2020 under Motion No. [\_\_\_\_].

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under this 'Exhibit A' of 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 effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://www.sf-planning.org)*
- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project is conditioned upon the final and effective approval of the Market and Octavia Area Plan Amendment ordinances (Board of Supervisors File Nos. XXXXXX, XXXXXX, XXXXXX, and XXXXXX); a Shadow Determination (Record No. 2015-004568SHD) under Section 295 that the net new shadow cast by the Project on Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site will be insignificant to the use of said parks; a Conditional Use Authorization (Record No. 2015-004568CUA) under Sections 303 and 249.33(b)(7) for a non-residential use size greater than 6,000 square feet; and a Variance (Record No. 2015-004568VAR) under Sections 305 and 145.1(c)(2) for a garage entry wider than 20 feet, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Improvement and Mitigation Measures.** Mitigation measures described in the MMRP, Attachment B to the CEQA Findings made under Motion No. [\_\_\_\_], are necessary to avoid potential significant effects of the Project and have been agreed to by the Project Sponsor. In addition, there are Improvement measures described in the MMRP that improve the Project's relationship to the environment but are not necessary to avoid potential significant effects of the Project. The Project Sponsor has agreed to include the Improvement measures as part of the Project. Their implementation is a condition of Project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

8. **Van Ness MUNI Station Entrance Improvements.** The Project Sponsor shall construct a new elevator as part of the Project to provide access to the Van Ness MUNI Station, so long as all required City and Non-City agencies (e.g. SFMTA, SFDPW, and BART) have finally approved construction drawings for the elevator improvements within 12 months from the date that the Project Sponsor submits a site permit application to the Department of Building Inspection for the Project.

Separately, the Project Sponsor and authorized City agencies (including, but not limited to, Planning and SFMTA) shall make good faith efforts to study, design, and obtain final approval for the proposed Van Ness MUNI Station stair and escalator facility improvements to be located on the Project Site, in general conformance with the plans included as Exhibit B of this Motion

No. [XXXXX] (such stair and escalator improvements, the “Van Ness MUNI Station Entrance Improvements” or “Improvements”). The Project Sponsor, Planning Department, and, in accordance with authorization on file with the Planning Department, the SFMTA shall meet regularly to enter into a Memorandum of Understanding (MOU) that establishes an approach for addressing key issues in design and implementation of the Improvements. The MOU is to be signed by the Planning Director and, in accordance with authorization on file with the Planning Department, the SFMTA Director no later than 180 days after the final effective date of this Motion No. [XXXXX] or the final effective date of the Market Octavia Area Plan Amendments, including any appeals, whichever is latest, unless all parties mutually agree, each in their sole discretion, to continue to negotiate terms beyond 180 days. If the City has not approved the MOU within the 180-day deadline set forth above, or within the period of any mutually agreed extension, the Project Sponsor shall have no obligation to construct the stair and escalator Improvements. The Project Sponsor shall still construct a new elevator so long as all required City and Non-City agencies grant the approvals specified above. The MOU shall address, at a minimum, the following terms:

- A. The Project Sponsor and City agencies shall continue to cooperate to study the feasibility of Improvements.
- B. The Project Sponsor and City agencies shall cooperate with each other to design and seek approval of the Van Ness Station Entrance Improvements from all necessary City agencies (including San Francisco Department of Public Works) and any necessary federal, state, and local governmental agencies that are independent of the City, including BART.
- C. The Project Sponsor shall complete construction of the Van Ness Station Entrance Improvements no later than the first TCO for the portion of the Project that contains residential units.
- D. The City shall reimburse the Project Sponsor for eligible soft and hard construction costs for the Improvements, paid either as a credit against development impact fees (pursuant to an In-Kind Agreement) or by other reimbursement agreement authorized by the Board of Supervisors. In addition, the City shall pay to or otherwise reimburse the Project Sponsor the fair market value of any real property or public access easement on the Project Site dedicated to the City for the Improvements.
- E. If all required City and Non-City agencies (e.g. SFMTA, SFDPW, and BART) have not finally approved construction drawings for the Improvements, or the Planning Commission, Board of Supervisors and/or other governmental body have not authorized reimbursement to the Project Sponsor for the eligible costs of the Improvements and real property within 16 months of the final effective date identified above, or the date that the Project Sponsor submits to DBI its first addendum to the site permit for the Project, whichever is later, this part of the condition shall terminate and the Project Sponsor shall have no obligation to construct the stair and escalator Improvements. The intent of this expiration provision is to ensure that construction and completion of the Project is not delayed by the design and approval of the Improvements. This time period may be extended if the parties mutually agree, each in their sole discretion, to continue to work toward final design approvals and reimbursements beyond 16 months.
- F. In addition, the MOU may address, but not be limited to, the following issues:

- i. Development of a design review, approval, and acceptance process for the Improvements that maintains overall project timeline.
  - ii. Cooperation to vacate portions of 12<sup>th</sup> Street to accommodate the Improvements or portions of the Project displaced by the Improvements, if necessary.
  - iii. Determination of the soft costs eligible for reimbursement by the Project Sponsor and determination of any City costs eligible to be paid by the Project Sponsor.
  - iv. Mechanism(s) for the required additional financing of Improvements if their cost exceeds development impact fees associated with the Project.
  - v. Mechanism for memorializing an agreement between the Project Sponsor and the City, which could include an In-kind Agreement, a development agreement, or other mechanism.
9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
11. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **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, the Better Market Street Plan, the Van Ness BRT Improvement Plan, the

Hub Public Realm Plan, and all applicable City standards. Improvements in excess of Better Streets Plan requirements are subject to in-kind agreement approval from the City or other means of reimbursement. 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](http://www.sf-planning.org)*

14. **Streetscape Plan – Better Market Street Plan.** The Project Sponsor shall continue to work with the City’s Better Market Street (BMS) team on the proposed design and build-out of this segment of Market Street from 12<sup>th</sup> Street to South Van Ness Avenue. At a minimum, the Project will reconstruct sidewalks along its Market Street frontage consistent with Public Works’ standards to match the legacy Market Street design. Should the City’s design and construction plans be advanced far enough at the time of the Project Sponsor’s submittal of street improvement permits for the Project, and the City approves an in-kind agreement or some other funding mechanism for the cost of such improvements in excess of standard sidewalk improvements, the Project Sponsor would improve Market Street to those City-approved specifications under the Better Market Street Plan. Plans for both scenarios have been included in the plans for the Project.
15. **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](http://www.sf-planning.org)*
16. **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 sidewalk on South Van Ness Avenue, including at the corner of Market Street and South Van Ness Avenue, 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](http://www.sf-planning.org)*
17. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.



*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

18. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this Project: private site area within the property boundaries along either 12<sup>th</sup> Street or South Van Ness Avenue. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

19. **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](http://www.sfmta.org)*

20. **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](http://www.sfdph.org)*

21. **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](http://www.sf-planning.org)*

22. **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](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

23. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site

Permit to construct the Project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

*For information about compliance, contact the TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 415-558-6377, [www.sf-planning.org](http://www.sf-planning.org).*

24. **Car Share.** Pursuant to Planning Code Section 166, no fewer than six (6) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

25. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 321 Class 1 bicycle parking spaces (317 Class 1 spaces for the residential portion of the Project and 4 Class 1 spaces for the commercial portion of the Project). Additionally, the Project shall provide no fewer than 61 Class 2 spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the Project Sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

26. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than one shower and six clothes lockers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org) .*

27. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 242 off-street parking spaces as accessory for the residential use. Additionally, the Project shall provide no more than 2,061 sf dedicated to accessory parking for the non-residential uses, or 13 spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

28. **Off-Street Loading.** Pursuant to Planning Code Section 152.1, the Project will provide four (4) off-street loading spaces, and spaces for two (2) service vehicles, which may be used to substitute for a required fifth off-street loading space.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
29. **Driveway and Loading Operations Plan (DLOP).** Pursuant to Planning Code Section 155(u), the Project must prepare and submit a Driveway and Loading Operations Plan (DLOP) to the Planning Department for approval. The DLOP must be submitted and approved prior to the issuance of the first site or building permit.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
30. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

31. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
32. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*
33. **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](http://www.sf-planning.org)*
34. **Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

35. **Inclusionary Affordable Housing Program.** Pursuant to Planning Code Section 415, 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, or as pursuant to that future change in law.

A. **Land Dedication Alternative.** The Project Sponsor has chosen to satisfy the Inclusionary Affordable Housing Program requirement through a Land Dedication Alternative, pursuant to Planning Code Sections 249.33(b)(16), 419.6, and 419.5(a)(2). The Project Sponsor has commenced discussions with the Mayor's Office of Housing and Community Development (MOHCD) and the Planning Department regarding potentially suitable sites, but no site or sites has been selected by the Project Sponsor or accepted by the City as of the date of this Motion. The property at 1979 Mission Street (3553/052) is among properties being considered for dedication under this alternative. As specified in Section 249.33(b)(16), the Project Sponsor must demonstrate that the dedicated site or sites could accommodate at least 35 percent of the units that are being provided on the development project site. For the 10 South Van Ness Project with 966 units, the Project Sponsor must show that the site or sites to be dedicated could accommodate at least 338 units. A letter from MOHCD formally accepting a site or sites under the Land Dedication Alternative must be received within 180 days of the effective date of the Planning Code Special Use District ordinance related to the Market and Octavia Area Plan Amendments under Board File No. [\_\_\_\_\_]

As part of MOHCD's evaluation of potentially dedicated sites, the Project Sponsor must submit an Environmental Site Assessment (ESA) Phase I study for any site proposed for dedication for review prior to any MOHCD letter indicating acceptance of the site. MOHCD subsequently may require the Project Sponsor to prepare a Phase II study within a specified timeframe as a condition to the City's acceptance of a dedicated site. If a Phase II study reveals the presence of any hazardous materials at the site to be dedicated, the Project Sponsor shall present MOHCD with a toxics remediation plan, to be approved by MOHCD in its sole discretion.

In the event the land dedication process is completed, with a dedicated site or sites accepted by the City and MOHCD and all other conditions of approval met, the Project Sponsor shall transfer the site or sites to the City in fee title prior to issuance of the first construction document. In the event that the fee title to the dedicated site or sites is transferred to the City prior to issuance of the first construction document, then the Project will have fully complied with the Inclusionary Affordable Housing Requirements of Planning Code Section 415.

In the event, however, and for whatever reason, a letter from MOHCD accepting a site or sites is not received within 180 days of the effective date Planning Code ordinance related to the Market and Octavia Area Plan Amendments under Board File No. [\_\_\_\_\_], or the fee title to the dedicated site has not been transferred to the City by issuance of the first construction document for the Project, the Project Sponsor must comply with the

Inclusionary Affordable Housing Requirements of Planning Code Section 415 by selecting another alternative. Should this occur, the Project Sponsor has chosen, as an alternative, to put affordable units on-site at the Project. The Project Sponsor may also partially satisfy the requirements of the Land Dedication Alternative, and satisfy the remainder of the Inclusionary Affordable Housing Requirement by providing on-site units as provided in Section 415.6 and Subdivision (B) of this Condition of Approval No. 35.

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

- B. **On-Site Alternative.** In the event that a letter from MOHCD accepting a site or sites is not received within 180 days of the effective date Planning Code ordinance related to the Market and Octavia Area Plan Amendments under Board File No. [\_\_\_\_], or the fee title to the dedicated site has not been transferred to the City by issuance of the first construction document for the Project, the Project Sponsor has chosen, as an alternative to put affordable units on-site at the Project to fulfill the Inclusionary Affordable Housing Requirements of Planning Code Section 415. 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.

- i. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. The Project contains 966 units; therefore, 174 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 174 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

- ii. **Unit Mix.** The Project contains 347 studios, 433 one-bedroom, 165 two-bedroom, and 21 three-bedroom units; therefore, the required affordable unit mix is 62 studios, 78 one-bedroom, 30 two-bedroom, and 4 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

- iii. **Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. At least 10% must be affordable to low-income households, at least 4% must be affordable to moderate income households, and at least 4% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

- iv. **Minimum Unit Sizes.** The affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

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

- v. **Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required



number of units at various income levels in compliance with the requirements in effect at the time of conversion.

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

- vi. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to architectural addenda. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

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

- vii. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than eighteen percent (18%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

- viii. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

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

- ix. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

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

- x. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

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

- xi. **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 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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD 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.

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

1. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
2. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, with a minimum of 10% of the units affordable to low-income households, 4% to moderate-income households, and the remaining 4% of the units affordable to middle-income households such as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.



3. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
  4. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  5. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements 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.
  6. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.
36. **Market and Octavia Area Plan Affordable Housing Fee.** The Project is subject to the Market and Octavia Area Plan Affordable Housing Fee, as applicable, pursuant to Planning Code Section 416 and Planning Code Section 249.33(b)(16).  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
37. **Market and Octavia Community Improvements Impact Fee.** The Project is subject to the Market and Octavia Community Improvements Impact Fee, as applicable, pursuant to Planning Code Section 421.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
38. **Market and Octavia – Van Ness and Market Affordable Housing and Neighborhood Infrastructure Fee and Program.** The Project is subject to the Market and Octavia – Van Ness and Market Affordable Housing and Neighborhood Infrastructure Fee and Program, as applicable, pursuant to Planning Code Section 424.3 and Planning Code Section 249.33(b)(16).  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

39. **Art.** The Project is subject to the Public Art Fee requirements, as applicable, pursuant to Planning Code Section 429, and may fulfill the requirements through any of the options available to Residential Development Projects pursuant to Section 429.3(d).  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
40. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
41. **Art.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
42. **Art.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
43. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

44. **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](http://www.sf-planning.org)*

45. **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](http://www.sf-planning.org)*

46. **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](http://www.sf-planning.org)*

## OPERATION

47. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section [102](#), shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section [34](#) of the San Francisco Police Code.

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

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

*For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org).*

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

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

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

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

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

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

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

50. **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](http://www.sfgov.org/entertainment)*

51. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Draft Motion

HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2015-004568CUA  
*Project Address:* 10 SOUTH VAN NESS AVENUE  
*Zoning:* C-3-G (Downtown – General) Zoning District  
 (Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts  
 (Proposed) 120/400-R-2 // 140/590-R-2, and  
 120/400-R-2/120-R-2 // 140/590-R-2  
 Van Ness and Market Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
 10 SVN LLC  
 8 10<sup>th</sup> Street, Suite 1205  
 San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
 2200 Biscayne Blvd.  
 Miami, FL 33137  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 249.33(b)(7) TO ALLOW AN INDIVIDUAL RETAIL USE IN EXCESS OF 6,000 SQUARE FEET, IN CONNECTION WITH A PROPOSAL TO DEMOLISH THE EXISTING TWO-STORY COMMERCIAL BUILDING, AND CONSTRUCT A NEW 55-STORY, 590-FT TALL (610-FT TALL INCLUSIVE OF ROOFTOP SCREENING), MIXED-USE RESIDENTIAL BUILDING (APPROXIMATELY 906,811 GROSS SQUARE FEET) WITH 966 DWELLING UNITS (CONSISTING OF 347 STUDIOS, 433 1-BEDROOM UNITS, 165 2-BEDROOM UNITS, AND 21 3-BEDROOM UNITS), APPROXIMATELY 29,443 SQUARE FEET OF RETAIL SALES AND SERVICE USES, TWO BASEMENT GARAGE LEVELS CONSISTING OF 255 OFF-STREET PARKING SPACES, 4 OFF-STREET FREIGHT LOADING SPACES, 2 OFF-STREET SERVICE VEHICLE SPACES, 6 CAR-SHARE SPACES, AND 321 CLASS 1 BICYCLE PARKING SPACES, PLUS 61 CLASS 2 BICYCLE SPACES LOCATED WITHIN THE PUBLIC – RIGHT-OF-WAY, AT 10 SOUTH VAN NESS AVENUE, LOTS 003A AND 004 IN ASSESSOR’S BLOCK 3506, WITHIN THE C-3-G (DOWNTOWN - GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, THE 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, AND THE PROPOSED 120/400-R-2//140/590-R-2 AND 120/400-R-2/120-R-2//140/590-R-2 HEIGHT AND BULK DISTRICTS UNDER THE MARKET OCTAVIA AREA PLAN AMENDMENTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## **PREAMBLE**

On April 8, 2015, Adam Tartakovsky, on behalf of the property owner 10 SVN LLC (hereinafter “Project Sponsor”) filed an Environmental Evaluation Application with the Planning Department (hereinafter “Department”) for a demolition and new construction development project at 10 South Van Ness Avenue, Block 3506, Lots 003A and 004 (hereinafter “Project Site”). The Department accepted the Environmental Evaluation Application as complete on September 28, 2015.

On January 20, 2016, the Project Sponsor filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code (hereinafter “Application”) to facilitate the construction of a new 400-foot tall building located at the Project Site, consisting of studio, 1-bedroom, 2-bedroom and 3-bedroom residential units, associated amenity spaces, and retail spaces at the ground floor. On August 31, 2017, the Application was updated to facilitate the construction of a new 590-foot tall mixed-use residential building located at the Project Site, with approximately 906,811 gross square feet and containing approximately 966 dwelling units (347 studios, 433 1-bedroom units, 165 2-bedroom units, and 21 3-bedroom units), approximately 29,443 square feet of ground- and 2<sup>nd</sup>-floor retail space, approximately 42,544 total square feet of private, common, and publicly accessible open space (inclusive of 4,560 square feet of POPOS near the corner of Market Street and Van Ness Avenue), two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 Class 1 bicycle parking spaces, plus 61 Class 2 bicycle parking spaces located within the public right-of-way (hereinafter “Project”).

On July 12, 2017, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”) for the Project. Publication of the NOP initiated a 30-day public review and comment period that began on July 12, 2017 and ended on August 11, 2017. On August 2, 2017, the Department held a public scoping meeting regarding the Project. On May 2, 2018, the Department published the Initial Study (“IS”) and provided public notice in a newspaper of general circulation of the availability of the IS; this notice was mailed to the Department’s list of persons requesting such notice.

On May 23, 2018, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”) for the Hub Plan (also called the Market and Octavia Area Plan Amendment), 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District. Publication of the NOP initiated a 30-day public review and comment period that ended on June 22, 2018. On June 12, 2018, the Department held a public scoping meeting regarding the Hub Plan Project.

On August 8, 2018, the Project Sponsor submitted an application to the Governor’s Office of Planning and Research seeking certification of the Project as an Environmental Leadership Development Project (ELDP) pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (and as updated by AB 734 (Chapter 210, Statutes of 2016) and AB 246 (Chapter 522, Statutes of 2017), and California Environmental Quality Act (CEQA) Section 21178. Under AB 900, ELDPs generally are projects that promote environmental sustainability, transportation efficiency, greenhouse gas reduction, stormwater management using green technology, substantial economic investment, and job creation, and that meet certain other specified criteria and metrics. On October 9, 2018 Governor certified the Project as an ELDP.



On October 17, 2018, the Department published a Draft Environmental Impact Report for the Project (hereinafter, "DEIR") 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 the date and time of the public hearing were posted near the Project Site by the Project Sponsor on October 17, 2018.

On December 6, 2018, 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 DEIR ended on December 11, 2018. The Department prepared responses to comments on environmental issues received during the 54-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 January 17, 2019 the Project Sponsor gave an informational presentation to the Planning Commission regarding the revised single-tower variant design.

On July 24, 2019, the Department published a Draft Environmental Impact Report for the aforementioned Hub Plan (also called the Market and Octavia Area Plan Amendment), 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District (hereinafter, the "Hub Plan DEIR") and provided public notice in a newspaper of general circulation of the availability of the Hub Plan DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the Hub Plan DEIR; this notice was mailed to the Department's list of persons requesting such notice. Notices of availability of the Hub Plan DEIR. The Hub Plan DEIR contains analysis at a "program-level" pursuant to California Environmental Quality Act (CEQA) Guidelines section 15168 for adoption and implementation of the Hub Plan, including program-level review of potential development at the Project site. The Hub Plan DEIR also includes "project-level" environmental review for the streetscape and street network improvements and the project at 30 Van Ness Avenue and the project at 98 Franklin Street. The Hub Plan DEIR also evaluates the designation of portions or all of the Hub Plan area as an HSD, in accordance with Assembly Bill 73 (Government Code sections 66202 to 66210 and Public Resources Code sections 21155.10 and 21155.11). Designation of an HSD, through adoption of an ordinance by the San Francisco Board of Supervisors, would allow the City and County of San Francisco (City) to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements within the HSD.

On August 29, 2019, the Commission held a duly advertised public hearing on the Hub Plan DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the Hub Plan DEIR ended on September 9, 2019. The Department prepared responses to comments on environmental issues received during the 46-day public review period for the Hub Plan DEIR, prepared revisions to the text of the Hub Plan 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 13, 2020, the Planning Commission adopted Resolution 20653 to initiate legislation entitled "Ordinance amending the General Plan to amend the Market and Octavia Area Plan; making conforming amendments to the Arts Element and Housing Element; and making environmental findings, including

adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code Section 302”.

On February 13, 2020, the Planning Commission adopted Resolution 20654 to initiate legislation entitled “Ordinance amending the Planning Code to amend the Van Ness and Market Downtown Residential Special Use District, to encourage more housing and uses that support the neighborhood residents and business, and to give effect to amendments in the Market and Octavia Area Plan; and amending Planning Code Sections 145.4, 151.1, 207.6, 249.33, 261.1, 263.19, 270, 309, 401, 411A.5, 416.3, 421.5, 424.1, 424.3, 424.4; and 424.5; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

On February 13, 2020, the Planning Commission adopted Resolution 20656 to initiate legislation entitled “Ordinance amending the Zoning Map of the Planning Code to amend the boundaries of the Van Ness and Market Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with amendments to the Market and Octavia Area Plan, encompassing an area generally bounded by Haight Street from Octavia Boulevard to Gough Street, Gough Street from Haight Street to Page Street, Franklin Street from Page Street to Fell Street, Fell Street from Franklin Street to Van Ness Avenue, Van Ness Avenue from Fell Street to Hayes Street, Hayes Street from Van Ness Avenue to Larkin Street, Market Street from Ninth Street to 10th Street, midblock between 10th Street and 11th Street from Market Street to Mission Street, Mission Street from 10th Street to Washburn Street, a portion of Washburn Street, Minna Street from 10th Street to just past Lafayette Street (with certain lots excluded), midblock between Lafayette Street and 12th Street to Howard Street, Howard Street just north of 12th and 13th Streets, and 13th Street to Octavia Boulevard and Haight Street; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.”

On March 3, 2020, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report for the Project (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 Responses to Comments document, all as required by law.

On March 12, 2020, the Planning Department published a Responses to Comments document for the Hub Plan DEIR. A Final Environmental Impact Report (hereinafter the “HUB Plan FEIR”) has been prepared by the Department, consisting of the Hub Plan DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document, all as required by law.

On April 29, 2020, the Project Sponsor filed an application requesting approval of a Conditional Use Authorization pursuant to Section 303 of the San Francisco Planning Code to permit a single retail space in excess of 6,000 gross square feet within the Project.

On May 11, 2020 the Project Sponsor filed an application requesting approval of a Variance from the requirements of Planning Code Section 145.1(c)(2) to permit a garage opening exceeding 20-feet in width.

On May 21, 2020 the full 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 would not be adverse to the use of Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site.

On May 21, 2020, the Commission reviewed and considered the Hub Plan FEIR and found that the contents of said report and the procedures through which the Hub Plan 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 May 21, 2020 by adoption of its Motion No. 20707.

On May, 21, 2020, through Motion No. 20708, the Commission approved findings required by CEQA, including adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2015-000940ENV, for approval of the Hub Plan ("Hub Plan CEQA Findings"), which are incorporated by reference as though fully set forth herein.

On May 21, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) an ordinance amending the General Plan to amend the Market and Octavia Plan; (2) an ordinance amending the Planning Code to implement the updated Market and Octavia Area Plan; (3) an ordinance amending the zoning map to change the land use, zoning and height and bulk classifications in the Market and Octavia Plan Area, respectively; (4) an ordinance amending the Business and Tax Regulations and Planning Code to create the Hub Housing Sustainability District; and (5) the Hub Plan Implementation Program. At that May 21, 2020 meeting, the Commission adopted Resolution Nos. 20709, 20710, 20711, 20712, and 20713 to recommend that the Board of Supervisors approve the aforementioned ordinances and Implementation Program (collectively, the "Market and Octavia Area Plan Amendment").

On May 21, 2020, 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 May 21, 2020 by adoption of its Motion No. 20720. The Department has also prepared a Memorandum to File, dated June XX, 2020, that provides additional analysis of the environmental effects of the Project.

On June 11, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance application for the 10 South Van Ness Project (Record No. 2015-004568PRJ). 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.

At the same Planning Commission 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, including adoption of a Mitigation Monitoring and Reporting Program ("MMRP") based on substantial evidence in the whole record of this proceeding and pursuant to the

California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq. ("CEQA Guidelines"), Sections 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. [\_\_\_\_].

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2015-004568CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2015-004568CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes demolition of the existing two-story commercial building on the project site, last used for Automobile Sales and Repair, and new construction of a 55-story, 590-ft tall (610 feet, including elevator penthouses and screening features), mixed-use residential building (approximately 906,811 gross square feet in total) with 966 dwelling-units (347 studios, 433 one-bedroom units, 165 two-bedroom units, and 21 three-bedroom units), approximately 29,443 square feet of Retail Sales and Service uses, two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 class 1 bicycle parking spaces, plus 61 class 2 bicycle spaces located within the public right-of-way. The Project includes an area of privately-owned public open space (POPOS) measuring approximately 4,560 square feet along South Van Ness Avenue near the intersection with Market Street, as well as approximately 26,500 square feet of common open space at podium level and other terraces within the proposed building tower, and at least 11,484 square feet of private open space for 319 of the proposed units via balconies and terraces. The Project will also include a pedestrian mid-block alley through the site, connecting Market and 12<sup>th</sup> Streets. The Project will include a number of streetscape improvements along its three street frontages – Market Street, 12<sup>th</sup> Street, and South Van Ness Avenue – consistent with the Better Streets Plan and various City planning efforts in the Better Market Street Plan, the Van Ness Bus Rapid Transit (BRT) Improvement Project, and the Hub Public Realm Plan. The Project will construct wind mitigation features along the east side of South Van Ness Avenue, along the 1 South Van Ness Avenue public right-of-way. The Project will provide a new entry and elevator to the

Van Ness Muni Station (a new elevator), and may also provide a new staircase and escalators for entry to the Van Ness Muni Station within the ground floor of the Project itself and adjacent to the proposed mid-block alley, pending coordination with the City around final design and approvals, as specified in the conditions of approval (Condition No. 8) contained within the Project's Downtown Project Authorization, Motion No. [\_\_\_\_\_]. The improvements to the Muni metro entrance and the land dedication affordable housing alternative would include future actions by the City, including: 1) City approval of the purchase of an easement, fee title, and/or other property right that the City will acquire from the sponsor to facilitate the Muni access; 2) potential street vacation of underground portions of 12<sup>th</sup> Street and/or Market Street for building design elements that the Project Sponsor must construct to accommodate the Muni access (street vacation, if necessary, will also involve the granting of an easement, fee title, and/or other property right from the City to the sponsor); and 3) City acceptance and approval of the Project Sponsor's offer/dedication of off-site real property and acquisition of fee title to that property. Lastly, the Project will include the merger of Lots 003A and 004 on Block 3506.

- 3. Site Description and Present Use.** The Project Site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, is roughly triangular in shape and is made up of two contiguous lots within Assessor's Block 3506, Lots 003A and 004. In total, the Project Site comprises 51,150 square feet (sf) with frontage along Market Street to the north, 12<sup>st</sup> Street to the west, and South Van Ness Avenue to the east. The Project Site measures approximately 227 feet along Market Street, 372 feet along 12<sup>th</sup> Street, and 420 feet along South Van Ness Avenue. The majority of the site (Lot 004) is developed currently with a two-story commercial building containing approximately 91,088 square feet, last used for Automobile Sales and Repair (d.b.a. San Francisco Honda). Prior to about mid-1971, the building had also been used as a concert venue, under the names "Carousel Ballroom" and "Fillmore West". The remainder of the site (Lot 003A) is currently undeveloped. In addition to the main developable area within the property line boundaries, the Project Site also includes the adjacent public rights-of-way where the Project proposes to construct a variety of streetscape improvements.

The Project Site is located in the Downtown – General Zoning District (C-3-G), the Van Ness and Market Residential Special Use District, the 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market and Octavia Area Plan Amendments. The Project Site also borders several neighborhoods including the Downtown/Civic Center, South of Market, Mission, and Western Addition, and is within the Downtown and Market and Octavia Plan Areas.

- 4. Surrounding Properties and Neighborhood.** The area surrounding the Project Site is primarily an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are commonly located at upper floors along Market Street and Van Ness Avenue, including many government and public uses to the north of the site, clustered around Civic Center and City Hall. Moving along Market Street to the west of the Project Site and away from downtown, the zoning is predominantly NCT-3 and RTO, and the development pattern correspondingly begins to decrease in height and intensity, with residential and neighborhood-serving retail comprising a greater proportion of the uses. To the east and southeast of the Project Site are the Western SoMa mixed-use districts, which include a wide variety

of uses from light industrial to residential and institutional. This diversity of uses, and particularly light industrial, manufacturing and repair-type uses, continues to be seen farther to the east and southeast in the Showplace Square and northern Mission, which includes some PDR-zoned areas.

The intersection of Market Street and Van Ness Avenue is an important transit node in the City – 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 Site occupies the entire block bounded by Market Street, 12<sup>th</sup> Street and South Van Ness Avenue, so there are no other buildings on the immediate block face. In general, the surrounding blocks are largely characterized by low- to mid-rise structures, often occupied with commercial, office or light industrial uses; a small number of residential uses are interspersed in the area.

However, the immediate vicinity is expected to change significantly, with a number of projects either already approved or under construction, and still others currently under Planning Department review. Consistent with the proposed Market and Octavia Area Plan Amendments (also called the “Hub Plan”) and the original Market and Octavia Area Plan, this area is expected to see a large increase in the number of residential units. Within this plan area, the Market and Octavia Area Plan already anticipated capacity for about 8,070 dwelling units; with the Market and Octavia Area Plan Amendments, this increases to a capacity of approximately 9,710 units. Some of the anticipated developments in the vicinity of this Project include:

- 1540 Market Street (aka “One Oak”) – 319 units; approved
- 1554 Market Street – 109 units; under construction
- 1629 Market Street (aka “Plumber’s Union”) – 584 units and rehab of Civic Center Hotel, new assembly space and Brady Park; approved
- 30 Otis Street – 416 units, new facility for City Ballet; under construction
- 1601 Mission Street – 220 units; approved
- 1500 Mission Street – 550 units, new City office building; under construction
- 98 Franklin Street – 345 units; proposed
- 30 Van Ness Avenue – 333 units; proposed

5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach regarding the Project dating back to about 2017 with a variety of stakeholders, both individuals and with established neighborhood organizations. The majority of project meetings with neighborhood organizations occurred in 2018 and 2019, having met with the following groups: Hayes Valley Neighborhood Association (HVNA), Van Ness Corridor Neighborhood Coalition (VNCNC), Civic Center Central Business District (CCCBD), San Francisco Heritage, and San Francisco Housing Action Coalition (SFHAC). Letters of support for the Project were received by CCCBD and SFHAC. Apart from comments received by the Department during the DEIR review period, staff has received minimal public comment regarding the proposal. The few comments received were generally supportive of the Project, with similar concern regarding the loss of the Fillmore West historic resource as also noted during the DEIR period.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code, as outlined in Section 6 of the Downtown Project Authorization, Motion No. [\_\_\_\_]. Additionally, with respect to the requested Conditional Use Authorization the Commission finds:

- A. **Non-Residential Use Size.** Pursuant to Planning Code Section 249.33(b)(7), individual retail uses are principally permitted up to 5,999 square feet and require conditional use authorization above this amount.

*The Project is proposing 11 distinct commercial spaces located at the ground floor, all of which are less than 6,000 square feet in size. Additionally, the Project is proposing one commercial tenant space at the second floor that is approximately 9,087 square feet. The Project is requesting conditional use authorization for this individual use size greater than 6,000 square feet.*

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

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

*The proposed use size over 6,000 square feet is to be located at the second floor of the Project. As such, the Project would maintain a fine-grained pattern of storefronts along the ground floor, consistent with active use provisions and active commercial requirements of Planning Code Section 145.4. At the same time, the larger use size is also desirable for the neighborhood and community as this space could accommodate a small market, hardware store or some other type of neighborhood-serving use, which frequently require more than 6,000 square feet of space. Creating space for such uses will be very important particularly as this part of the City becomes increasingly residential through implementation of the Market Octavia and Hub plans. The property is also still located within the Downtown Area Plan and was zoned C-3-G prior to passage of the Hub amendments. Individual retail spaces within C-3 Districts begin to require conditional use authorization only when their size exceeds 90,000 square feet. Within the context of the Downtown area, therefore, the proposed retail space is also compatible and appropriate for this area.*

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

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

*The proposed retail space in excess of 6,000 square feet will have minimal impact on the overall nature of the proposed site and building as it accounts for only a small fraction of the overall proposed square*

*footage. The proposed size, shape and arrangement of structures has been well designed and supports the objectives and policies of the City's General Plan and relevant plan areas as discussed in Section 8 of the Downtown Project Authorization, Motion No. XXXXX.*

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

*The Planning Code does not require parking or loading for this individual retail space proposed in excess of 6,000 square feet. The Project's uses are evaluated in their entirety and the Project is choosing to provide 13 accessory off-street parking spaces for all proposed commercial uses in the building. At the first basement level of the garage, the Project is also providing four full-size freight loading spaces as well as two smaller service vehicle loading spaces. Along South Van Ness Avenue, it is anticipated that the Project frontage will have two areas of dedicated passenger loading, while 12<sup>th</sup> Street will have multiple spaces of on-street commercial loading available. Although the second-floor space will be able to accommodate a larger use, it is anticipated that such use will still largely be neighborhood-serving and will not generate significant amounts of vehicular traffic from the neighborhood or elsewhere in the City. The Project's site atop the Van Ness Muni Station and its proximity to other transit lines incentivize neighborhood travel to the site by public transit or other alternative means.*

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

*The proposed retail use will not result in any noxious or offensive emissions such as noise, glare, dust, and odor. The Project overall will implement construction management strategies to minimize these types of impacts during the period of construction.*

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

*The proposed retail use does not require consideration with respect to landscaping, screening, open space, parking and loading areas, lighting or signs. The overall project has given due consideration to these aspects and is described in greater detail in Section 8 of the Downtown Project Authorization, Motion No. XXXXX*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed in Sections 6 through 8 of the Downtown Project Authorization, Motion No. XXXXX.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Commercial District and Van Ness and Market Residential Special Use District.



*The Project is in conformity with the purposes of the Downtown – General Commercial District and the Van Ness and Market Residential Special Use District, as detailed in Sections 6 through 8 of the Downtown Project Authorization, Motion No. XXXXX.*

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 Section 8 of the Downtown Project Authorization, Motion No. XXXXX, 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 Section 9 of the Downtown Project Authorization, Motion No. XXXXX, 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. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-004568CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 28, 2020, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Final Environmental Impact Report (FEIR), the Department's Memorandum to File dated June XX, 2020, and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. [\_\_\_\_\_] and the MMRP, included as Attachment B to that Motion. All required mitigation and improvement measures identified in Attachment B of Motion No. [\_\_\_\_\_] are included as conditions of approval, included by reference to the conditions of approval contained within Exhibit A of the Downtown Project Authorization, Motion No. [\_\_\_\_\_].

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 11, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

**Draft Motion  
June 11, 2020**

**RECORD NO. 2015-004568CUA  
10 South Van Ness Avenue**

NAYS:

ABSENT:

ADOPTED: June 11, 2020

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** to allow an individual retail use in excess of 6,000 square feet, in connection with a proposal to demolish the existing two-story commercial building, and construct a new 55-story, 590-foot tall, mixed-use residential building (approximately 906,811 gross square feet) with 966 dwelling units (consisting of 347 studios, 433 one-bedroom units, 165 two-bedroom units, and 21 three-bedroom units), approximately 29,443 square feet of retail sales and service uses, two basement garage levels consisting of 255 off-street parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, and 321 Class 1 bicycle parking spaces, plus 61 Class 2 bicycle spaces located within the public right of way, located at 10 South Van Ness Avenue, on Assessor's Block 3506, Lots 003A and 004, pursuant to Planning Code Section(s) 303 and 249.33(b)(7) within the C-3-G (Downtown – General) Zoning District, the Van Ness and Market Residential Special Use District, the existing 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market Octavia Area Plan Amendments; in general conformance with plans, dated May 28, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2015-004568CUA and subject to conditions of approval reviewed and approved by the Commission on June 11, 2020 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 11, 2020 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://www.sf-planning.org)*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*

6. **Additional Project Authorization.** The Project is conditioned upon the final and effective approval of the Market and Octavia Area Plan Amendment ordinances (Board of Supervisors File Nos. XXXXXX, XXXXXX, XXXXXX, and XXXXXX); a Downtown Project Authorization and Request for Exceptions under Section 309 of the Planning Code; a Shadow Determination under Section 295 that the net new shadow cast by the Project on Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site will be insignificant to the use of said parks; and a Variance under Sections 305 and 145.1(c)(2) for a garage entry wider than 20 feet, and satisfy all the conditions thereof. Specifically, the Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2015-004568ENV~~DNX~~CUAVARSHD (Downtown Project Authorization under Planning Code Section 309) apply to this approval and are incorporated herein as though fully set forth. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

7. **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](http://www.sf-planning.org)*

8. **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](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: JUNE 11, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2015-004568SHD  
*Project Address:* 10 SOUTH VAN NESS AVENUE  
*Zoning:* C-3-G (Downtown – General) Zoning District  
(Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts  
(Proposed) 120/400-R-2 // 140/590-R-2, and  
120/400-R-2/120-R-2 // 140/590-R-2  
Van Ness and Market Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
10 SVN LLC  
8 10<sup>th</sup> Street, Suite 1205  
San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
2200 Biscayne Blvd.  
Miami, FL 33137  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

**ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON PATRICIA'S GREEN, PAGE AND LAGUNA MINI PARK, HAYES VALLEY PLAYGROUND, KOSHLAND COMMUNITY PARK AND LEARNING CENTER, HOWARD AND LANGTON MINI PARK, BUCHANAN STREET MALL, AND THE 11<sup>TH</sup> AND NATOMA FUTURE PARK SITE, BY THE PROPOSED PROJECT AT 10 SOUTH VAN NESS AVENUE WOULD NOT BE ADVERSE TO THE USE OF THE AFOREMENTIONED PARKS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

Under Planning Code 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 Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, 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).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning

Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department (the "Proposition K Memorandum").

The Proposition K Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. The seven parks pertaining to this Motion and which would be shaded by the proposed Project at 10 South Van Ness Avenue - Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site – were not named in the Proposition K Memorandum. Additionally, all seven parks are less than 2 acres (seven of which are less than 1 acre) and are therefore considered small parks under the Proposition K Memorandum.

All but one of the seven parks – Koshland Community Park – are shadowed under existing conditions for at least 20 percent of the Theoretical Available Annual Sunlight (TAAS) applicable to each park. For those six small parks that have existing shadowing in excess of 20 percent of the park TAAS, the Proposition K Memorandum recommended that no additional shadow was to be permitted on the park. For Koshland Community Park, which is shadowed for less than 20 percent of TAAS, the Proposition K Memorandum did not provide a guideline. Approval of new shadow on the seven aforementioned parks would require hearings at the Recreation and Park Commission and the Planning Commission.

On March 21, 2016, Adam Tartakovsky, on behalf of the property owner 10 SVN LLC (hereinafter "Project Sponsor") filed Application No. 2015-004568SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a 55-story, 590-ft. tall (610-ft. tall inclusive of rooftop screening), 906,811 gross square foot mixed use building containing approximately 29,443 square feet of ground floor retail sales and service use, 966 dwelling units, a combined 42,544 total square feet of private and common open space (inclusive of 4,560 square feet of POPOS near the Market Street and Van Ness Avenue), and a two-level basement garage measuring 99,150 square feet with access from 12<sup>th</sup> Street for 255 off-street vehicle parking spaces, 4 off-street freight loading spaces, 2 off-street service vehicle spaces, 6 car-share spaces, 321 Class 1 bicycle parking spaces plus 61 Class 2 bicycle parking spaces located within the public right-of-way (hereinafter "Project") at 10 South Van Ness Avenue, Block 3506 and Lots 003A and 004 (hereinafter "Project Site"). The Project is located within the C-3-G (Downtown – General) Zoning District, Van Ness and Market Residential Special Use District, the existing 120/400-R-2 and 120-R-2 Height and Bulk Districts, and the proposed 120/400-R-2//140/590-R-2 and 120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts under the Market Octavia Area Plan Amendments.

A shadow analysis report, dated January 17, 2018, was prepared by FASTCAST (hereinafter "Shadow Study"), analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Park Department (Record No. 2015-004568SHD). Information about each of the seven properties as well as the results of the Shadow Study are provided below:



Patricia's Green

Patricia's Green is an approximately 17,900 sf (0.41 acre) urban park under the jurisdiction of the Recreation and Park Department (RPD) and located in the Hayes Valley and Western Addition neighborhood of San Francisco. The park is located along the former Central Freeway parcel, bounded by Hayes Street to the north, Fell Street to the south, and Octavia Boulevard on its east and west. Patricia's Green is divided into three basic sections. On the northern portion of the park is a picnic seating area located along Hayes Street. It features a plaza with four picnic tables around a mature tree with a mix of wooden and concrete benches. Two additional picnic tables are located on the western side of this area along Octavia Street, adjacent to some of the nearby restaurants. The central section contains a circular plaza with four concrete benches and eight bollards, and functions as an area for art exhibitions. Lawn areas are located to the north and south of the center plaza. Surrounding the lawn areas are brick sidewalks forming the inner border of the park. Patricia's Green visitors can sit on benches lining the outer edges of the sidewalks. The southern portion of the park contains a children's play area, which features a dome structure with ropes and bars for climbing and rubber safety paving. Delineation between the play area and the lawn is made by low square concrete pillars. A metal fence encloses the Fell Street side. A service building is located on the southwest corner of Patricia's Green. On the periphery of the Patricia's Green there are concrete ledges and benches interspersed with approximately 24 trees and plantings.

The park has approximately 66,620,503 square foot hours (sfh) of Theoretically Available Annual Sunlight (TAAS), of which, existing shadow coverage accounts for 13,462,755 sfh, or 20.21 percent of TAAS.

The Shadow Study found that the proposed Project would add 212,668 sfh of net new shadow resulting in a 0.319 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Patricia's Green would be 13,675,423 sfh, or 20.53 percent of TAAS. Shadow from the proposed Project on Patricia's Green would occur between January 18<sup>th</sup> – March 1<sup>st</sup>, and October 8<sup>th</sup> – November 22<sup>nd</sup>. No new shadow would affect the park after 9:29 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> at 9:00 a.m., lasting approximately 15 minutes and covering an area of approximately 11,895 sf. The average duration of new shadow resulting from the Project would be 29 minutes and 33 seconds. The longest new shadow duration resulting from the Project would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> for approximately 55 minutes and 48 seconds.

Page & Laguna Mini Park

Page & Laguna Mini Park is an approximately 6,576 sf (0.15 acre) park under the jurisdiction of the Recreation and Park Department (RPD) and located in the Western Addition neighborhood of San Francisco. The park is located on the western side of the block bounded by Page Street to the north, Rose Street to the south, Octavia Boulevard to the east, and Laguna Street to the west. The park primarily consists of a curving walkway surrounded by vegetation and some seating underneath apple trees. The park is situated between two Victorian houses and is bordered with a wrought-iron gate.

The park has approximately 24,472,209 sfh of TAAS, of which, existing shadow coverage accounts for 12,095,949 sfh, or 49.43 percent of TAAS.

The Shadow Study found that the proposed Project would add 14,086 sfh of net new shadow resulting in a 0.058 percent increase in annual shadow as a percentage of TAAS. Under existing plus project

conditions, the total annual shadow coverage on Page & Laguna Mini Park would be 12,110,036 sfh, or 49.49 percent of TAAS. Shadow from the proposed Project on Page & Laguna Mini Park would occur between April 9<sup>th</sup> – May 10<sup>th</sup>, and August 2<sup>nd</sup> – August 23<sup>rd</sup>. During the periods of shadow, the largest new shadow by area would occur on May 3<sup>rd</sup> and August 9<sup>th</sup> at 7:45 a.m., lasting approximately 15 minutes and covering an area of approximately 1,236 sf. The average duration of new shadow resulting from the Project would be 19 minutes and 12 seconds. The longest new shadow duration resulting from the Project would occur on April 26<sup>th</sup>, May 3<sup>rd</sup>, August 9<sup>th</sup> and August 16<sup>th</sup> for approximately 27 minutes and 36 seconds.

#### Hayes Valley Playground

Hayes Valley Playground is an approximately 32,805 sf (0.75 acre) playground under the jurisdiction of the Recreation and Park Department (RPD) and located in the Western Addition neighborhood of San Francisco. It features play areas for children, a stage and plaza to facilitate community gatherings, community garden plots and outdoor fitness equipment. The Playground occupies the western half of the block, and is bounded by Hayes Street to the north, Linden Street to the south, and Buchanan Street to its west.

The park has approximately 122,080,743 sfh of TAAS, of which, existing shadow coverage accounts for 32,458,749 sfh, or 26.59 percent of TAAS.

The Shadow Study found that the proposed Project would add 29,168 sfh of net new shadow resulting in a 0.024 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Hayes Valley Playground would be 32,487,917 sfh, or 26.61 percent of TAAS. Shadow from the proposed Project on Hayes Valley Playground would occur between March 1<sup>st</sup> – March 8<sup>th</sup>, and October 4<sup>th</sup> – October 11<sup>th</sup>. No new shadow would affect the playground after 8:29 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on March 8<sup>th</sup> and October 4<sup>th</sup> at 8:15 a.m., lasting approximately 10 minutes and covering an area of approximately 7,762 sf. The average duration of new shadow resulting from the Project would be 9 minutes and 54 seconds. The longest new shadow duration resulting from the Project would occur on March 4<sup>th</sup> and October 8<sup>th</sup> for approximately 12 minutes and 36 seconds.

#### Koshland Community Park and Learning Center

Koshland Community Park and Learning Center is an approximately 35,775 sf (0.82 acre) park under the jurisdiction of the Recreation and Park Department (RPD) and located in the Western Addition neighborhood of San Francisco. The park features children's play equipment, community garden plots, and a half-basketball court in the northwest corner of the park. The park is located in the northwest corner of the block bounded by Page Street to the north, Haight Street to the south, Buchanan Street to the west, and Laguna Street to the east.

The park has approximately 133,133,539 sfh of TAAS, of which, existing shadow coverage accounts for 21,611,520 sfh, or 16.23 percent of TAAS.

The Shadow Study found that the proposed Project would add 82,257 sfh of net new shadow resulting in a 0.06 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Koshland Community Park and Learning Center would be 21,696,777 sfh, or 16.3 percent of TAAS. Shadow from the proposed Project on Koshland Community

Park and Learning Center would occur between April 19<sup>th</sup> – May 3<sup>rd</sup>, and August 9<sup>th</sup> – August 23<sup>rd</sup>. No new shadow would affect the park after 7:44 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on April 26<sup>th</sup> and August 16<sup>th</sup> at 7:25 a.m., lasting approximately 2 minutes and 24 seconds, covering an area of approximately 19,772 sf. The average duration of new shadow resulting from the Project would be 10 minutes and 36 seconds. The longest new shadow duration resulting from the Project would occur on April 26<sup>th</sup>, May 3<sup>rd</sup>, August 9<sup>th</sup> and August 13<sup>th</sup> for approximately 12 minutes and 36 seconds.

#### Howard & Langton Mini Park

Howard & Langton Mini Park is an approximately 10,218 sf (0.23 acre) park and community garden under the jurisdiction of the Recreation and Park Department (RPD) and located in the South of Market neighborhood of San Francisco. The perimeter of the park is lined by large trees and the park is crisscrossed by sandy paths that surround and define the community garden beds. The park is located along the northern side of the block bounded by Howard Street immediately to the north and Langton Street immediately to the east, Rausch Street to the west and Folsom Street to the south.

The park has approximately 38,025,265 sfh of TAAS, of which, existing shadow coverage accounts for 18,575,415 sfh, or 48.85 percent of TAAS.

The Shadow Study found that the proposed Project would add 812 sfh of net new shadow resulting in a 0.002 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Howard & Langton Mini Park would be 18,576,228 sfh, or 48.85 percent of TAAS. Shadow from the proposed Project on Howard & Langton Mini Park would occur for approximately one week around February 22<sup>nd</sup> and October 18<sup>th</sup>. During the periods of shadow, the largest new shadow by area would occur on February 22<sup>nd</sup> and October 18<sup>th</sup> at 5:27 p.m., lasting approximately 6 minutes and covering an area of approximately 602 sf; this would also be the longest new shadow by duration. The average duration of new shadow resulting from the proposed project would be 6 minutes.

#### Buchanan Street Mall

Buchanan Street Mall is an approximately 78,925 sf (1.81 acre) linear park under the jurisdiction of the Recreation and Park Department (RPD) and located in the Western Addition neighborhood of San Francisco. The park runs roughly north to south for five city blocks with distinct sections, containing in aggregate, several lawn areas, children's play equipment, and a half-basketball court. The park primarily runs along Buchanan Street from Eddy Street to the north, to Grove Street to the south.

The park has approximately 293,711,495 sfh of TAAS, of which, existing shadow coverage accounts for 81,866,060 sfh, or 27.87 percent of TAAS.

The Shadow Study found that the proposed Project would add 9,632 sfh of net new shadow resulting in a 0.003 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Buchanan Street Mall would be 81,875,692 sfh, or 27.88 percent of TAAS. Shadow from the proposed Project on Buchanan Street Mall would occur between January 11<sup>th</sup> – February 8<sup>th</sup>, and November 1<sup>st</sup> – November 29<sup>th</sup>. No new shadow would affect the park after 8:10 a.m. any day of the year. During the periods of shadow, the largest new shadow by area would occur on January 18<sup>th</sup> and November 22<sup>nd</sup> at 8:00 a.m., lasting approximately 9 minutes and covering an area of

approximately 2,475 sf. The average duration of new shadow resulting from the Project would be 7 minutes and 3 seconds. The longest new shadow duration resulting from the Project would occur on January 18<sup>th</sup> and November 22<sup>nd</sup> for approximately 10 minutes and 12 seconds.

11<sup>th</sup> and Natoma Future Park Site

The Recreation and Park Department has acquired a new park property on 11<sup>th</sup> Street between Minna and Natoma Streets within the South of Market neighborhood (Lots 035, 037, 039, 055, and 056 in Assessor's Block 3510). Construction of the proposed park has not yet commenced and it is unclear exactly how the park will be programmed. When completed, it is expected that it will contain approximately 19,597 sf (0.45 acre), approximately 72,927,691 sfh of TAAS, of which, existing shadow coverage accounts for 15,160,278 sfh, or 20.79 percent of TAAS.

The Shadow Study found that the proposed Project would add 1,048,546 sfh of net new shadow resulting in a 1.44 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on the 11<sup>th</sup> and Natoma Future Park Site would be 16,208,824 sfh, or 22.23 percent of TAAS.

Shadow from the proposed Project on the 11<sup>th</sup> and Natoma Future Park Site would occur between March 22<sup>nd</sup> and September 20<sup>th</sup>. No shadow from the Project would occur prior to 5:30 p.m. on any day of the year. During the periods of shadow, the largest new shadow by area would occur on May 31<sup>st</sup> and July 12<sup>th</sup> at 6:00 p.m., lasting approximately 15 minutes and covering an area of approximately 11,679 sf. The average duration of new shadow resulting from the Project would be 59 minutes and 50 seconds. The longest new shadow duration resulting from the Project would occur on May 17<sup>th</sup> and July 26<sup>th</sup> for approximately 1 hour, 42 minutes and 36 seconds.

Page Street Community Garden

Page Street Community Garden is an approximately 3,305 sf (0.08 acre) community garden under the jurisdiction of the Recreation and Park Department (RPD) and located in the Western Addition neighborhood of San Francisco. The community garden is located between two residential structures and bordered by Page Street to the south and Lily Street to the north, on the block also bound by Webster Street to the west and Buchanan Street to the east.

The park has approximately 12,299,726 sfh of TAAS, of which, existing shadow coverage accounts for 8,485,777 sfh or 69 percent of TAAS. The Shadow Study found that although the community garden is located within the boundary of the shadow fan, all potential new shading from the Project would be cast on areas of the park that are already shaded and no increase to the percentage of TAAS would result. The Recreation and Park Commission therefore did not need to make a recommendation with regard to shadow impacts on this park, and it is not one of the seven parks that is the subject of this motion.

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On April 8, 2015, the Project Sponsor filed an Environmental Evaluation Application with the Planning Department for a Project consisting of demolition and new construction at the Project Site. The Department accepted the Environmental Evaluation Application as complete on September 28, 2015.

On July 12, 2017, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”). Publication of the NOP initiated a 30-day public review and comment period that began on July 12, 2017 and ended on August 11, 2017. On August 2, 2017, the Department held a public scoping meeting regarding the Project. On May 2, 2018, the Department published the Initial Study (“IS”) and provided public notice in a newspaper of general circulation of the availability of the IS; this notice was mailed to the Department’s list of persons requesting such notice.

On October 17, 2018, the Department published the Draft Environmental Impact Report (hereinafter, “DEIR”) 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 the date and time of the public hearing were posted near the Project Site by the Project Sponsor on October 17, 2018.

On December 6, 2018, 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 DEIR ended on December 11, 2018. The Department prepared responses to comments on environmental issues received during the 54-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 March 3, 2020, 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 review process, any additional information that became available, and the Responses to Comments document, all as required by law.

On May 21, 2020, 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 May 21, 2020 by adoption of its Motion No. 20720.

On June 11, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance application for the 10 South Van Ness Project (Record No. 2015-004568PRJ). At the same Planning Commission 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, including a Mitigation Monitoring and Reporting Program (“MMRP”) 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. [\_\_\_\_\_].

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2015-004568SHD is located at 1650 Mission Street, Suite 400, San Francisco, California.

On May 21<sup>st</sup>, 2020 the full Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meetings and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site.

On June 11, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2015-004568SHD.

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

## **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. The Commission made and adopted California Environmental Quality Act 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, including the MMRP, based on substantial evidence in the whole record of this proceeding and pursuant to CEQA, the CEQA Guidelines, and 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 would not be adverse and is not expected to interfere with the use of Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, or the 11<sup>th</sup> and Natoma Future Park Site for the following reasons:
  - a. The magnitude of the additional shadow on five of the seven parks is less than 0.1 percent of each park's TAAS on an annual basis. For the other two parks, Patricia's Green will see an increase shadow of 0.319 percent of the TAAS, while at the 11<sup>th</sup> and Natoma Future Park Site the Project will result in an increase of 1.44 percent.

For all but Koshland Community Park and Learning Center, the Proposition K Memorandum recommends no additional shadow be cast on the parks, as these are small parks (less than 2 acres in size) with existing shadow above 20 percent of TAAS. Although several parks do not adhere to this guideline and would result in additional shadow on the park, the proposed amount of shadow at each park is reasonable and generally a small loss of sunlight for urban parks within or adjacent to an area intended for increased building heights and residential density.

- b. When present, the new shadow on the seven parks would generally be of short duration and/or during times when park usage is less frequent. At five of the seven parks, for example, the longest new shadow duration would last for less than fifteen minutes. For parks to the west of the Project Site in the Western Addition Neighborhood, shadows would generally occur during morning hours. At the two parks where shadow would occur for longer than fifteen minutes – Patricia’s Green and the Page & Laguna Mini Park – no new shadow would occur after about 9:30 a.m. and 8:15 a.m., respectively. Two of the seven parks will receive late afternoon shadows, located generally to the east of the site in the South of Market neighborhood. At the Howard & Langton Mini Park, the longest new shadow would last for only 6 minutes, while at the 11<sup>th</sup> and Natoma Future Park Site the new shadow duration would be much longer, on average lasting about an hour, but would not occur prior to 5:30 p.m.

For many of the seven parks, including Patricia’s Green, usage of the park during the period of new shadow is relatively low, while midday and early afternoon activities will be unaffected by the Project. At the 11<sup>th</sup> and Natoma Future Park Site, anticipated times and patterns of park usage are unknown at this time, as is the park’s programming. However, given the park’s location closer to downtown and other Hub projects, it is reasonable to accept additional shading from the urban environment here; with the Project’s addition overall park shading is still only at about 22 percent of TAAS.

- c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
4. **Public Outreach and Comment.** The Project Sponsor has conducted community outreach regarding the Project dating back to about 2017 with a variety of stakeholders, both individuals and with established neighborhood organizations. The majority of meetings regarding the Project with neighborhood organizations occurred in 2018 and 2019, having met with the following groups: Hayes Valley Neighborhood Association (HVNA), Van Ness Corridor Neighborhood Coalition (VNCNC), Civic Center Central Business District (CCCBD), San Francisco Heritage, and San Francisco Housing Action Coalition (SFHAC). Letters of support for the Project were received by CCCBD and SFHAC. Apart from comments received by the Department during the DEIR review period, staff has received minimal public comment regarding the proposal. The few comments received were generally supportive of the Project, with similar concern regarding the loss of the Fillmore West historic resource as also noted during the DEIR period. No comments were received regarding potential shadow impacts of the Project.

5. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. [     ], which are incorporated by reference as though fully set forth herein.
6. **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.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
8. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.



**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 **DETERMINES**, under Shadow Analysis Application No. 2015-004568SHD that the net new shadow cast by the Project on Patricia's Green, Page & Laguna Mini Park, Hayes Valley Playground, Koshland Community Park and Learning Center, Howard & Langton Mini Park, Buchanan Street Mall, and the 11<sup>th</sup> and Natoma Future Park Site will not be adverse to the use of the aforementioned parks.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 11, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

DATE: June 11, 2020

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# Exhibit B

## Plans and Renderings

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# 10 SVN



## SITE CONTEXT

- 04 VICINITY MAP
- 05 EXISTING CONTEXT
- 06 FUTURE HUB CONTEXT
- 08 SITE SURVEY
- 09 SITE VIEWS

## STREET FRONTAGES

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- 12 EXISTING MARKET STREET STREETScape
- 13 PROPOSED MARKET STREET STREETScape
- 14 POTENTIAL BETTER MARKET STREET STREETScape
- 15 PROPOSED MARKET SECTION
- 16 EXISTING SOUTH VAN NESS STREETScape
- 17 PROPOSED SOUTH VAN NESS STREETScape
- 18 PROPOSED SOUTH VAN NESS SECTION
- 19 EXISTING 12TH STREET STREETScape
- 20 PROPOSED 12TH STREET STREETScape
- 21 PROPOSED 12TH STREET SECTION
- 23 PROPOSED WIND CANOPY LOCATIONS

## PROPOSED DESIGN

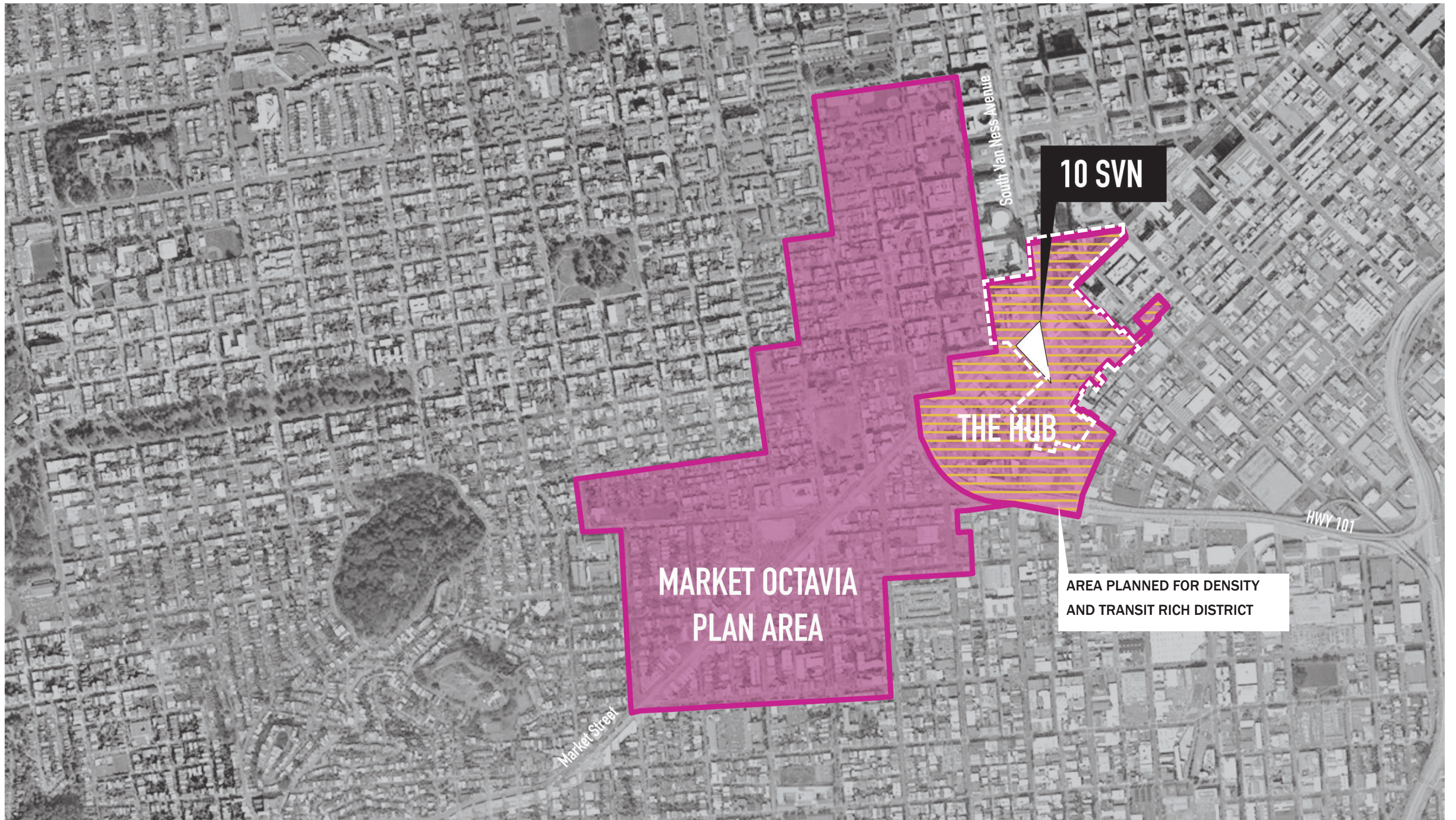
- 25 PROJECT DATA
- 26 ZONING INFORMATION
- 27 FLOOR PLAN- BASEMENT LEVEL 2
- 28 FLOOR PLAN- BASEMENT LEVEL 1
- 29 FLOOR PLAN- GROUND LEVEL
- 30 MID BLOCK ALLEY ENLARGED PLAN
- 31 FLOOR PLAN- LEVEL 2
- 32 FLOOR PLAN- LEVEL 3-8
- 33 FLOOR PLAN- LEVEL 9-13
- 34 FLOOR PLAN- LEVEL 14
- 35 FLOOR PLAN- LEVEL 15
- 36 FLOOR PLAN- LEVEL 16
- 37 FLOOR PLAN- LEVEL 17-23
- 38 FLOOR PLAN- LEVEL 24
- 39 FLOOR PLAN- LEVEL 25-26
- 40 FLOOR PLAN- LEVEL 27-33
- 41 FLOOR PLAN- LEVEL 34-36
- 42 FLOOR PLAN- LEVEL 37-43
- 43 FLOOR PLAN- LEVEL 44-46
- 44 FLOOR PLAN- LEVEL 47-53
- 45 FLOOR PLAN- LEVEL 54
- 46 FLOOR PLAN- LEVEL 55
- 47 FLOOR PLAN- ROOF
- 48 UNIT EXPOSURE DIAGRAMS
- 51 OPEN SPACE DIAGRAMS
- 52 SECTION
- 53 ELEVATIONS
- 55 ENLARGED ELEVATIONS AND REFERENCE IMAGES
- 59 PERSPECTIVE VIEWS

## INDEX

- 62 UNIT MIX ALTERNATIVES

# SITE CONTEXT

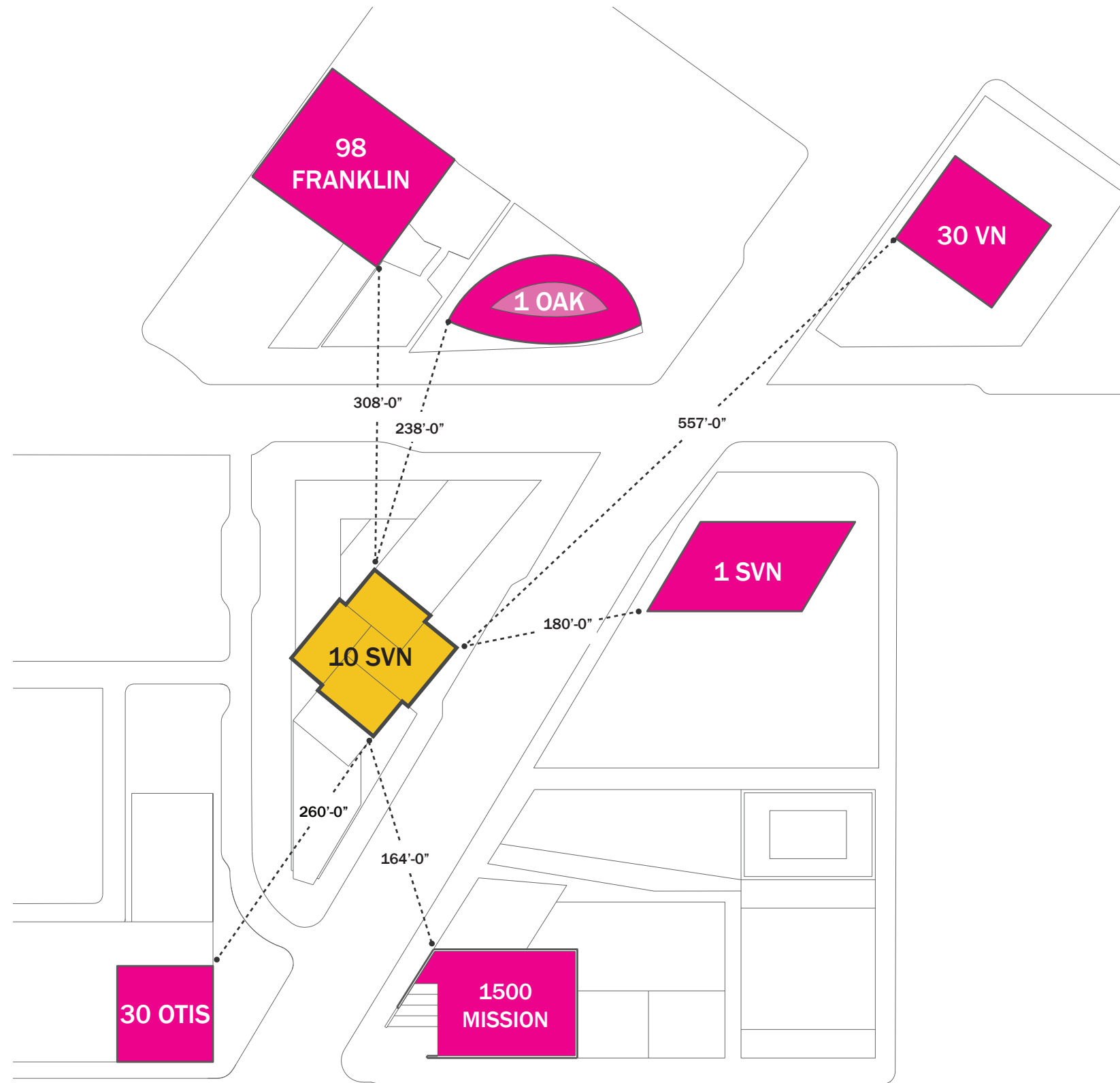




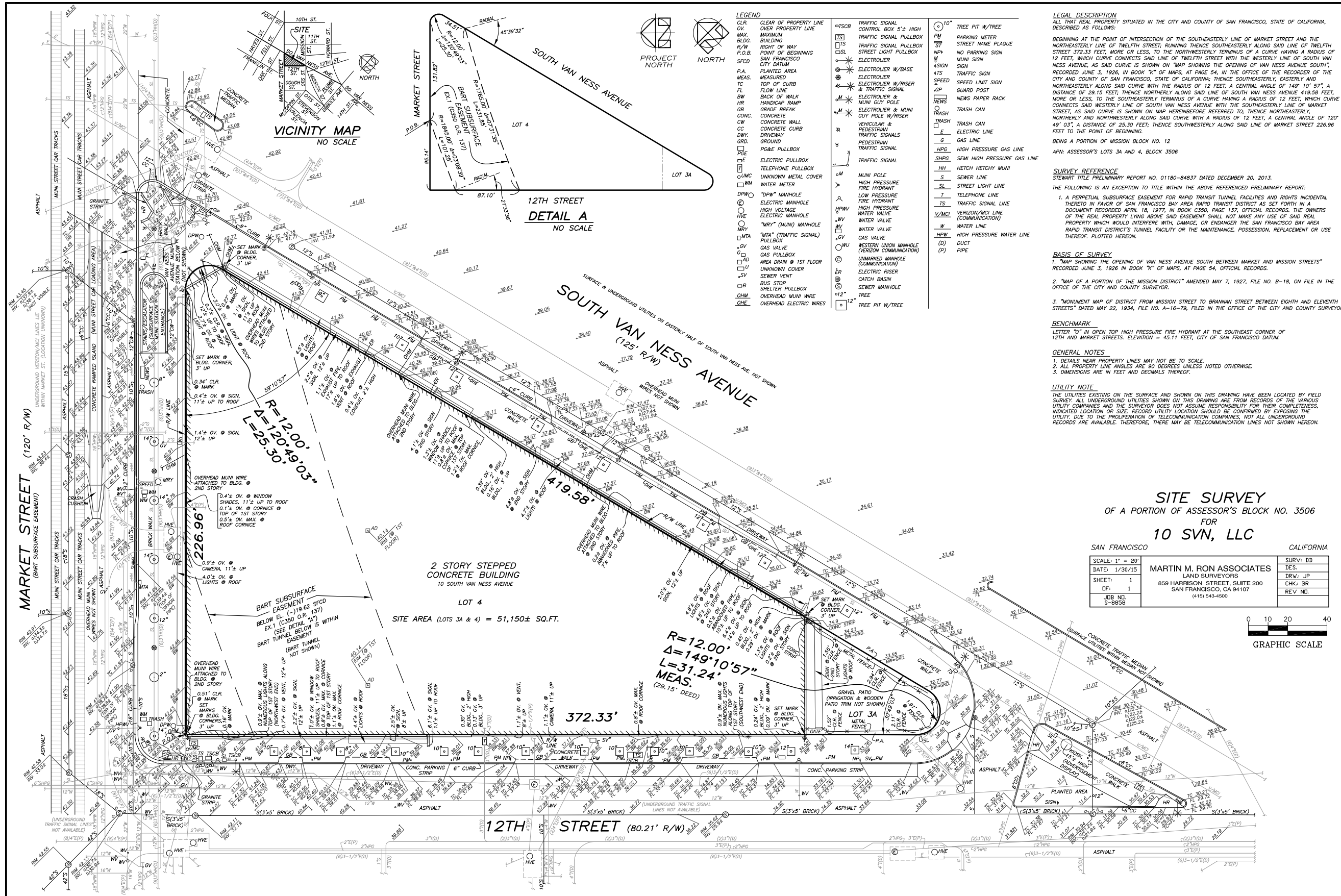












- LEGEND**
- CLR. CLEAR OF PROPERTY LINE
  - OV. OVER PROPERTY LINE
  - MAX. BUILDING
  - R/W RIGHT OF WAY
  - P.O.B. POINT OF BEGINNING
  - S.F.C.D. SAN FRANCISCO CITY DATUM
  - P.A. PLANTED AREA
  - MEAS. MEASURED
  - TC TOP OF CURB
  - FL FLOW LINE
  - BW BACK OF WALK
  - HR HANDICAP RAMP
  - GB GRADE BREAK
  - CONC. CONCRETE
  - CW CONCRETE WALL
  - CC CONCRETE CURB
  - DWY. DRIVEWAY
  - GRD. GROUND
  - PGE PG&E PULLBOX
  - PE ELECTRIC PULLBOX
  - UMC UNKNOWN METAL COVER
  - WM WATER METER
  - DPW "DPW" MANHOLE
  - EM ELECTRIC MANHOLE
  - HV HIGH VOLTAGE
  - EVE ELECTRIC MANHOLE
  - MRY "MRY" (MUNI) MANHOLE
  - MRTA "MRTA" (TRAFFIC SIGNAL) PULLBOX
  - GV GAS VALVE
  - CD AREA DRAIN @ 1ST FLOOR
  - UC UNKNOWN COVER
  - SV SEWER VENT
  - BS BUS STOP
  - SHL SHELTER PULLBOX
  - OHM OVERHEAD MUNI WIRE
  - OME OVERHEAD ELECTRIC WIRES
  - TSB TRAFFIC SIGNAL CONTROL BOX 5'± HIGH
  - TS TRAFFIC SIGNAL PULLBOX
  - SL STREET LIGHT PULLBOX
  - SFCD ELECTROILER
  - E ELECTROILER W/BASE
  - E ELECTROILER
  - E ELECTROILER W/RISER & TRAFFIC SIGNAL
  - E ELECTROILER & MUNI GUY POLE
  - E ELECTROILER & MUNI GUY POLE
  - V VEHICULAR & PEDESTRIAN TRAFFIC SIGNALS
  - P PEDESTRIAN TRAFFIC SIGNAL
  - M MUNI POLE
  - H HIGH PRESSURE FIRE HYDRANT
  - L LOW PRESSURE FIRE HYDRANT
  - HPW HIGH PRESSURE WATER VALVE
  - WV WATER VALVE
  - W WATER VALVE
  - GV GAS VALVE
  - WU WESTERN UNION MANHOLE (COMMUNICATION)
  - ER ELECTRIC RISER
  - CB CATCH BASIN
  - SM SEWER MANHOLE
  - T TREE
  - 10" TREE PIT W/TREE
  - PM PARKING METER
  - SP STREET NAME PLAQUE
  - NP MUNI SIGN
  - 45 SIGN
  - S SIGN
  - ATS TRAFFIC SIGN
  - SPD SPEED LIMIT SIGN
  - GP GUARD POST
  - NP NEWS PAPER RACK
  - TRASH TRASH CAN
  - TRASH TRASH CAN
  - E ELECTRIC LINE
  - G GAS LINE
  - HPC HIGH PRESSURE GAS LINE
  - SHPC SEMI HIGH PRESSURE GAS LINE
  - HM HATCH HETCHY MUNI
  - S SEWER LINE
  - SL STREET LIGHT LINE
  - T TELEPHONE LINE
  - TS TRAFFIC SIGNAL LINE
  - V/MCI VERIZON/MCI LINE (COMMUNICATION)
  - W WATER LINE
  - HW HIGH PRESSURE WATER LINE
  - D DUCT
  - P PIPE

**LEGAL DESCRIPTION**  
 ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF MARKET STREET AND THE NORTHEASTERLY LINE OF TWELFTH STREET; RUNNING SOUTHEASTERLY ALONG SAID LINE OF TWELFTH STREET 372.33 FEET, MORE OR LESS, TO THE NORTHWESTERLY TERMINUS OF A CURVE HAVING A RADIUS OF 12 FEET, WHICH CURVE CONNECTS SAID LINE OF TWELFTH STREET WITH THE WESTERLY LINE OF SOUTH VAN NESS AVENUE, AS SAID CURVE IS SHOWN ON MAP HEREIN REFERRED TO; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG SAID CURVE WITH THE RADIUS OF 12 FEET, A CENTRAL ANGLE OF 149° 10' 57", A DISTANCE OF 29.15 FEET; THENCE NORTHERLY ALONG SAID LINE OF SOUTH VAN NESS AVENUE 419.58 FEET, MORE OR LESS, TO THE SOUTHEASTERLY TERMINUS OF A CURVE HAVING A RADIUS OF 12 FEET, WHICH CURVE CONNECTS SAID WESTERLY LINE OF SOUTH VAN NESS AVENUE WITH THE SOUTHEASTERLY LINE OF MARKET STREET, AS SAID CURVE IS SHOWN ON MAP HEREIN REFERRED TO; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE WITH A RADIUS OF 12 FEET, A CENTRAL ANGLE OF 120° 49' 03", A DISTANCE OF 25.30 FEET; THENCE SOUTHWESTERLY ALONG SAID LINE OF MARKET STREET 226.96 FEET TO THE POINT OF BEGINNING.  
 BEING A PORTION OF MISSION BLOCK NO. 12  
 APN: ASSESSOR'S LOTS 3A AND 4, BLOCK 3506

**SURVEY REFERENCE**  
 STEWART TITLE PRELIMINARY REPORT NO. 01180-84837 DATED DECEMBER 20, 2013.  
 THE FOLLOWING IS AN EXCEPTION TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:  
 1. A PERPETUAL SUBSURFACE EASEMENT FOR RAPID TRANSIT TUNNEL FACILITIES AND RIGHTS INCIDENTAL THERETO IN FAVOR OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AS SET FORTH IN A DOCUMENT RECORDED APRIL 18, 1977, IN BOOK C350, PAGE 137, OFFICIAL RECORDS. THE OWNERS OF THE REAL PROPERTY LYING ABOVE SAID EASEMENT SHALL NOT MAKE ANY USE OF SAID REAL PROPERTY WHICH WOULD INTERFERE WITH, DAMAGE, OR ENDANGER THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT'S TUNNEL FACILITY OR THE MAINTENANCE, POSSESSION, REPLACEMENT OR USE THEREOF. PLOTTED HEREON.

**BASIS OF SURVEY**  
 1. "MAP SHOWING THE OPENING OF VAN NESS AVENUE SOUTH BETWEEN MARKET AND MISSION STREETS" RECORDED JUNE 3, 1926 IN BOOK "K" OF MAPS, AT PAGE 54, OFFICIAL RECORDS.  
 2. "MAP OF A PORTION OF THE MISSION DISTRICT" AMENDED MAY 7, 1927, FILE NO. B-18, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.  
 3. "MONUMENT MAP OF DISTRICT FROM MISSION STREET TO BRANNAN STREET BETWEEN EIGHTH AND ELEVENTH STREETS" DATED MAY 22, 1934, FILE NO. A-16-79, FILED IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

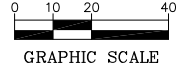
**BENCHMARK**  
 LETTER "O" IN OPEN TOP HIGH PRESSURE FIRE HYDRANT AT THE SOUTHWEST CORNER OF 12TH AND MARKET STREETS. ELEVATION = 45.11 FEET, CITY OF SAN FRANCISCO DATUM.

**GENERAL NOTES**  
 1. DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.  
 2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.  
 3. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

**UTILITY NOTE**  
 THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION OR SIZE. RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY. DUE TO THE PROLIFERATION OF TELECOMMUNICATION COMPANIES, NOT ALL UNDERGROUND RECORDS ARE AVAILABLE. THEREFORE, THERE MAY BE TELECOMMUNICATION LINES NOT SHOWN HEREON.

**SITE SURVEY**  
 OF A PORTION OF ASSESSOR'S BLOCK NO. 3506  
 FOR  
**10 SVN, LLC**

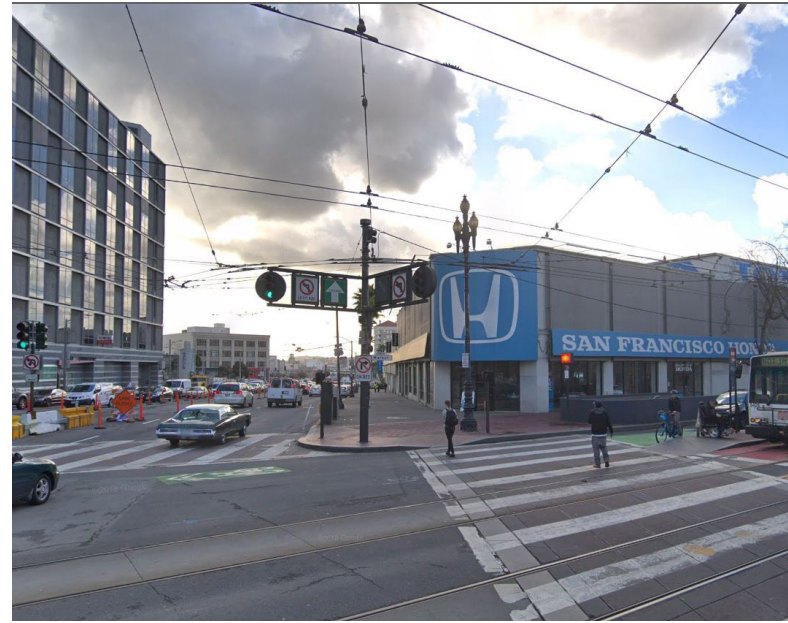
SAN FRANCISCO		CALIFORNIA	
SCALE: 1" = 20'	DATE: 1/30/15	SURV: DD	D.E.S.
SHEET: 1	DF: 1	DRW: JP	CHK: BR
MARTIN M. RON ASSOCIATES LAND SURVEYORS 859 HARRISON STREET, SUITE 200 SAN FRANCISCO, CA 94107 (415) 543-4500		REV: ND	







MARKET STREET  
LOOKING SOUTHWEST



SOUTH VAN NESS AVENUE  
LOOKING SOUTH



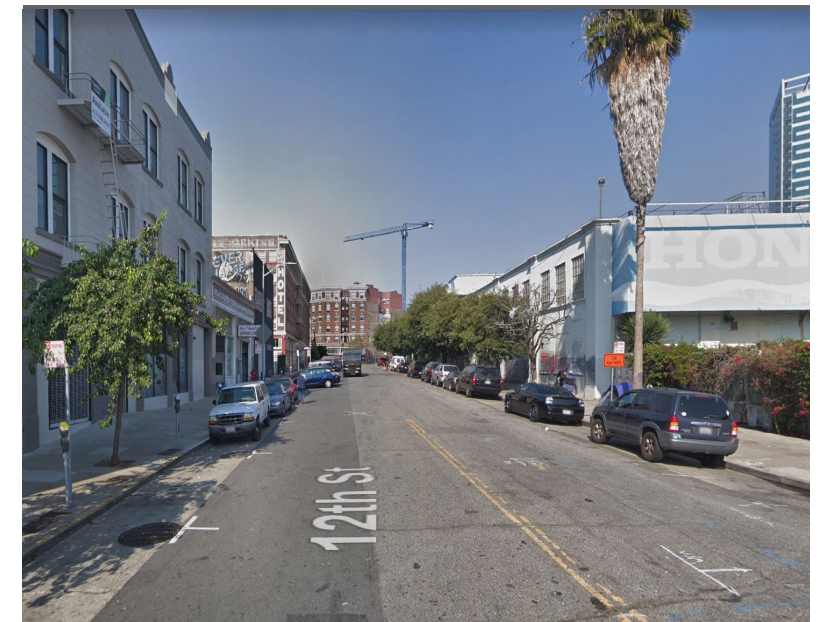
12TH STREET  
LOOKING SOUTH



MARKET STREET  
LOOKING NORTHEAST



SOUTH VAN NESS AVENUE  
LOOKING NORTH

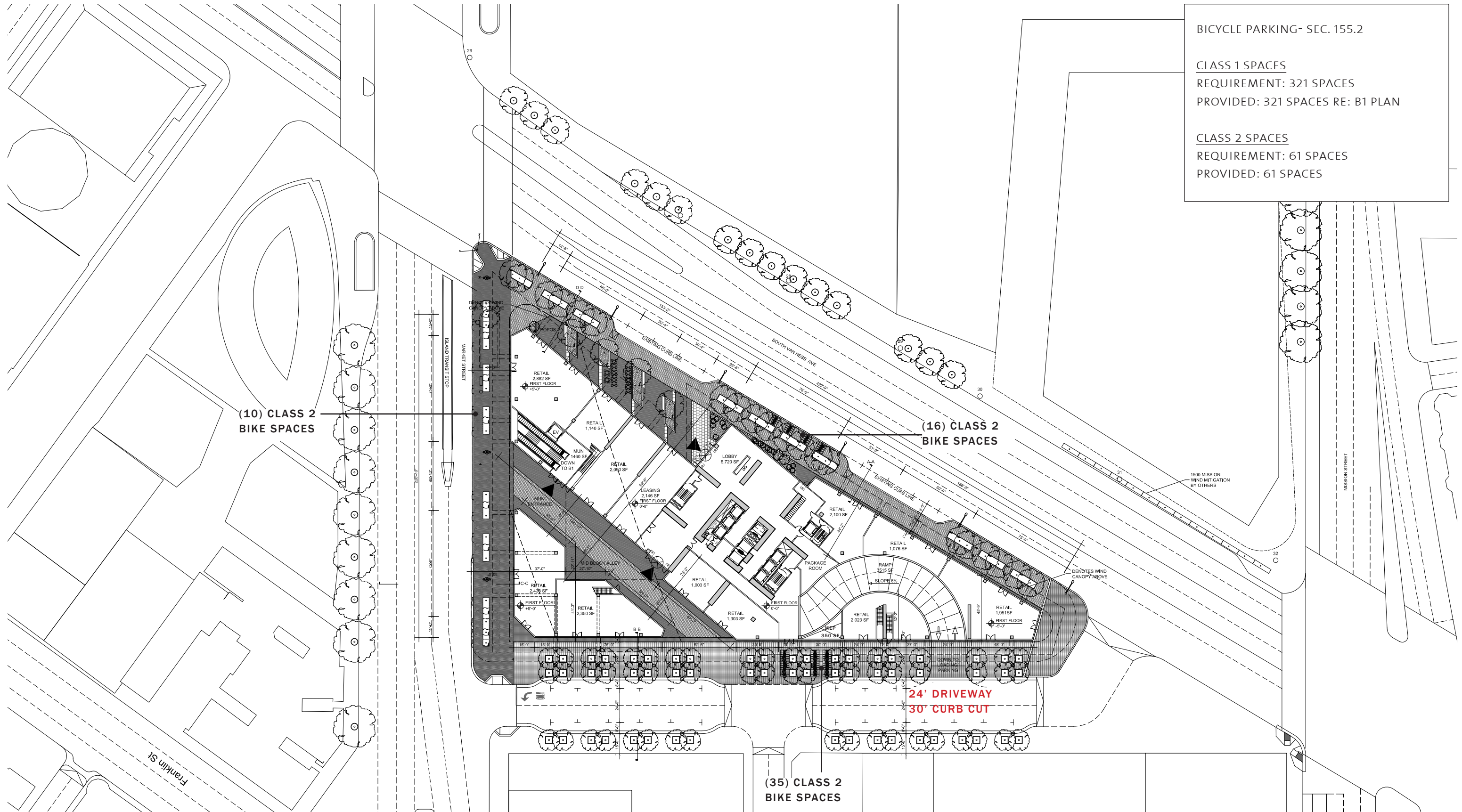


12TH STREET  
LOOKING NORTH





# STREET FRONTAGES



BICYCLE PARKING- SEC. 155.2

CLASS 1 SPACES  
 REQUIREMENT: 321 SPACES  
 PROVIDED: 321 SPACES RE: B1 PLAN

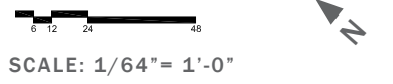
CLASS 2 SPACES  
 REQUIREMENT: 61 SPACES  
 PROVIDED: 61 SPACES

(10) CLASS 2 BIKE SPACES

(16) CLASS 2 BIKE SPACES

(35) CLASS 2 BIKE SPACES

24' DRIVEWAY  
 30' CURB CUT







London Breed, Mayor  
Naomi M. Kelly, City Administrator



March 12, 2020

Crescent Heights  
2200 Biscayne Blvd.  
Miami, FL 33137  
Attn: Adam Tartakovsky

Dear Mr. Tartakovsky:

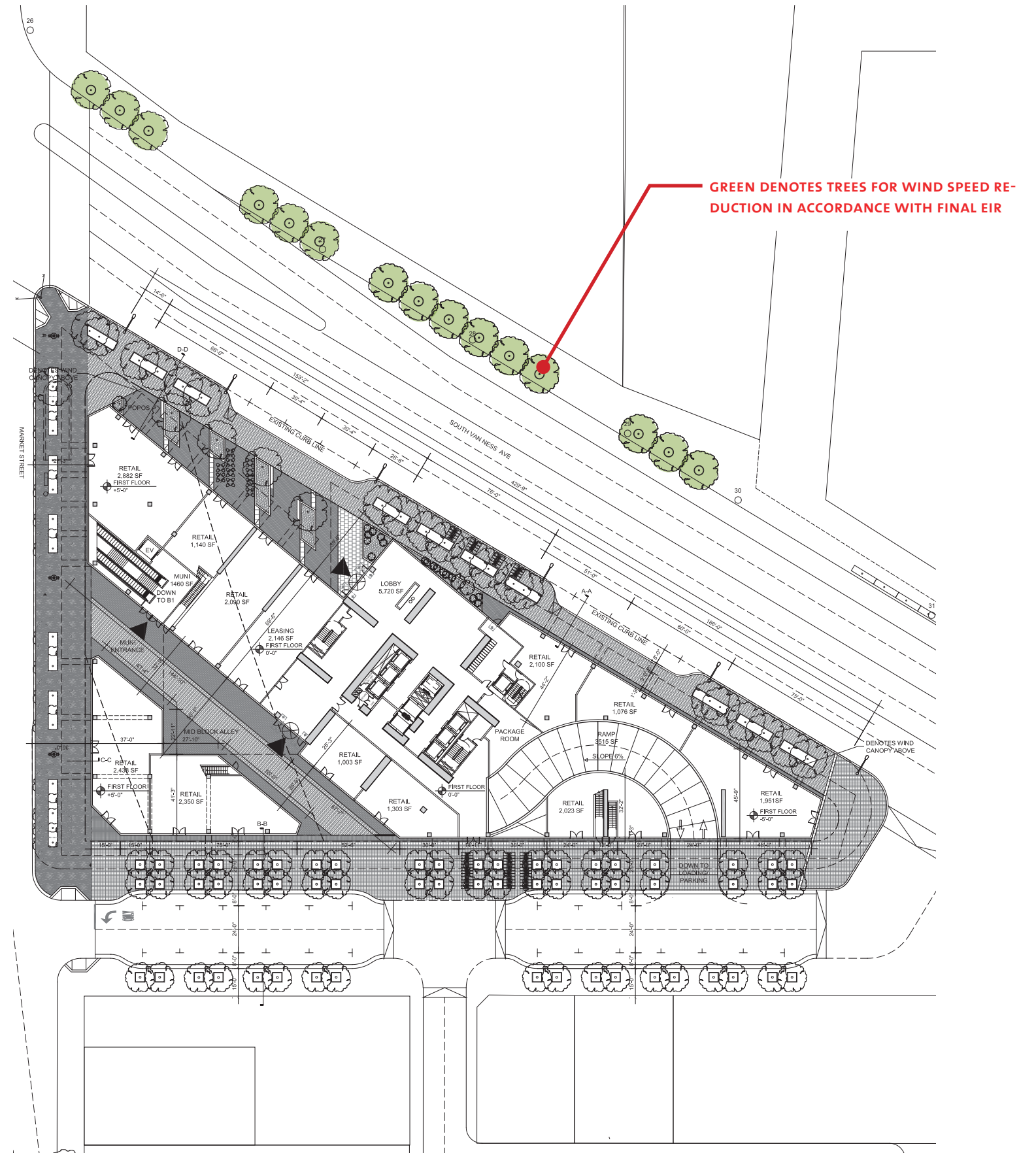
This letter pertains to your proposed mixed-use project located at 10 South Van Ness Avenue in San Francisco (the "Project Site"). 10 SVN LLC (the "Project Sponsor" or Crescent Heights) proposes to develop a mixed-use development consisting of a single 590-foot tall residential tower over a podium, with retail uses on the ground floor. The project is referred to as the "10 South Van Ness Development".

As indicated in the ground floor plans in the plan set for the project dated January 21, 2020, the 10 South Van Ness Development proposes to install street trees in vaults under the sidewalk along an eastern portion of South Van Ness Avenue, directly in front the property located at One South Avenue. The trees at this location are required in order to ensure that the 10 South Van Ness Development does not alter wind in a manner that substantially affects public areas in the vicinity of the Project Site.

The City, in its proprietary capacity as property owner, requires that any installation of trees or other wind mitigation within the public right of way will not adversely impact the structural, functional, water-resistance, or any other functional aspects of the adjacent (and subterranean) City-owned property located at 1 South Van Ness ("1 SVN"). Any use of or impact to any non-right of way City-owned property (such as 1SVN) may be subject to fair market rent/value consideration owed to City as to not confer any gift of public funds to the Project Sponsor. The City's approval of any such mitigations will also require the Project Sponsor to indemnify, defend and hold harmless City and its property at 1SVN, as well as providing insurance, including additionally insuring the City, and perpetual maintenance of the mitigation efforts. Such installations, operations and maintenance shall be at no cost to City.

Based on preliminary review of the street trees and locations as shown in the ground floor plans, at this stage of design, within the South Van Ness Right of Way, the Department of Real Estate is generally supportive, subject to the conditions specified above and negotiating any appropriate agreements to memorialize the arrangement, of proposed street trees and will continue to use good faith efforts to work and coordinate with the Project Sponsor team over the coming months as the 10 South Van Ness Development design evolves into final form.

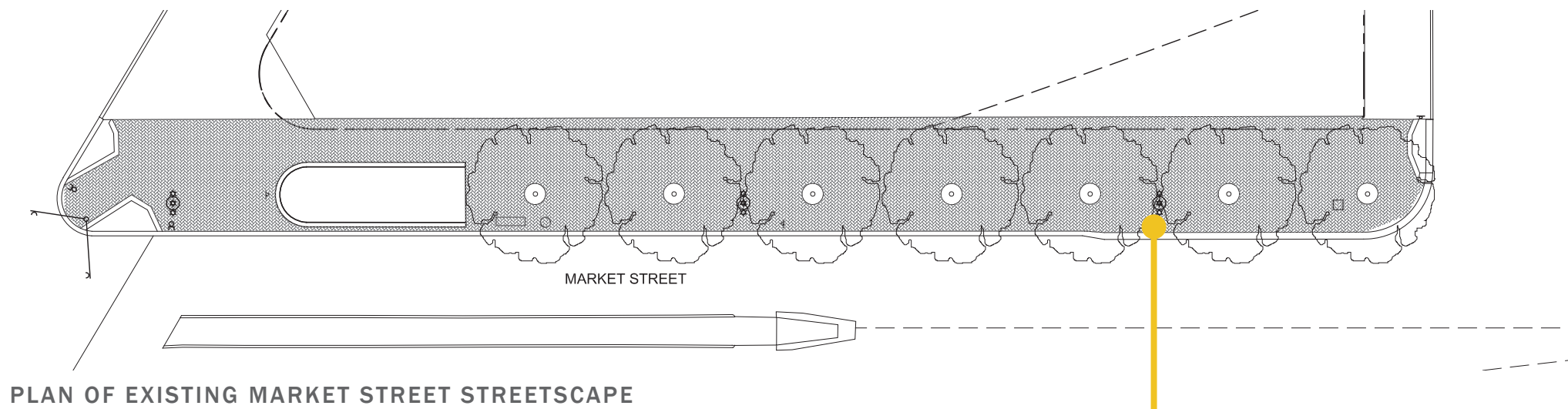
Office of the Director of Real Estate • 25 Van Ness Avenue, Suite 400 • San Francisco, CA 94102  
(415) 554-9850 • FAX: (415) 552-9216



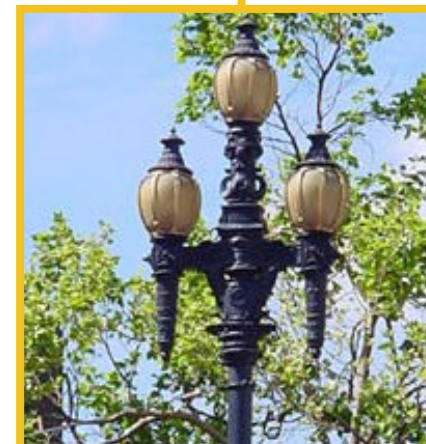




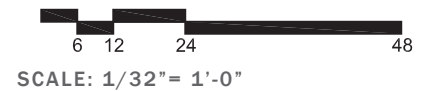
VIEW OF EXISTING MARKET STREET FRONTAGE



PLAN OF EXISTING MARKET STREET STREETScape



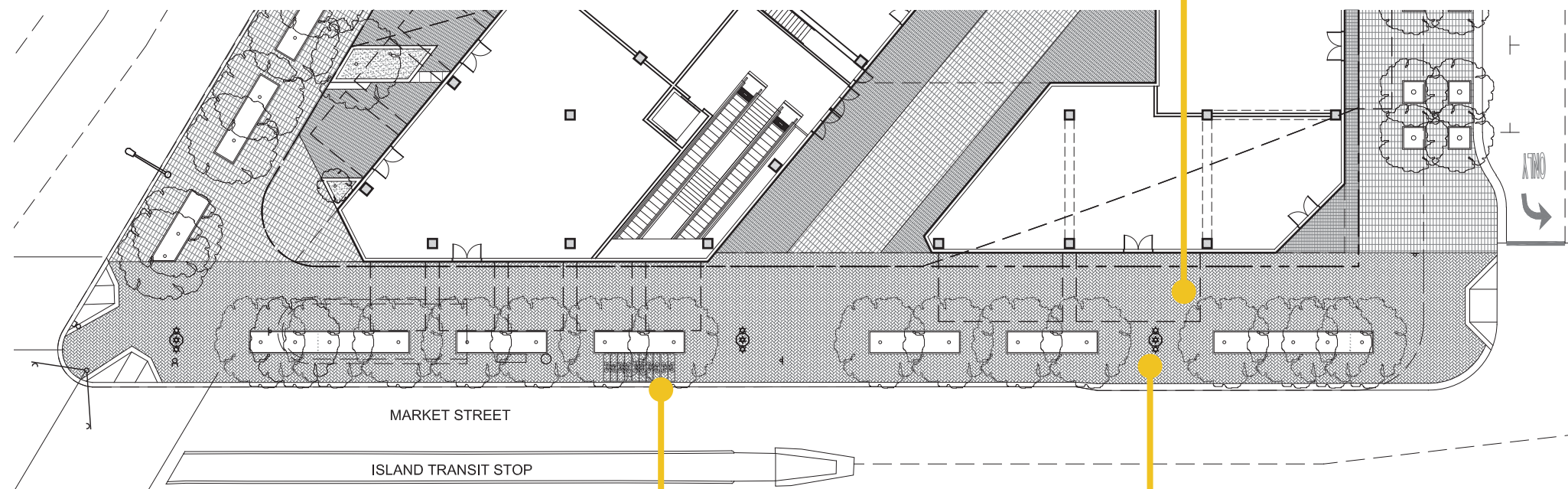
EXISTING STREET LIGHTS







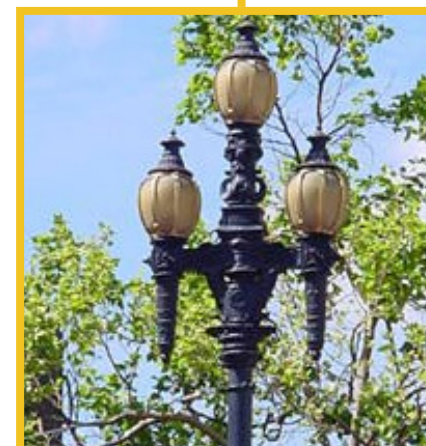
MARKET STREET STANDARD PAVING



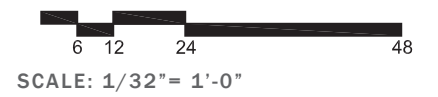
PLAN OF PROPOSED MARKET STREET STREETScape



CLASS 2 BIKE RACKS

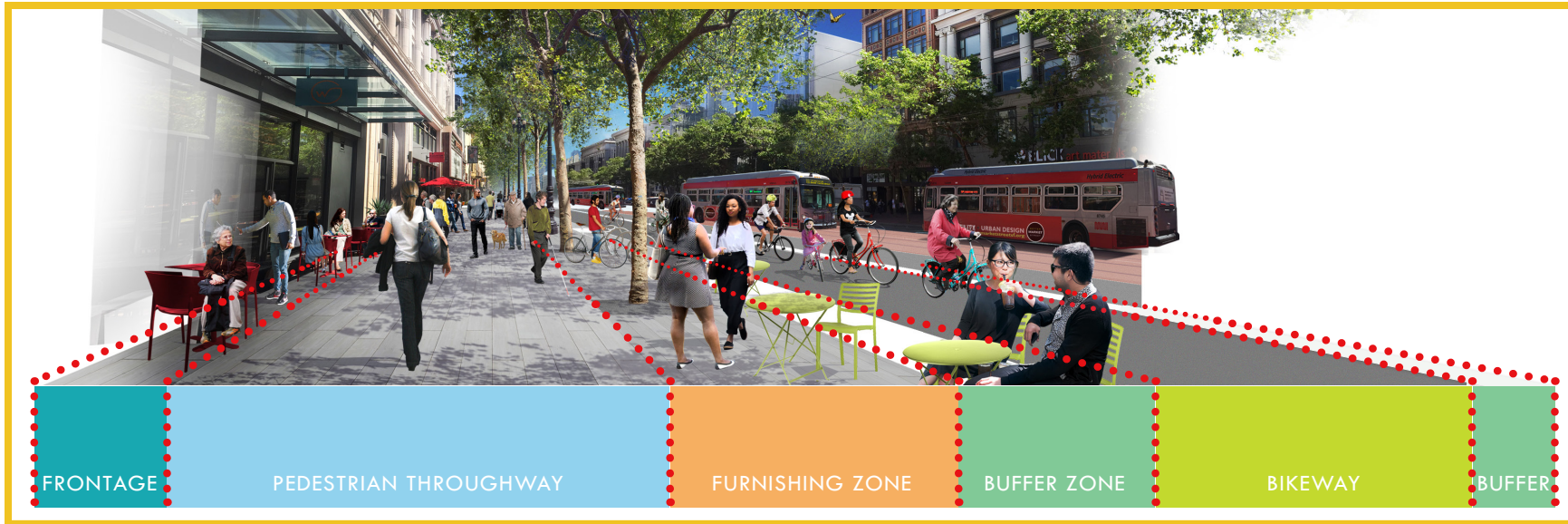


EXISTING STREET LIGHTS



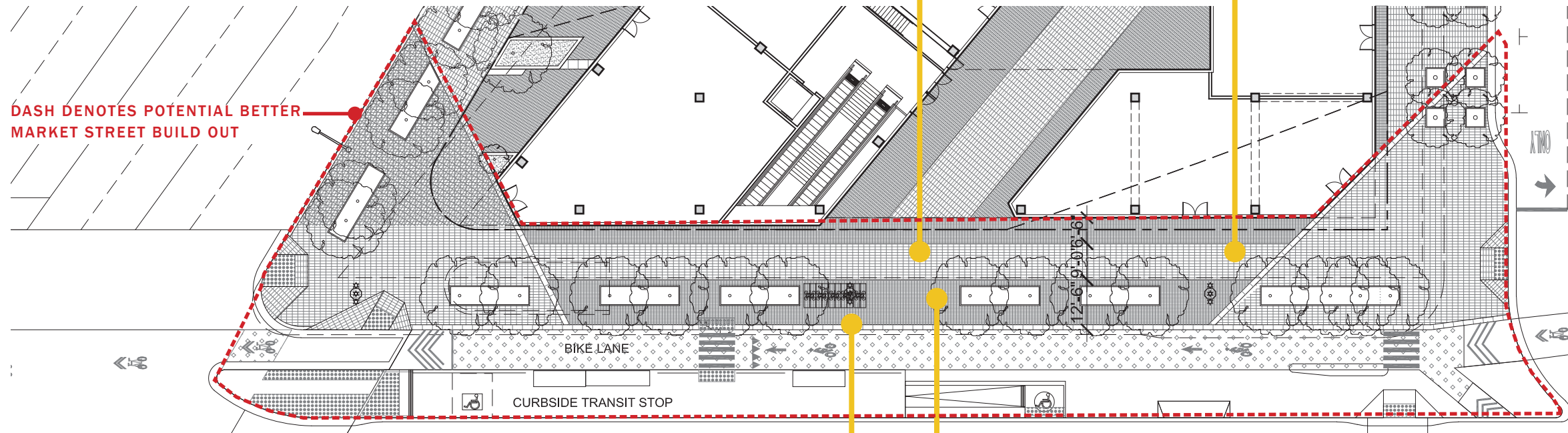
SCALE: 1/32" = 1'-0"





**PROPOSED BETTER MARKET STREET PROGRAMMING**

**BETTER MARKET STREET PAVING**



DASH DENOTES POTENTIAL BETTER MARKET STREET BUILD OUT

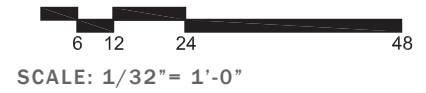
**PROPOSED BETTER MARKET STREET STREETScape**



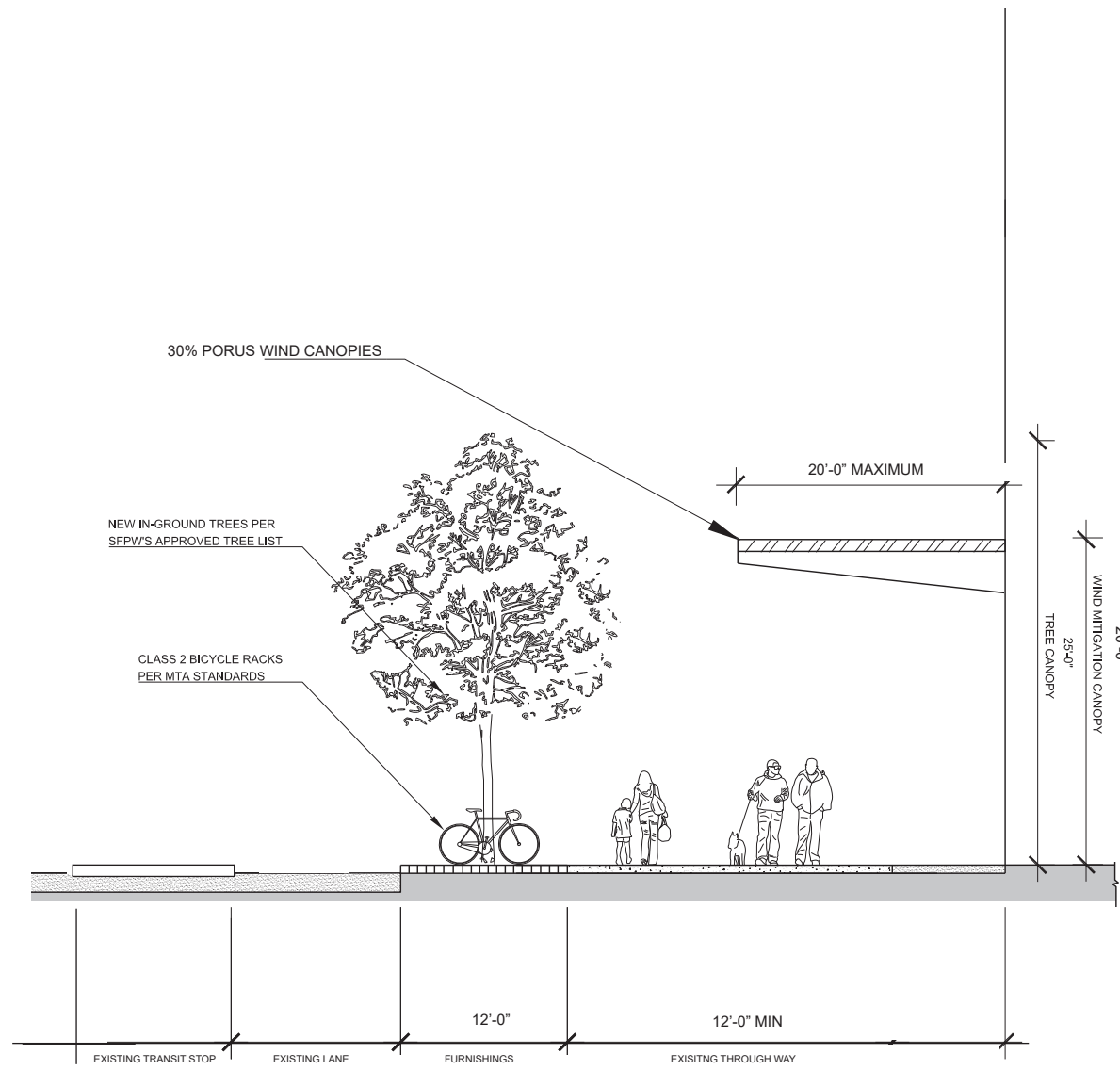
**CLASS 2 BIKE RACKS**



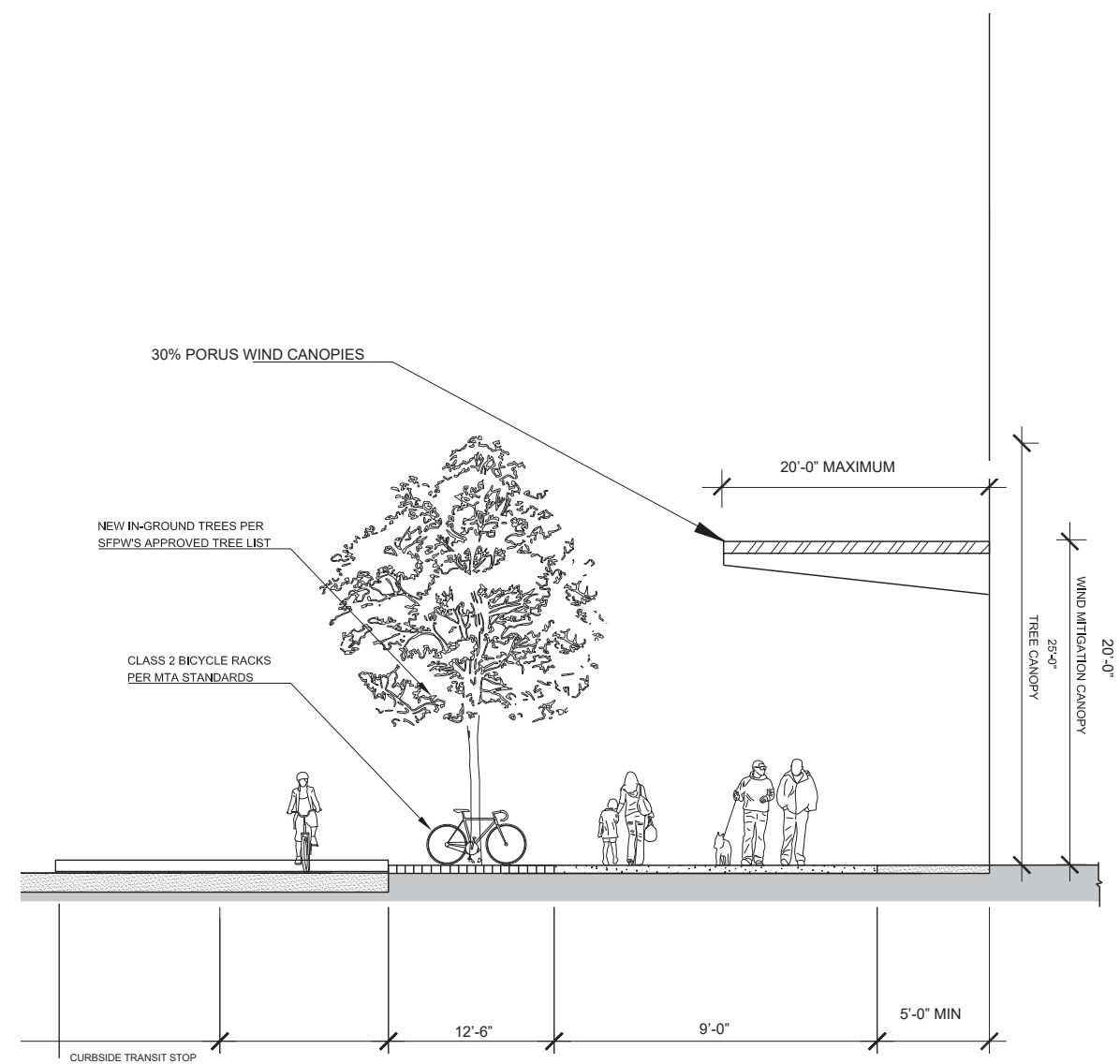
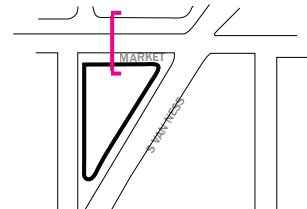
**POTENTIAL BUILT IN SEATING AREA**



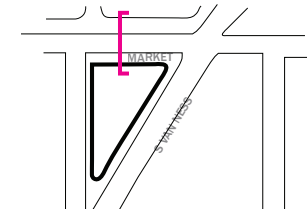




**SECTION C-C  
PROPOSED MARKET STREET SIDEWALK**

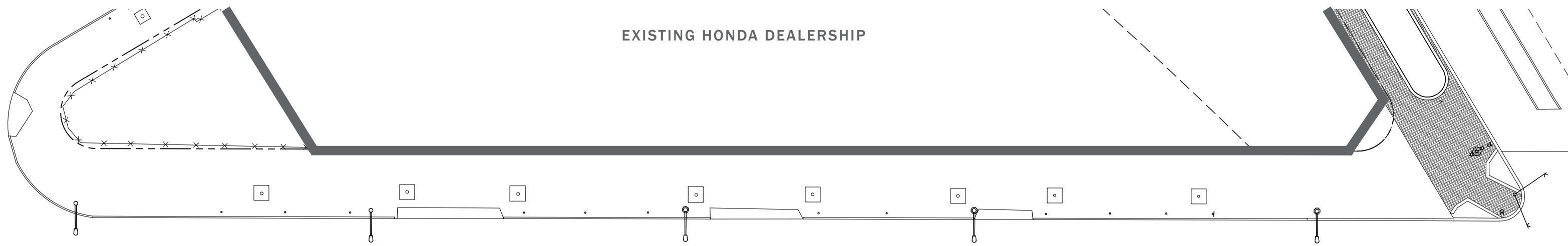


**SECTION C-C  
POTENTIAL BETTER MARKET STREET SIDEWALK**





VIEW OF EXISTING SOUTH VAN NESS AVENUE FRONTAGE



EXISTING HONDA DEALERSHIP

PLAN OF EXISTING SOUTH VAN NESS STREETScape

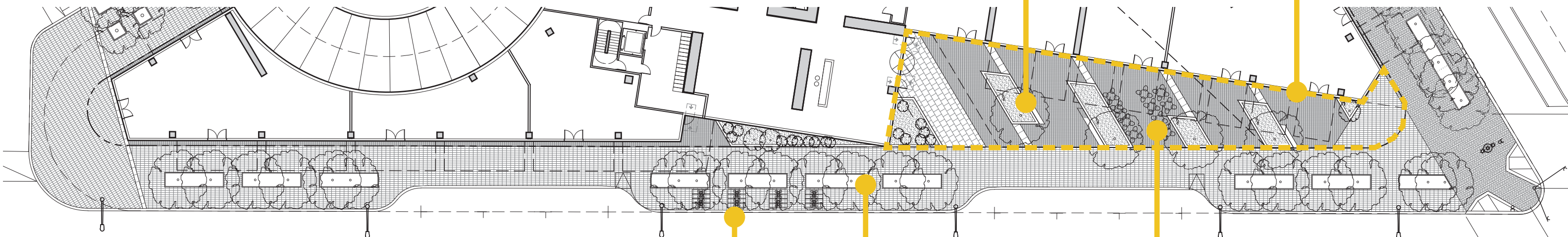




BUILT IN PLANTERS AND SEATING

**SOUTH VAN NESS PRIVATELY OWNED PUBLIC OPEN SPACE (POPOS) SHALL:**

- A) BE 4560 SQUARE FEET
- B) HAVE NO PHYSICAL BARRIER BETWEEN SIDEWALK AND POPOS.
- C) HAVE TREES AND SHRUBBERY. PRELIMINARY DESIGN SHOWN HERE.
- D) HAVE TREE SPECIES CHOSEN TO MINIMIZE WIND.
- E) BE ADJACENT TO GROUND FLOOR RETAIL/CAFES/RESTAURANTS.
- F) HAVE SEATING APPROPRIATE TO ADJACENT USE.
- G) OPEN TO ABOVE.
- H) WELL LIT AT NIGHT.
- I) IS ALWAYS OPEN.
- J) IS CLEARLY VISIBLE FROM SOUTH VAN NESS AVE AND INTERIOR SPACE.
- K) IS OPEN DURING ALL DAYLIGHT HOURS



PLAN OF PROPOSED SOUTH VAN NESS STREETScape



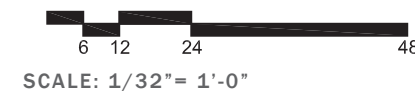
CLASS 2 BIKE RACKS

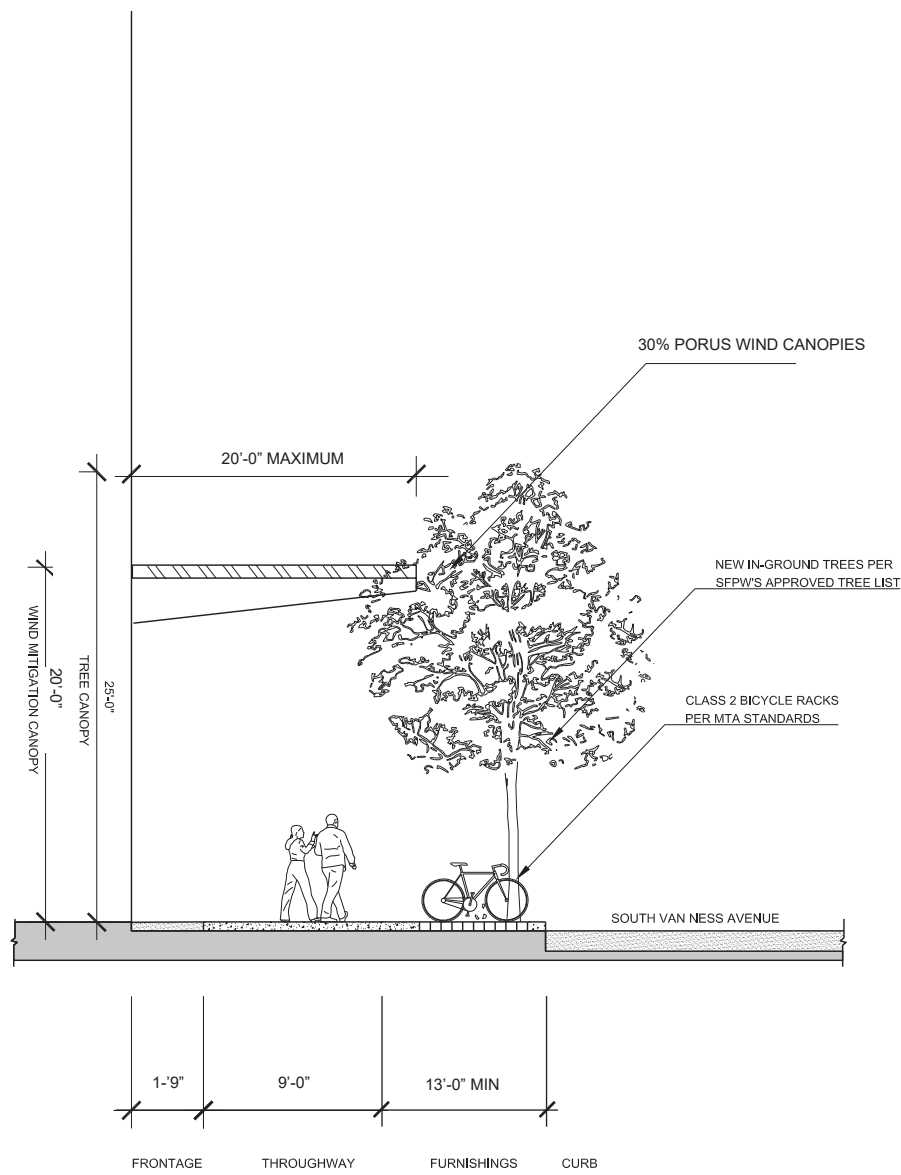


TREE SPECIES AND NUMBER  
DESIGNED TO REDUCE WIND

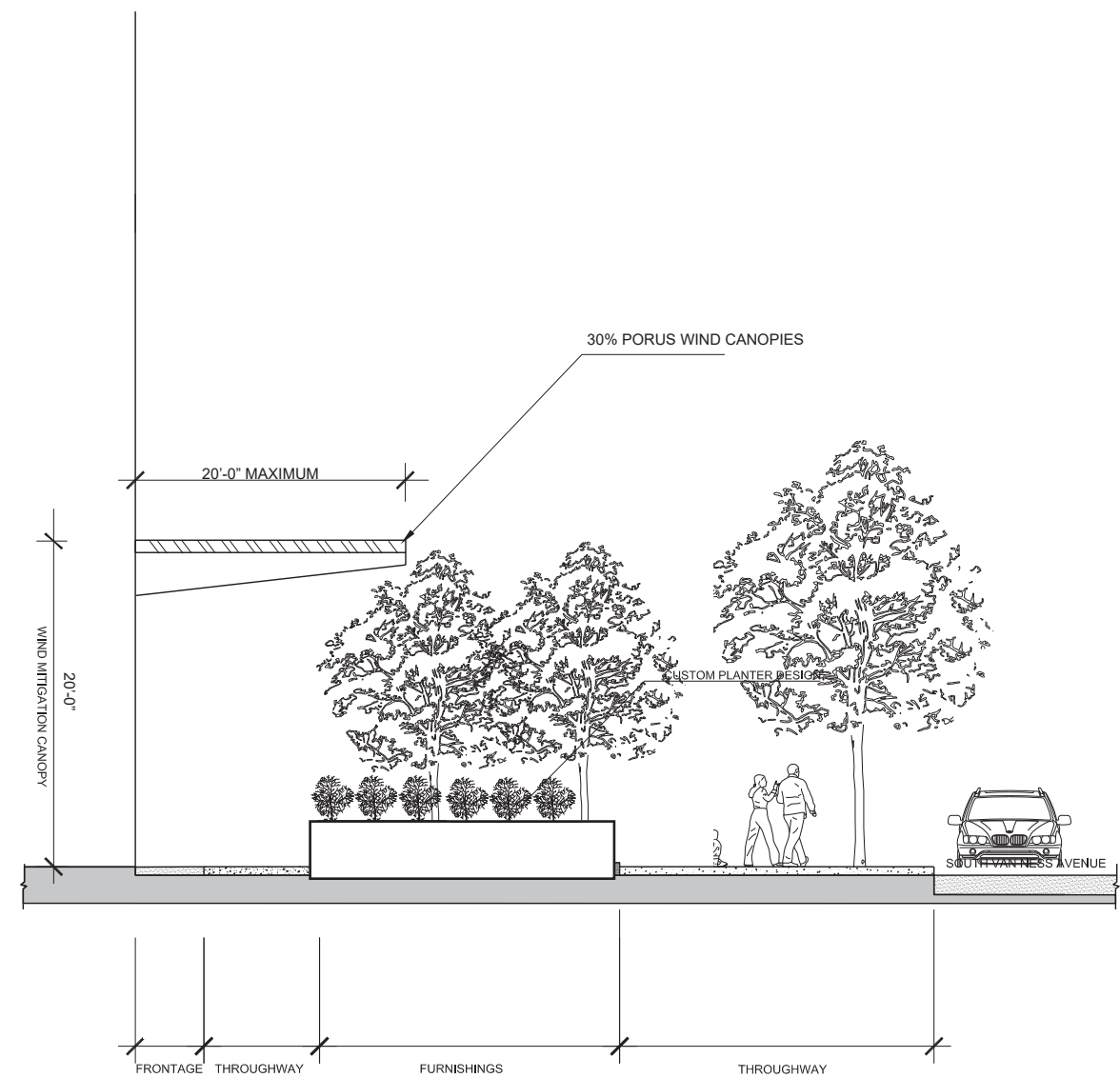
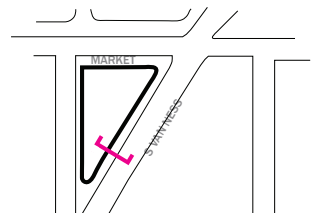


MOVEABLE FURNITURE

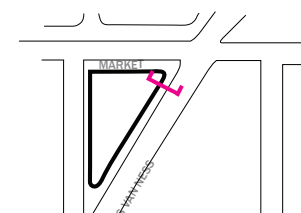




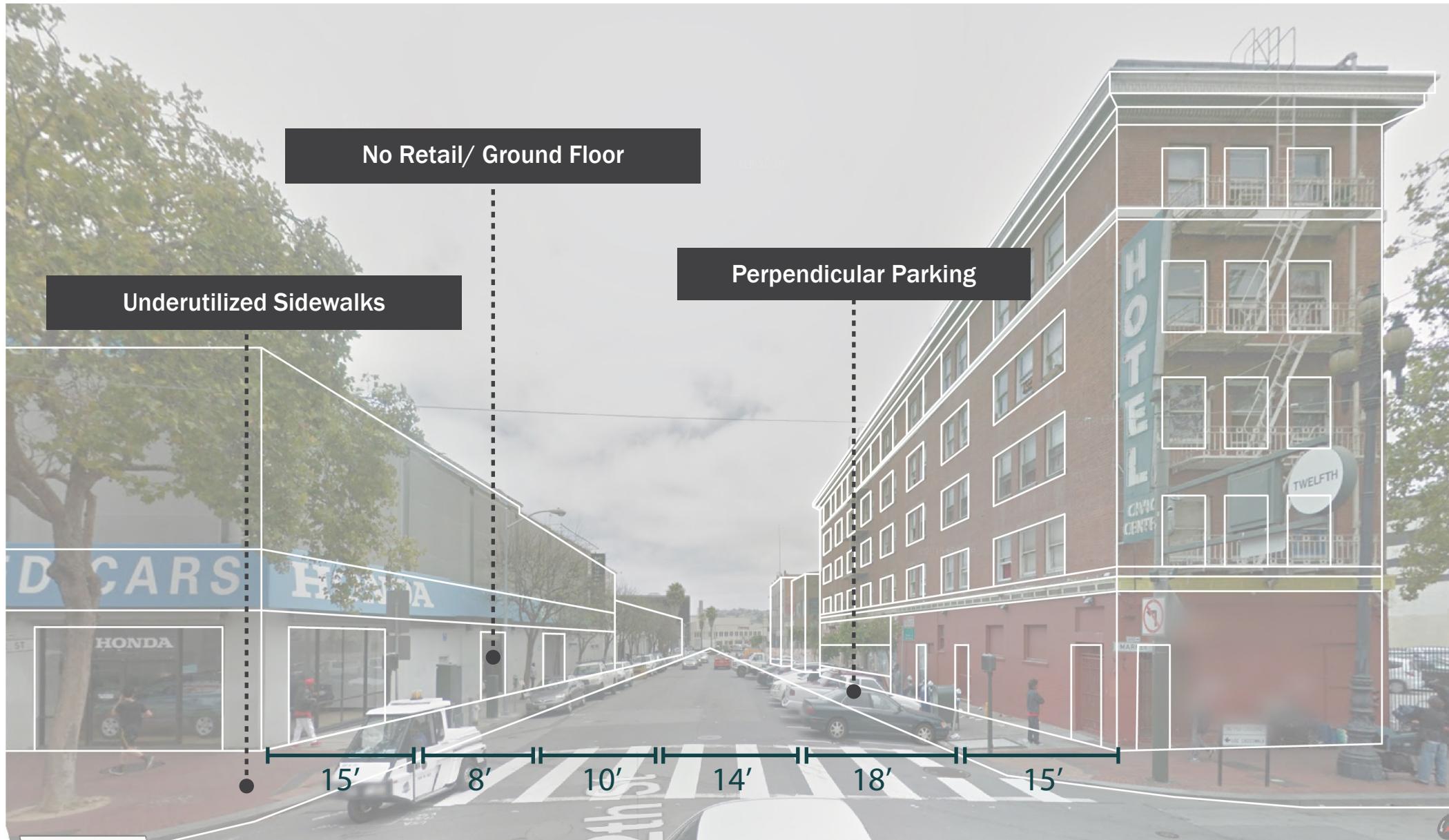
**SECTION A-A  
SOUTH VAN NESS AVENUE SIDEWALK**



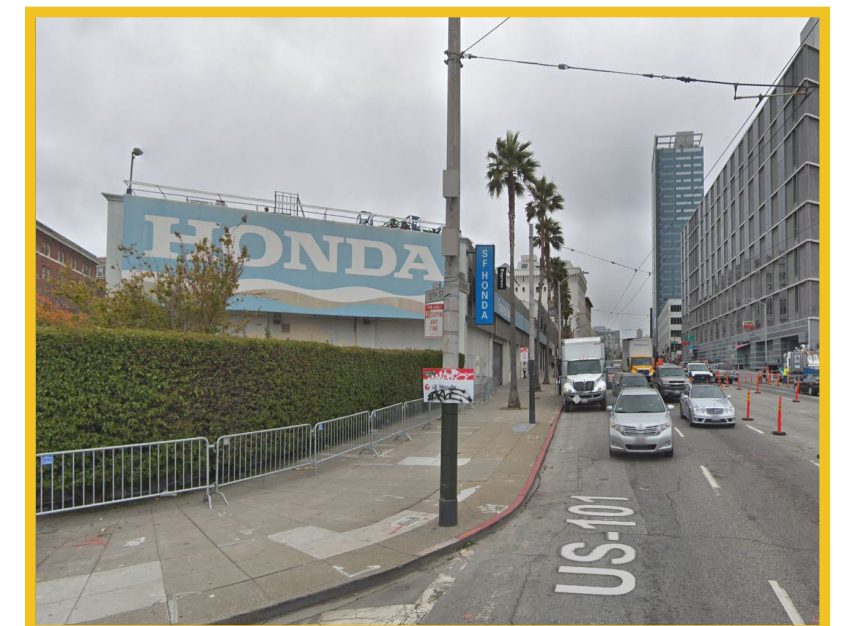
**SECTION D-D  
SOUTH VAN NESS SIDEWALK SECTION**



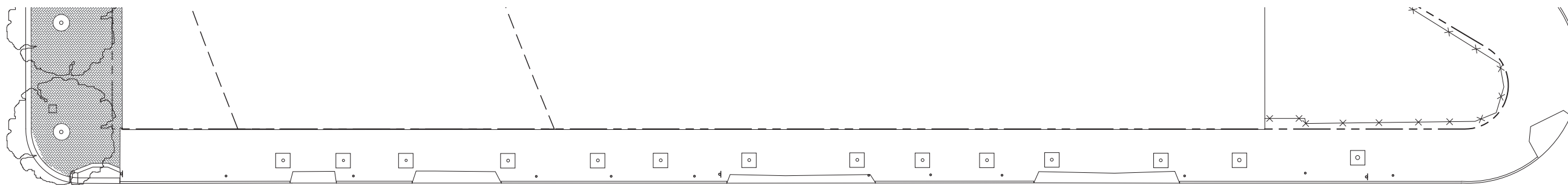




SECTION PERSPECTIVE: EXISTING 12TH STREET FACING SOUTH

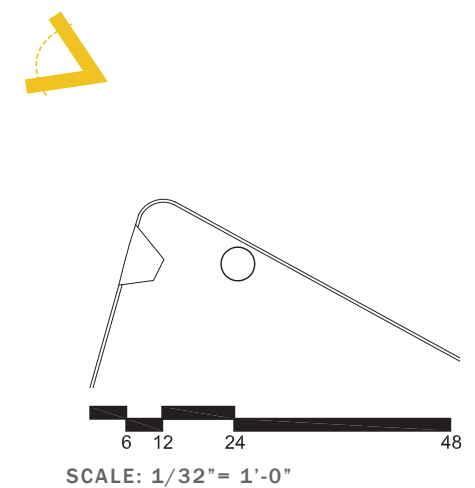


EXISTING VIEW FACING NORTH ON SOUTH VAN NESS

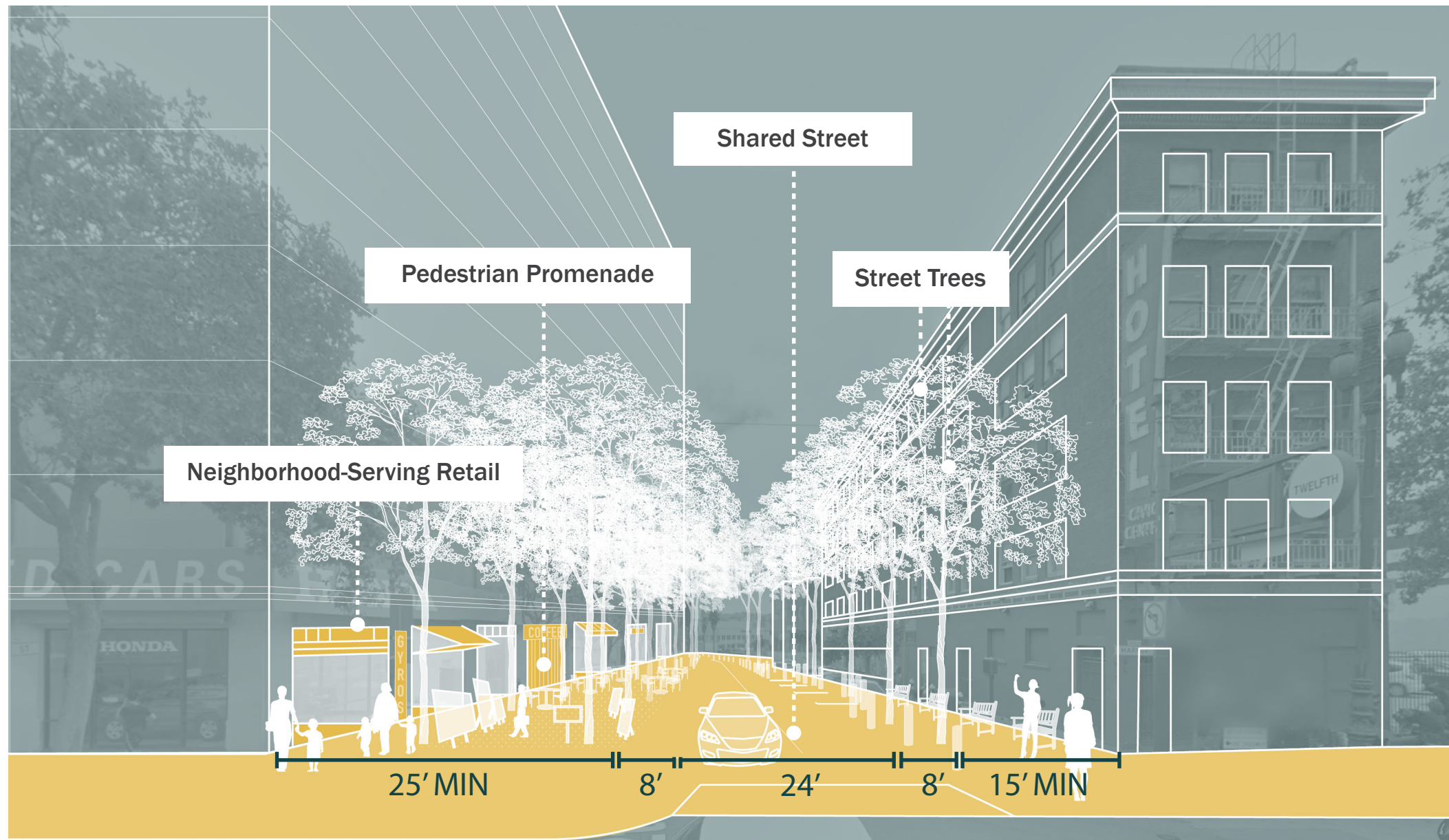


EXISTING 12TH STREET PLAN

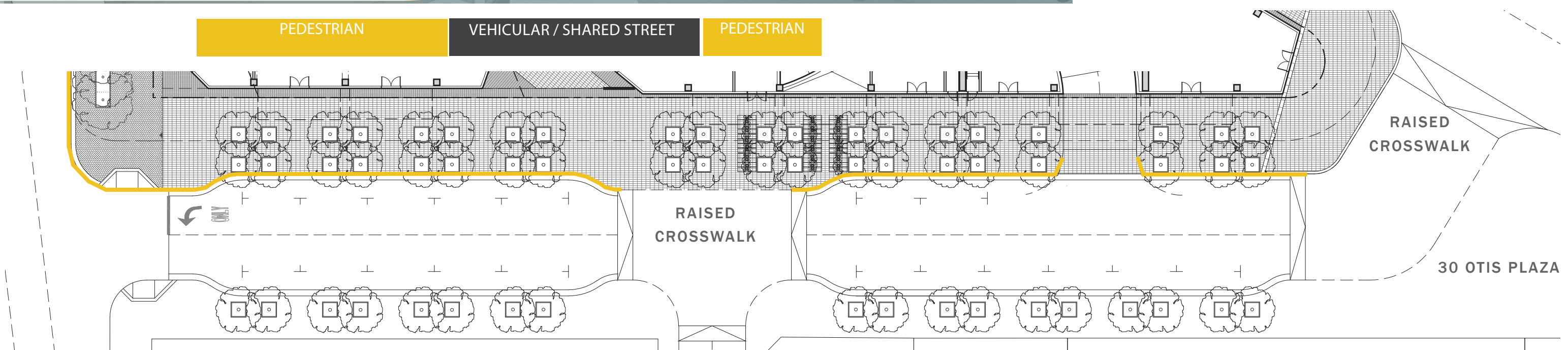
12TH STREET

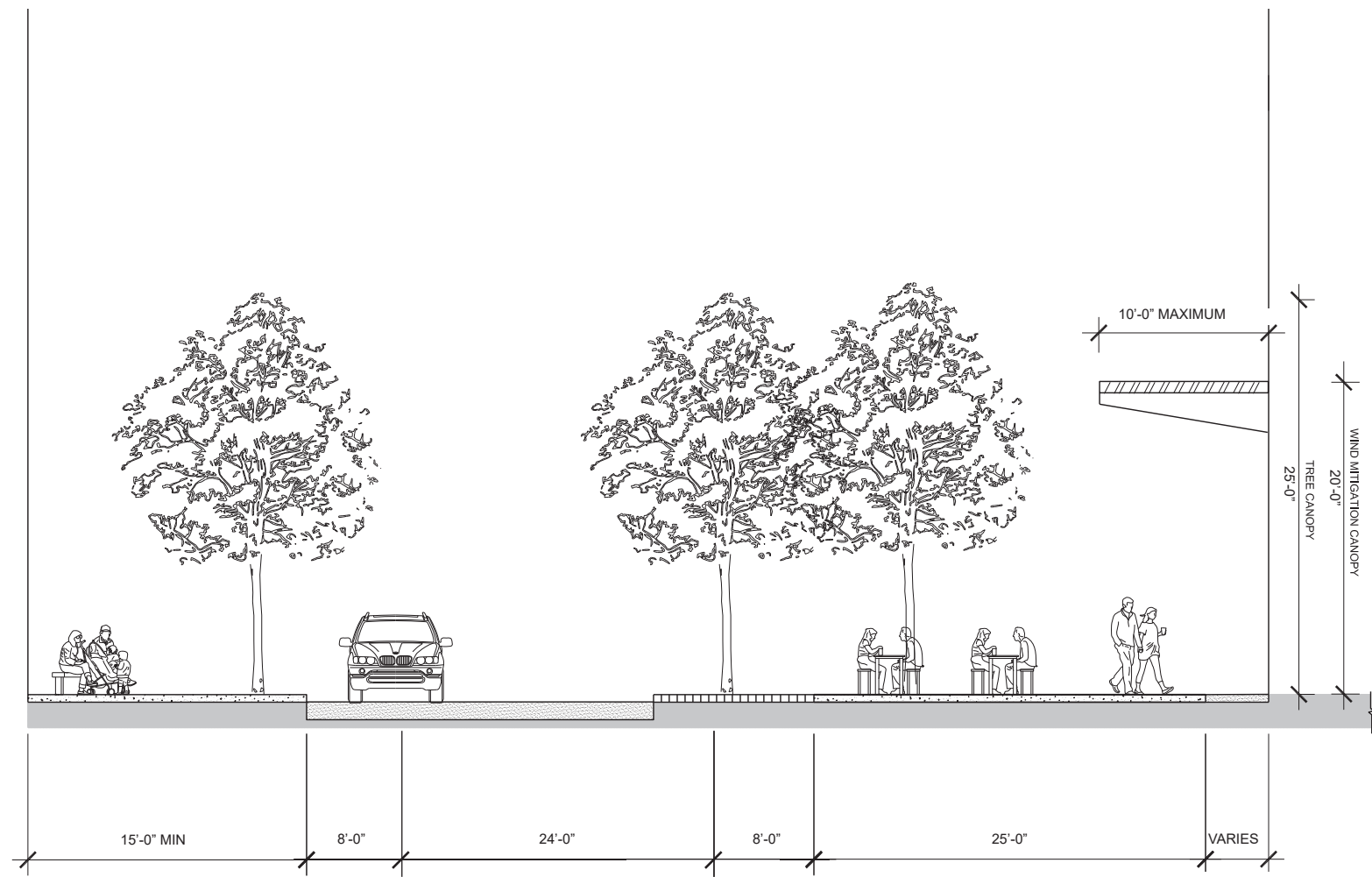




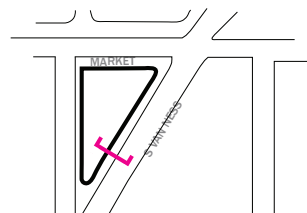


— DENOTES RAISED CURB

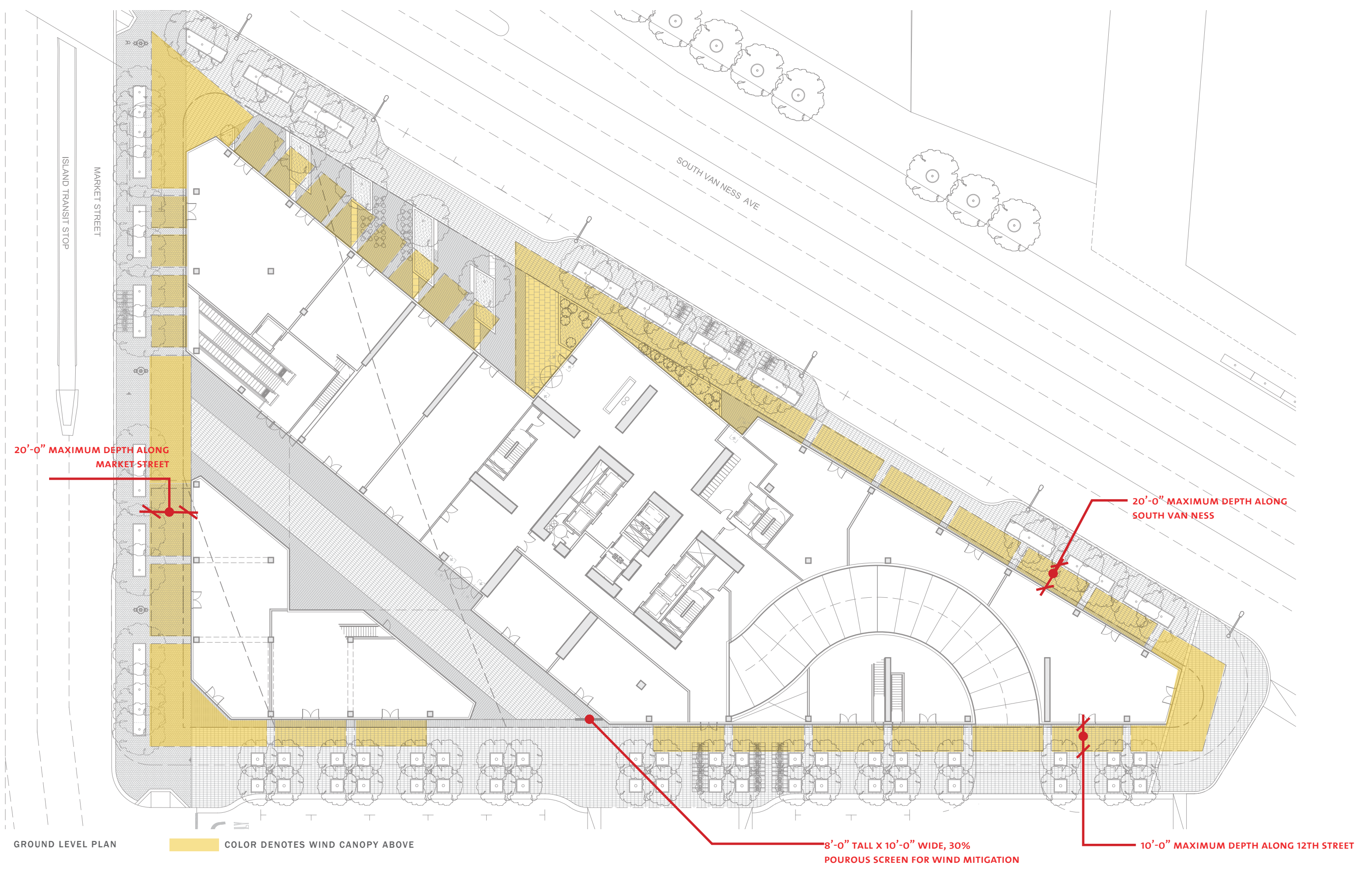




**SECTION B-B**  
**12TH STREET SIDEWALK SECTION**







PROPOSED WIND CANOPY LOCATION

# PROPOSED DESIGN

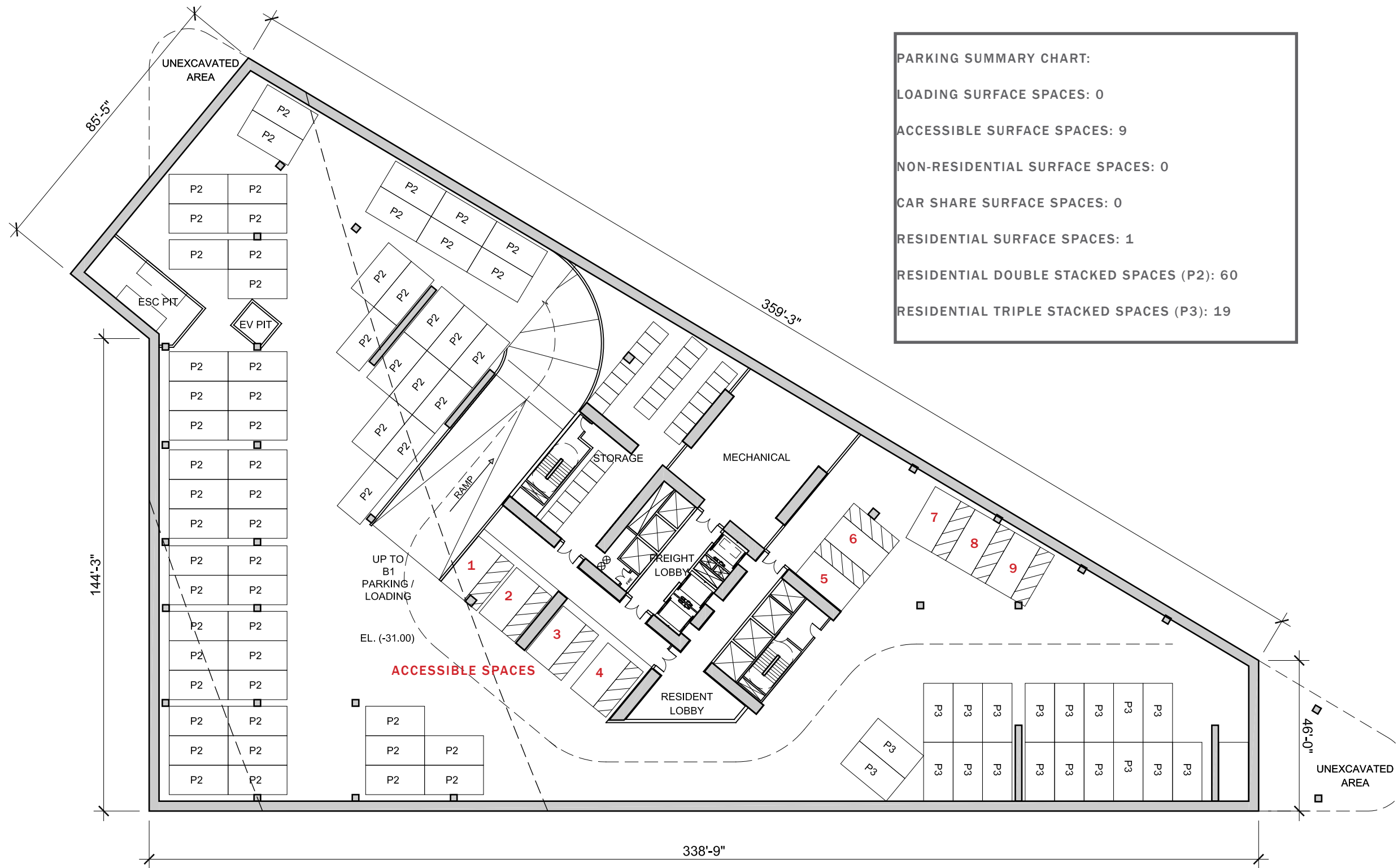




ITEM	PLANNING CODE		PROPOSED
	SECTION	DESCRIPTION	
PARCEL		BLOCK 3506, LOT 004, LOT 003A	
LOT AREA		51,150 SF	
NEIGHBORHOOD		DOWNTOWN/ CIVIC CENTER- MARKET + OCTAVIA	
ZONING DISTRICT		C-3-G	
SPECIAL USE		VAN NESS AND MARKET, DOWNTOWN AND RESIDENTIAL (SEC. 249.33)	
HEIGHT & BULK DISTRICT		PROPOSED 120/400-R-2; 140/500-R-2 AND 120/400-R-2; 120-R-2; 140/500-R-2	
USES		RESIDENTIAL, AND RETAIL WITH ACCESSORY PARKING	
BULK CONTROL		<p><b>PODIUM: 140'-0"</b>: PURSUANT TO SEC 270 (F)(2) EXCEPTION BETWEEN 140' AND 170' AVERAGE FLOOR PLATE UP TO 18,500 SQUARE FEET PROVIDED THAT ABOVE 150' BUILDING MASS MUST BE SET BACK AT LEAST 10 FEET FROM PROPERTY LINE FOR AT LEAST 90% OF ALL STREET FRONTAGES.</p> <p><b>ABOVE 170'-0"</b>: UP TO 12,000 SQUARE FOOT AVERAGE FLOOR PLATE UP TO 150' PLAN LENGTH AND UP TO 190' DIAGONAL AND AT LEAST ONE-QUARTER OF TOWER'S FLOORS REDUCED BY AT LEAST 10% FROM 12,000 SF FLOOR AREA.</p>	PROJECT COMPLIES PURSUANT TO SEC 270(F)(2) EXCEPTION
UNIT MIX REQUIREMENT	SEC 207.2		RE: PAGE 25 FOR EXCEPTION REQUESTED
DWELLING UNIT DENSITY	MARKET + OCTAVIA PLAN	NO DENSITY LIMIT BASED ON LOT SIZE 2:1 MINIMUM RESIDENTIAL TO NON-RESIDENTIAL USE RATIO	PROJECT COMPLIES
DWELLING UNIT EXPOSURE	SEC 140		RE: PAGES 48-50 FOR EXCEPTION REQUESTED
RESIDENTIAL OPEN SPACE	SEC. 135	<p>36 SF PER UNIT IF PRIVATE 1.33 RATIO OF COMMON USABLE OPEN SPACE MAY BE SUBSTITUTED FOR PRIVATE</p> <p>IN VAN NESS &amp; MARKET RESIDENTIAL SUD, UP TO 40 PERCENT OF OPEN SPACE REQUIREMENTS MAY BE PROVIDED AS SEC 135-COMPLIANT</p>	<p><b>REQUIREMENTS</b> 319 UNITS (PRIVATE OS) X 36 SF = 11,484 SF (966 UNITS - 319 UNITS W PRIVATE OS) X 48 SF = 31,056 SF TOTAL REQ'D 31,056 SF</p>
		PUBLIC OPEN SPACE IF WITHIN SUD OR 900 FEET OF PROJECT SITE.	<p><b>TOTAL PROVIDED</b> <b>COMMON</b> 26,500 SF <b>PUBLICLY ACCESSIBLE</b> 4,560 SF <b>TOTAL</b> 31,060 SF</p>

ITEM	PLANNING CODE		PROPOSED
	SECTION	DESCRIPTION	
PRIVATELY OWNED PUBLIC OPEN SPACE	SEC. 138	1 SF OF OPEN SPACE PER 50 SF OF RETAIL SPACE	29,443 (RETAIL) / 50 = 589 SF REQ'D 589 SF PROVIDED
MID-BLOCK ALLEYS	270.2		RE: PAGE 30 FOR EXCEPTION REQUESTED
LOT COVERAGE	SEC. 249.33	LOT COVERAGE IS LIMITED TO 80% AT ALL RESIDENTIAL LEVELS (EXCEPT ON LEVELS IN WHICH ALL UNITS FACE ONTO A PUBLIC RIGHT-OF-WAY.)	38,775SF (75.8% MAX COVERAGE)
ACTIVE USE REQUIREMENTS	SEC. 145.1 SEC 145.4	<p>20' MAX PARKING AND LOADING DRIVEWAY ACCESS ON GIVEN STREET FRONTAGE EXCEPT FOR PARKING/LOADING ACCESS, EGRESS AND ACCESS TO MECHANICAL SYSTEMS. ACTIVE USES WITHIN FIRST 25' OF BUILDING DEPTH.</p> <p>BUILDING LOBBIES ARE CONSIDERED ACTIVE USES, SO LONG AS THEY DO NOT EXCEED 40 FEET OR 25 PERCENT OF BUILDING FRONTAGE, WHICHEVER IS LARGER.</p>	EXCEPTION REQUESTED FOR 24' DRIVEWAY, GIVEN SEC 155(R) PROHIBITION OF DRIVEWAYS ON MARKET AND VAN NESS.
GROUND FLOOR CEILING HEIGHT	SEC. 145.1 (c)(4)(B)	GROUND FLOOR NON-RESIDENTIAL USES IN ALL C-3, NCT, DTR, CHINATOWN MIXED USE, SPD, RED-MX, WMUG, MUG, MUR, WMUO, CMUO AND MUO DISTRICTS SHALL HAVE A MINIMUM FLOOR-TO-FLOOR HEIGHT OF 14', AS MEASURED FROM GRADE.	ALL GROUND FLOOR AREAS HAVE A MINIMUM OF 14' FLOOR-TO-FLOOR HEIGHT.
OFF-STREET PARKING	SEC. 151.1	<p><b>RESIDENTIAL USE:</b> UP TO ONE CAR FOR EACH FOUR DWELLING UNITS</p> <p>SUBJECT TO THE CRITERIA AND CONDITIONS AND PROCEDURES OF SECTION 151.1(E); NP ABOVE 0.75 CARS FOR EACH DWELLING UNIT.</p> <p>FOR DWELLING UNITS IN C-3 DISTRICTS WITH AT LEAST 2 BEDROOMS AND AT LEAST 1,000 SF OF OCCUPIED FLOOR AREA; NP UP TO ONE CAR FOR EACH FOUR DWELLING UNITS; C UP TO ONE CAR FOR EACH DWELLING UNIT, SUBJECT TO THE CRITERIA AND PROCEDURES OF SECTION 151.1(E); NP ABOVE ONE CAR FOR EACH DWELLING UNIT.</p> <p><b>NON-RESIDENTIAL USE:</b> A PARKING AREA NOT TO EXCEED 7% OF THE OCCUPIED FLOOR AREA WITHIN PROJECT IS PERMITTED. THE NUMBER OF CARS PARKED WITHIN THIS SPACE IS NOT REGULATED.</p> <p>NO MINIMUM REQUIREMENT.</p>	<p><b>REQUIREMENT</b> 0.25 CARS/DWELLING UNIT 966 UNITS X 0.25 CARS = 242 STALLS</p> <p><b>TOTAL PROVIDED</b> <b>RESIDENTIAL</b> = 242 STALLS <b>NON-RESIDENTIAL</b> = 13 STALLS (1989 SQUARE FEET)</p>

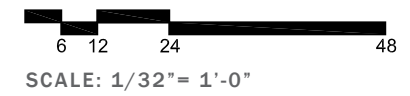
ITEM	PLANNING CODE		PROPOSED
	SECTION	DESCRIPTION	
OFF-STREET LOADING	SEC. 152.1	<p><b>RESIDENTIAL USE:</b> OVER 500,000 GFA: 3 PLUS 1 FOR EACH ADDITIONAL 400,000 SQ. FT.</p> <p>(2) SERVICE VEHICLE SPACES MAY BE SUBSTITUTED IN-LIEU OF (1) FREIGHT LOADING SPACE PROVIDED AT LEAST 50% OF LOADING SPACES PROVIDED ARE FREIGHT LOADING SPACES.</p> <p><b>RETAIL USE:</b> 10,001-30,000 GFA = 1 REQUIRED SPACE</p> <p>12 FT X 35 FT X 14 FT VERTICAL CLEARANCE [SEC.154(B)]</p> <p>8 FT X 20 FT X 7 FT FOR SERVICE VEHICLE SPACE</p>	<p><b>RESIDENTIAL</b> = 3 FREIGHT STALLS + 2 SERVICE SPACES</p> <p><b>RETAIL</b> = 1 STALL</p>
BICYCLE PARKING	SEC. 155.2	<p><b>RESIDENTIAL</b> MINIMUM NUMBER OF CLASS 1 SPACES REQUIRED: 100+ DWELLING UNITS = 100 CLASS 1 SPACES + 1 CLASS 1 SPACE FOR EVERY 4 DWELLING UNITS ABOVE 100 UNITS; MINIMUM NUMBER OF CLASS 2 SPACES REQUIRED: 1 CLASS 2 SPACE / 20 DWELLING UNITS</p> <p><b>RETAIL:</b> 1 CLASS 1 SPACE FOR EVERY 7,500 SF OF OCCUPIED FLOOR AREA</p> <p>MINIMUM NUMBER OF CLASS 2 SPACES REQUIRED: MINIMUM 2 SPACES; 1 CLASS 2 SPACE FOR EVERY 2,500 SF OF OCCUPIED FLOOR AREA FOR USES &gt;50,000 SF = 10 CLASS 2 SPACES + 1 CLASS 2 SPACE FOR EVERY ADDITIONAL 10,000 OCCUPIED SF.</p>	<p><b>RESIDENTIAL REQUIREMENT</b> (966 UNITS) CLASS 1 SPACE: 100 + (966-100UNITS)/4 = <b>317 CLASS 1 SPACES</b> FOR CLASS 2 SPACE 966 UNITS / 20 = <b>49 CLASS 2 SPACES</b></p> <p><b>RETAIL REQUIREMENT</b> (29,948 SF) CLASS 1 SPACE: 29,443 SF / 7,500 SF = <b>4 CLASS 1 SPACES</b> CLASS 2 SPACE: 29,443 SF / 2,500 SF = <b>12 CLASS 2 SPACES</b></p> <p><b>TOTAL REQUIRED:</b> TOTAL CLASS 1 SPACE REQUIREMENT: <b>317 + 4 = 321 CLASS 1 SPACES</b> TOTAL CLASS 2 SPACE REQUIREMENT: <b>49 + 12 = 61 CLASS 2 SPACES</b></p> <p><b>TOTAL PROVIDED:</b> CLASS 1 AT B1 LEVEL = <b>321 CLASS 1 SPACES</b> CLASS 2 AT GROUND LEVEL = <b>61 CLASS 2 SPACES</b></p>
SUN PLANE SETBACK	146 (A)	<b>MAXIMUM STREET WALL HEIGHT:</b> 119' <b>SUN ACCESS ANGLE:</b> 50°	EXCEPTION OF 50 DEGREE ACCESS ANGLE REQUESTED
CAR-SHARE PARKING SPACES	SEC 166	<p><b>RESIDENTIAL</b> ≥201 = 2, PLUS 1 FOR EVERY 200 DWELLING UNITS OVER 200</p> <p><b>NON RESIDENTIAL</b> 0-24 PARKING SPACES = 0 REQUIRED</p>	<p><b>TOTAL REQUIREMENT</b> <b>RESIDENTIAL</b> (966 UNITS) 2 + (966-200)/200 = <b>6 SPACES</b> <b>REQUIRED</b></p> <p><b>TOTAL PROVIDED: 6 SPACES</b></p>

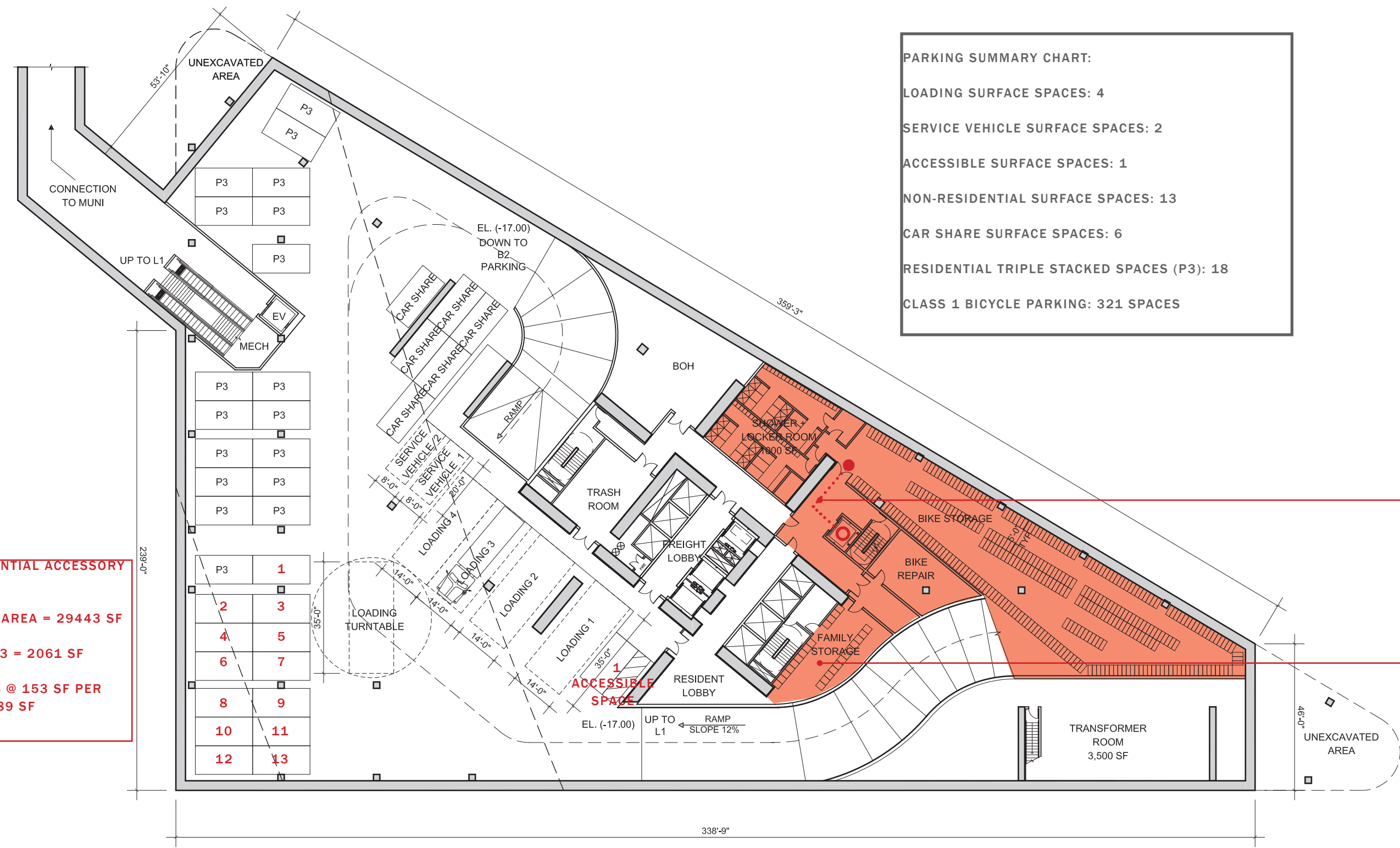


**PARKING SUMMARY CHART:**

LOADING SURFACE SPACES:	0
ACCESSIBLE SURFACE SPACES:	9
NON-RESIDENTIAL SURFACE SPACES:	0
CAR SHARE SURFACE SPACES:	0
RESIDENTIAL SURFACE SPACES:	1
RESIDENTIAL DOUBLE STACKED SPACES (P2):	60
RESIDENTIAL TRIPLE STACKED SPACES (P3):	19

B2 BASEMENT PLAN  
49,575 GSF





**PARKING SUMMARY CHART:**

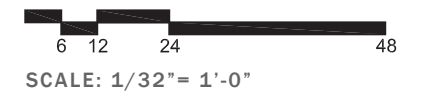
- LOADING SURFACE SPACES: 4
- SERVICE VEHICLE SURFACE SPACES: 2
- ACCESSIBLE SURFACE SPACES: 1
- NON-RESIDENTIAL SURFACE SPACES: 13
- CAR SHARE SURFACE SPACES: 6
- RESIDENTIAL TRIPLE STACKED SPACES (P3): 18
- CLASS 1 BICYCLE PARKING: 321 SPACES

**NON RESIDENTIAL ACCESSORY PARKING**  
 ACCESSORY AREA = 29443 SF  
 7% OF 29443 = 2061 SF  
 (13) SPACES @ 153 SF PER SPACE = 1989 SF

CLASS1 BIKE PARKING PATH OF TRAVEL

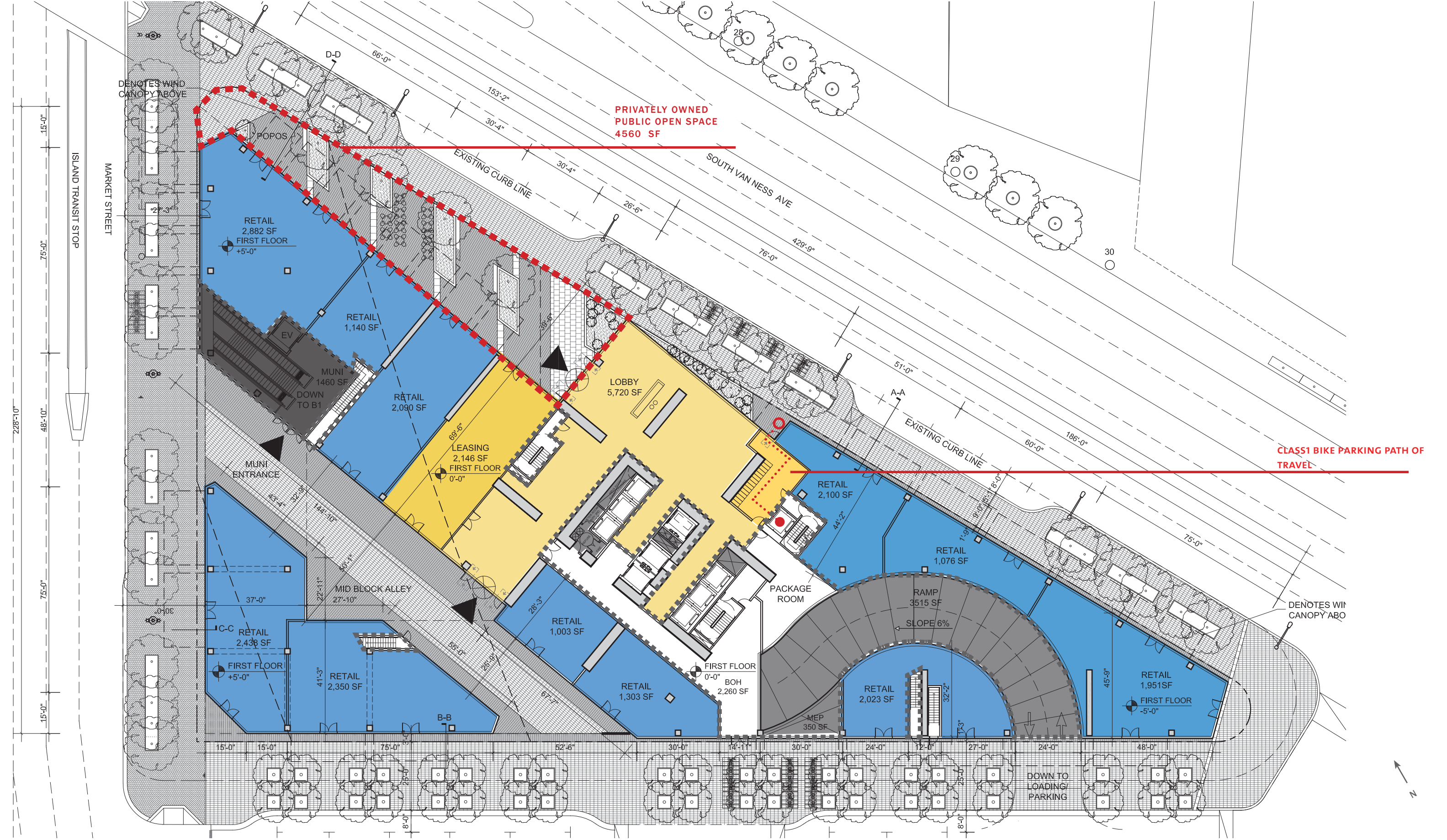
TDM FAMILY STORAGE SPACE.  
 966 UNITS/20 =  
 49 LOCKERS REQUIRED.

(50) 25"X 30"X 35" HIGH LOCKER UNITS PROVIDED



B1 BASEMENT PLAN  
 49,575 GSF





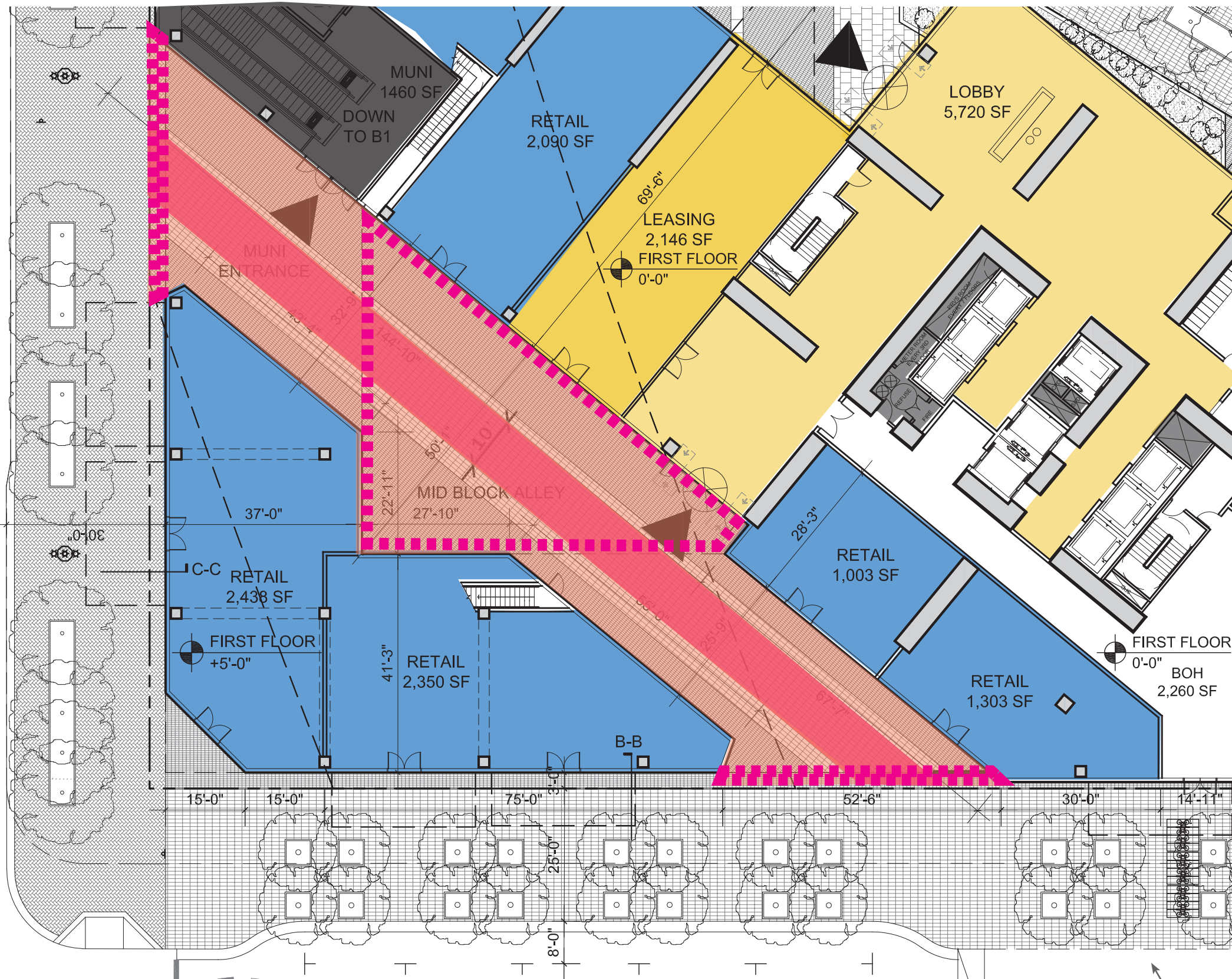
GROUND LEVEL PLAN  
+0'-0"  
38,484 GSF

█ COLOR DENOTES EXEMPTED SF RE: PAGE 25  
 - - - - - DASHED LINE DENOTES PARKING/MEP/BOH AREA RE: PAGE 25

\*PUBLIC ART TO BE LOCATED AT RETAIL OR POPOS SPACE. A SINGLE, EXTERIOR SCULPTURE OR INTERIOR EXHIBIT ABOUT THE FILLMORE WEST ARE CURRENT POSSIBILITIES.

6 12 24 48  
SCALE: 1/32" = 1'-0"





**CODE REQUIRED MID-BLOCK ALLEY AREA: 1840 SF**

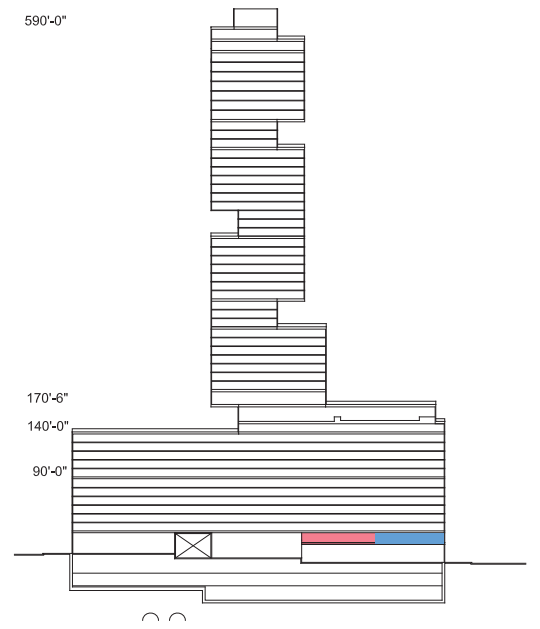
**ABOVE CODE MID-BLOCK ALLEY AREA: 4310 SF (ABOVE CODE AREA IS 70% OF TOTAL MID-BLOCK ALLEY AREA)**

**TOTAL MID-BLOCK ALLEY AREA: 6150 SF**

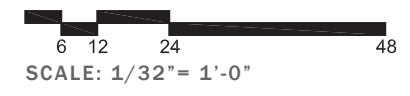
**AREA OF MID-BLOCK ALLEY OPEN TO SKY: 2852 SF (155% OF CODE REQUIRED; 47% OF TOTAL MID-BLOCK ALLEY)**

**\* MID-BLOCK PASSAGE CLEARANCE IS AT LEAST 15 FEET AT ALL POINTS PER PC 270.2(E)**

MID BOCK ALLEY ENLARGED PLAN  
+0'-0"



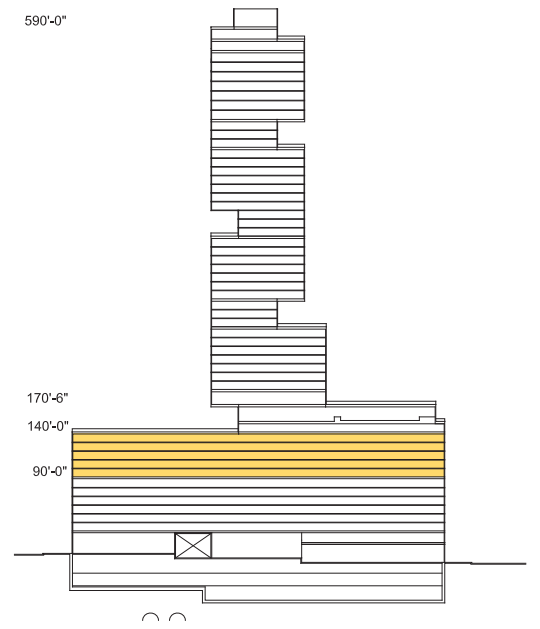
L02 PLAN  
 +17'-0"  
 20,892 GSF



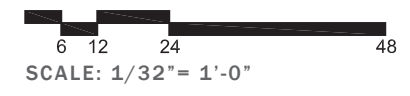
■ COLOR DENOTES EXEMPTED SF RE: PAGE 25 ■■■■■ DASHED LINE DENOTES PARKING/MEP/BOH AREA RE: PAGE 25



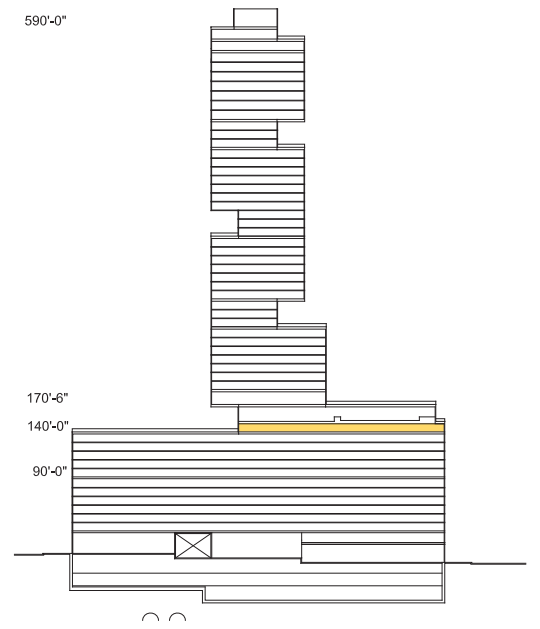




L09-13 FLOOR PLAN  
 +90'-0" TO +128'-8"  
 30,425 GSF

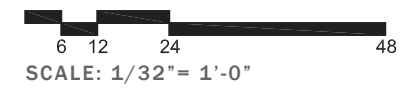


COLOR DENOTES EXEMPTED SF RE: PAGE 25

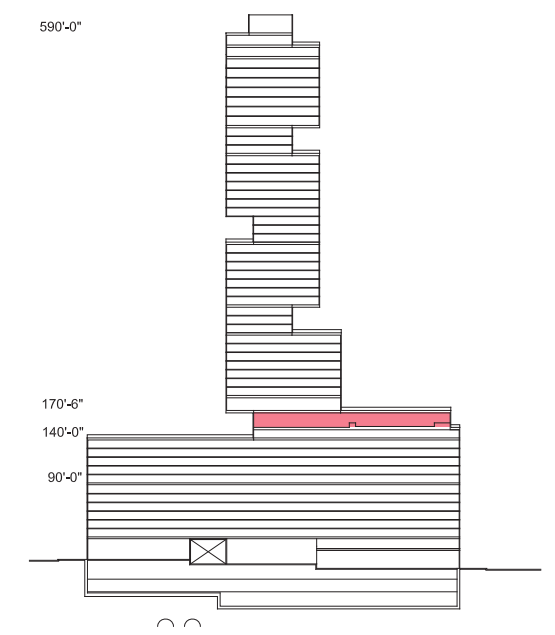
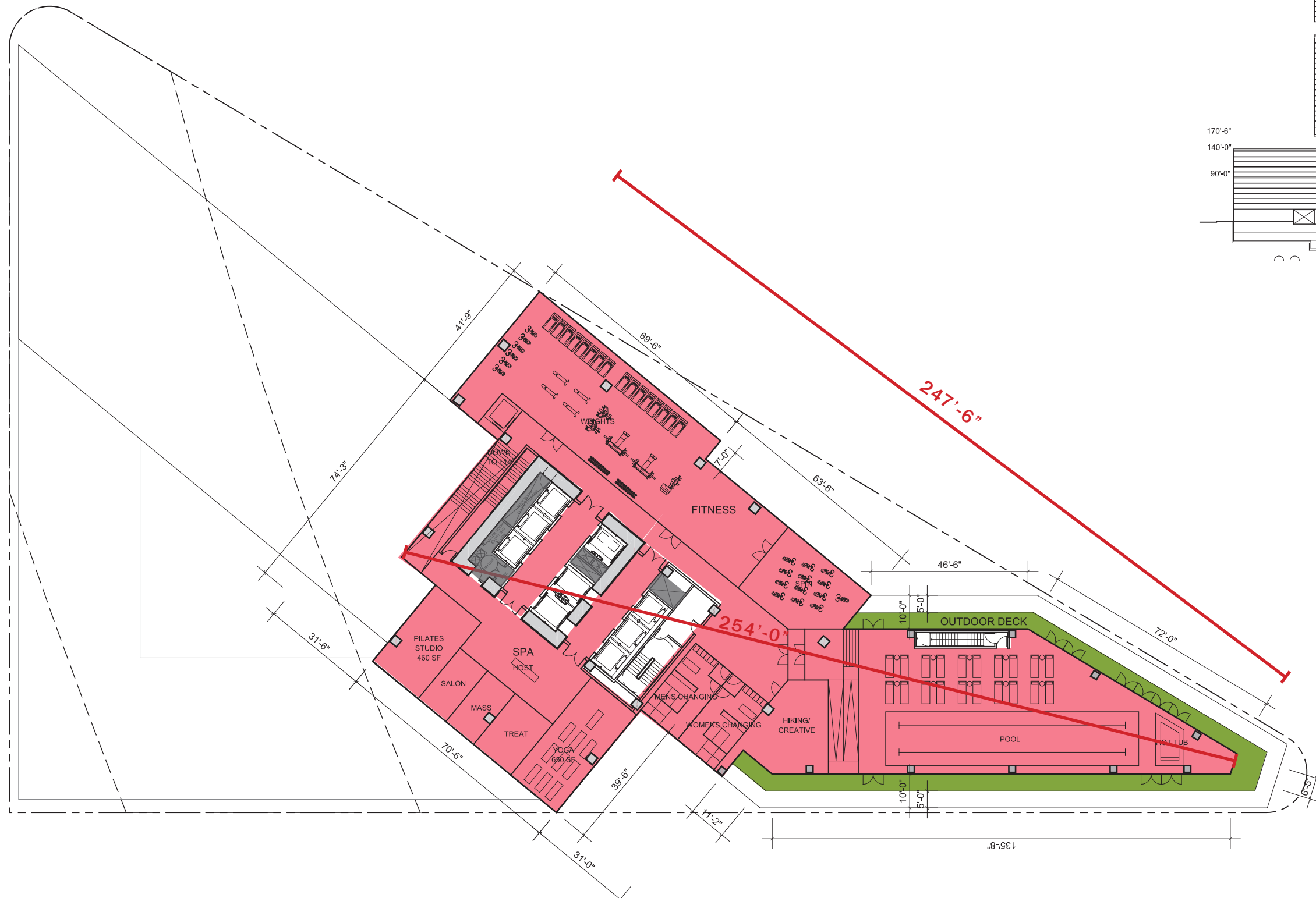


L14 FLOOR PLAN  
 +140'-0"  
 19,616 GSF

COLOR DENOTES EXEMPTED SF RE: PAGE 25

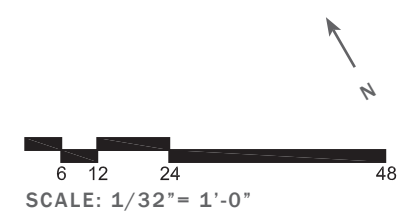


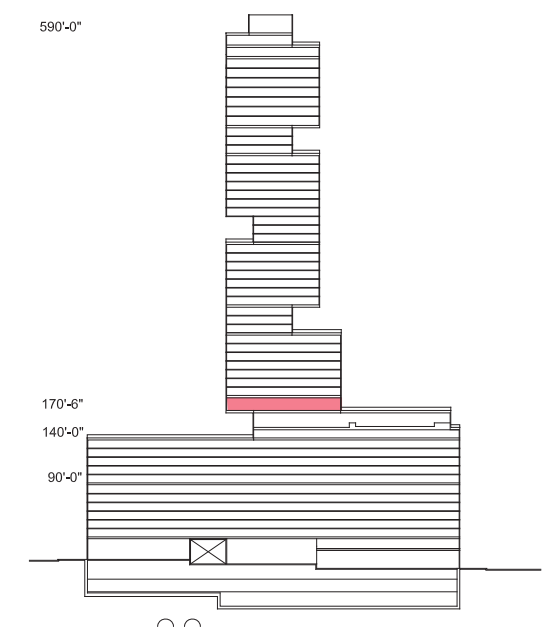
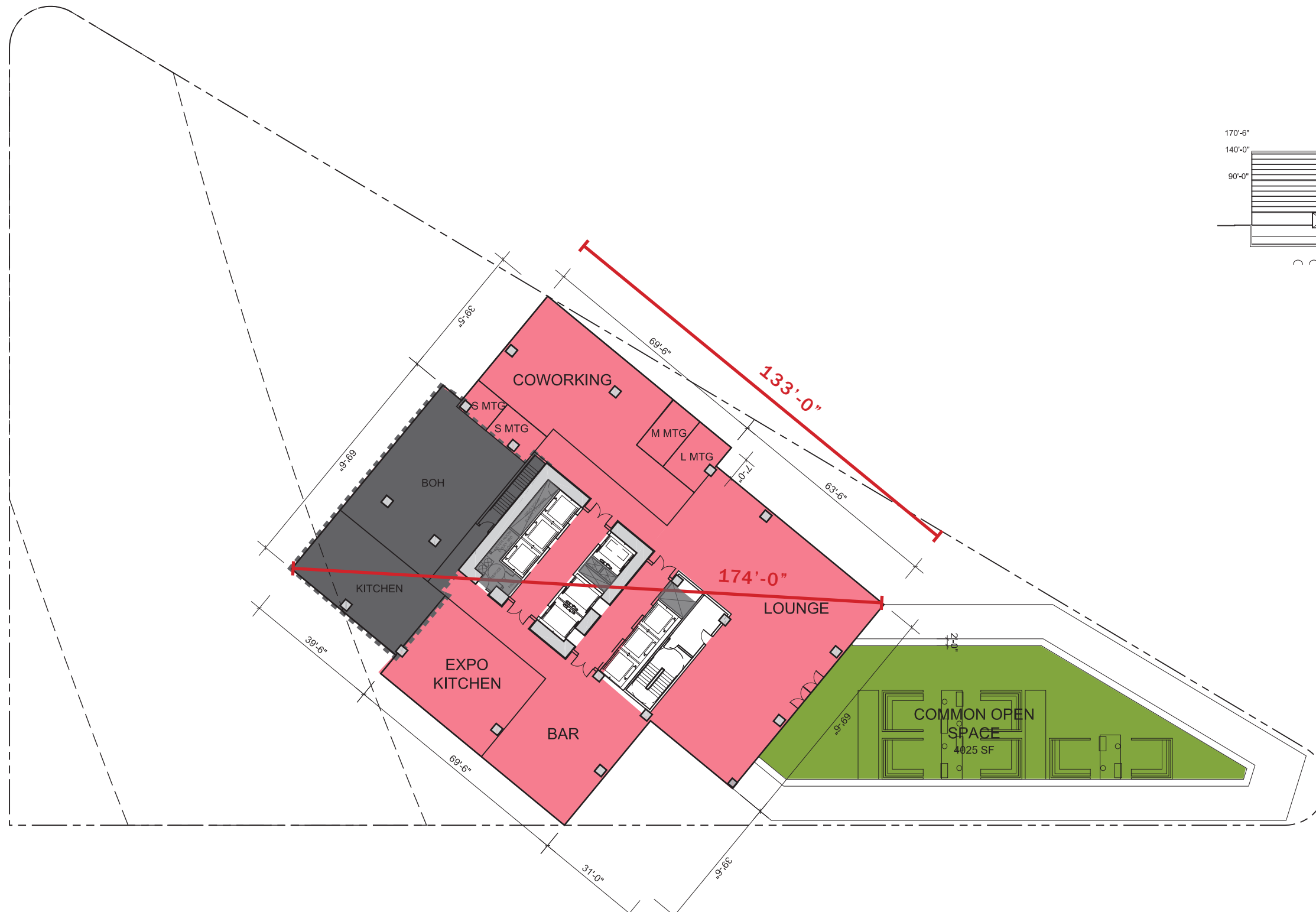




L15 FLOOR PLAN  
 +151'-8"  
 16,580 GSF

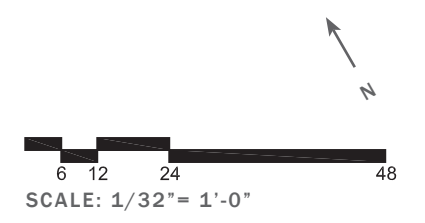
COLOR DENOTES EXEMPTED SF RE: PAGE 25





L16 FLOOR PLAN (LOWER TOWER)  
 +170'-0"  
 14,020 GSF  
 MAX DIAGONAL 174'-0"  
 MAX LENGTH 133'-0"

■ COLOR DENOTES EXEMPTED SF RE: PAGE 25 ■■■■■ DASHED LINE DENOTES PARKING/MEP/BOH AREA RE: PAGE 25



NOTES:

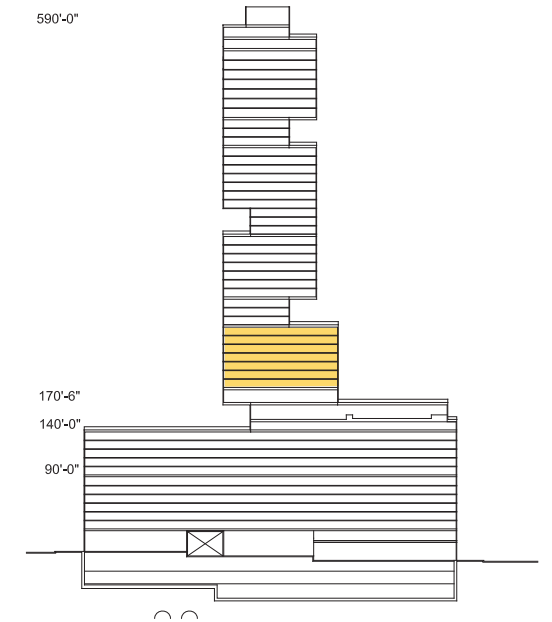
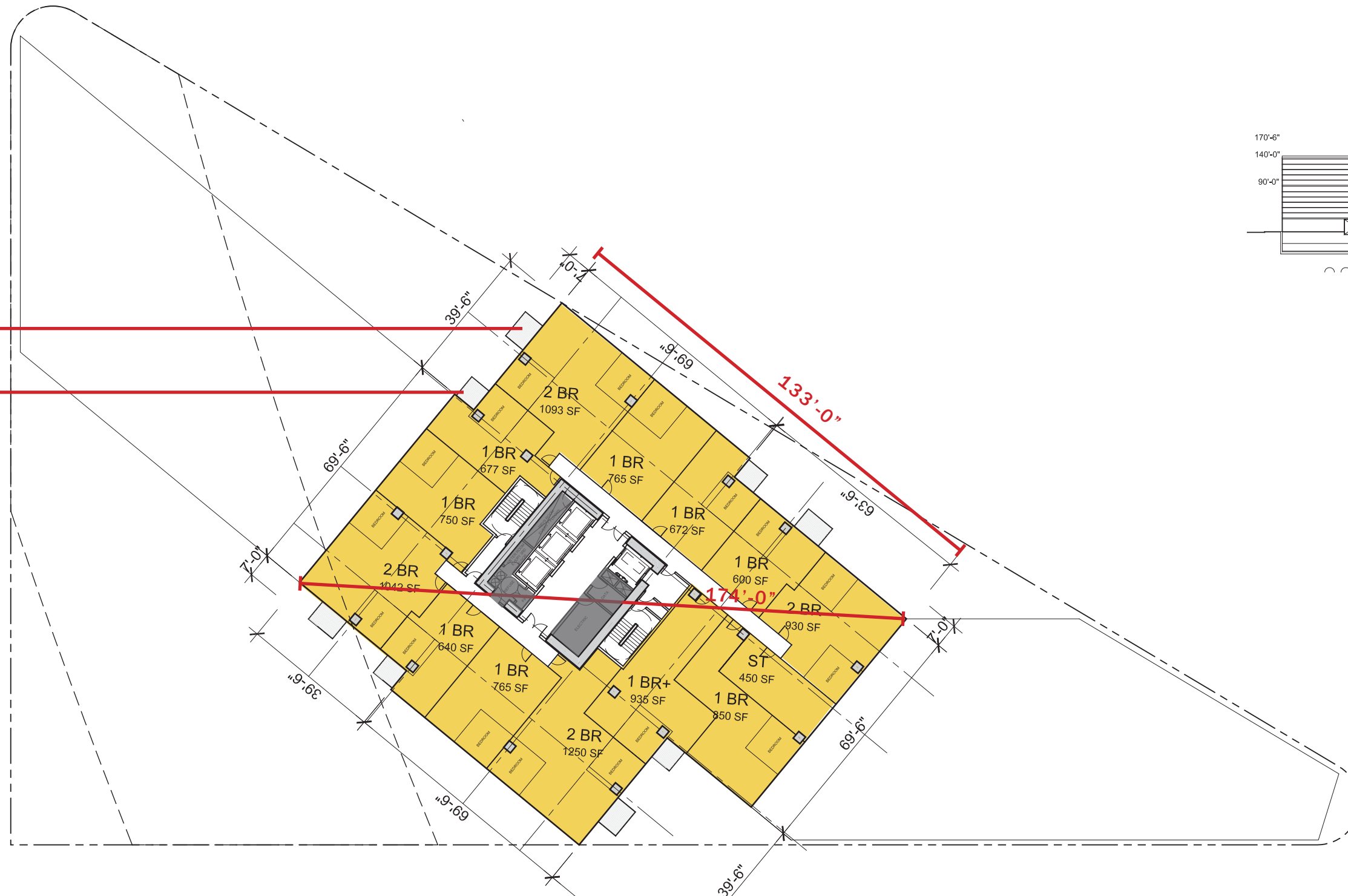
1) BALCONIES MEET THE DIMENSIONAL REQUIREMENTS FOR PRIVATE BALCONIES. SEE TYPICAL DIMENSIONS SHOWN.

2) GLASS BALUSTRADES SHALL COMPLY WITH BIRD SAFETY STANDARDS.

3) ALL BALCONIES SHALL BE ALIGNED WITH UNITS AND SHALL COMPLY WITH CODE

TYPICAL BALCONY  
6'6" DEEP X 9'-0" WIDE

TYPICAL CORNER BALCONY  
6'6" DEEP X 7'-0" WIDE



L17-23 FLOOR PLAN (LOWER TOWER)

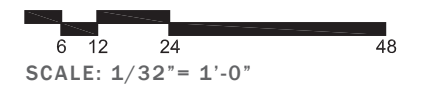
+187'-2" TO +245'-2"

14,020 GSF

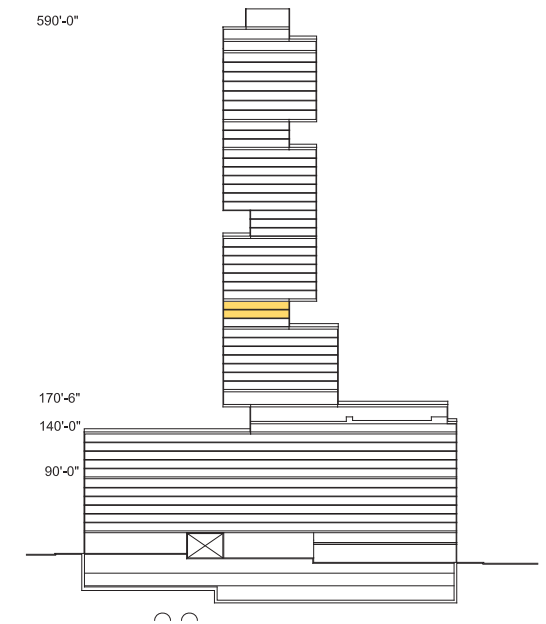
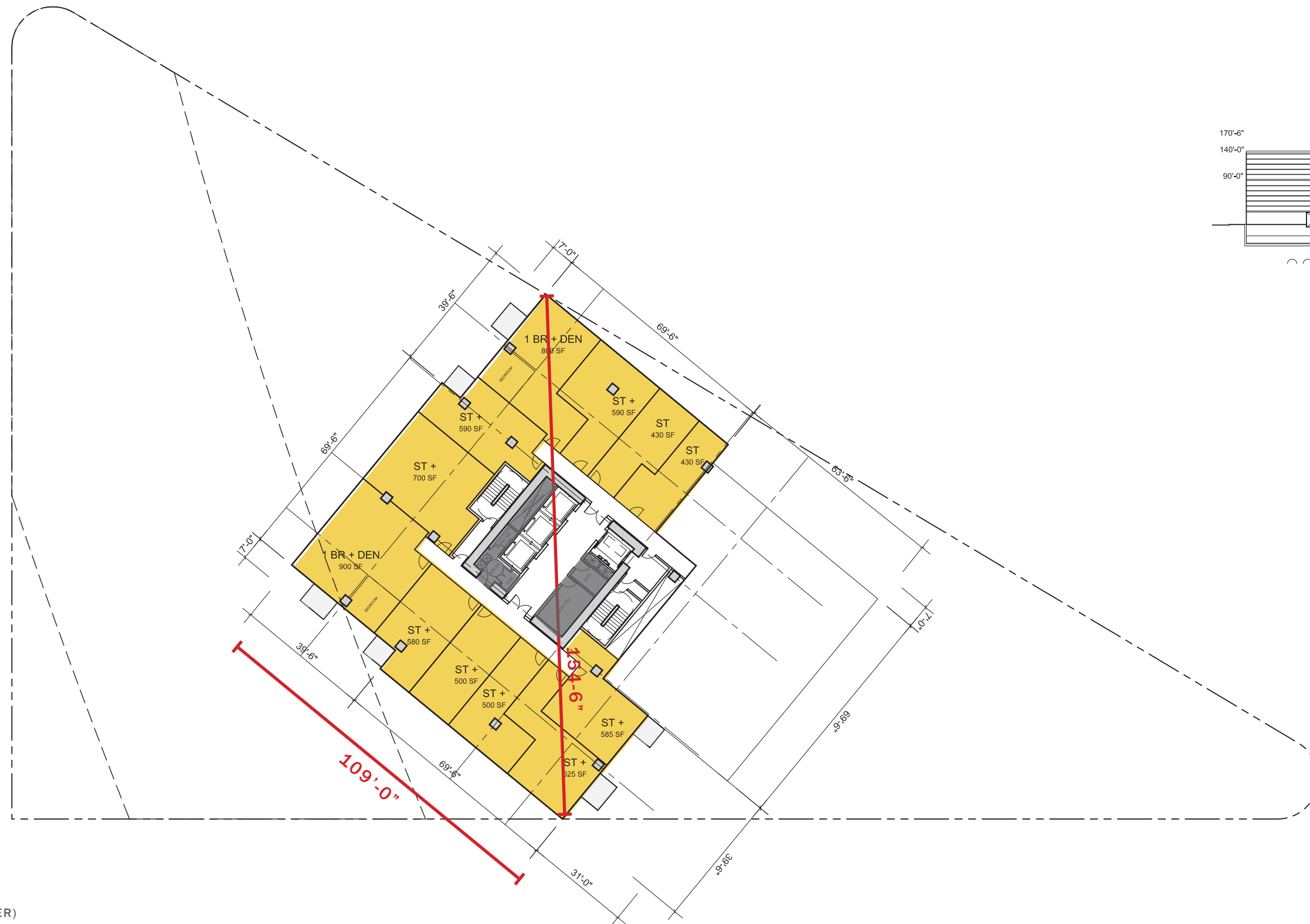
MAX DIAGONAL 174'-0"

MAX LENGTH 133'-0"

COLOR DENOTES EXEMPTED SF RE: PAGE 25







**L25-26 FLOOR PLAN (UPPER TOWER)**

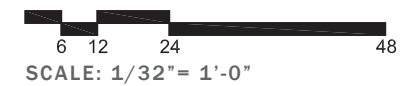
+266'-6" TO +276'-2"

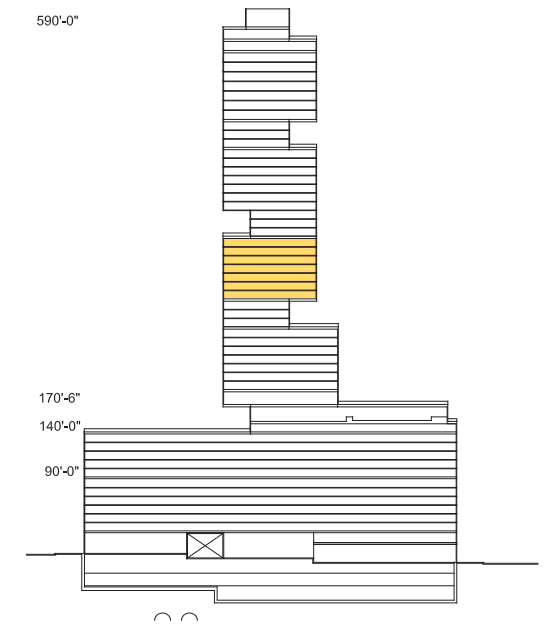
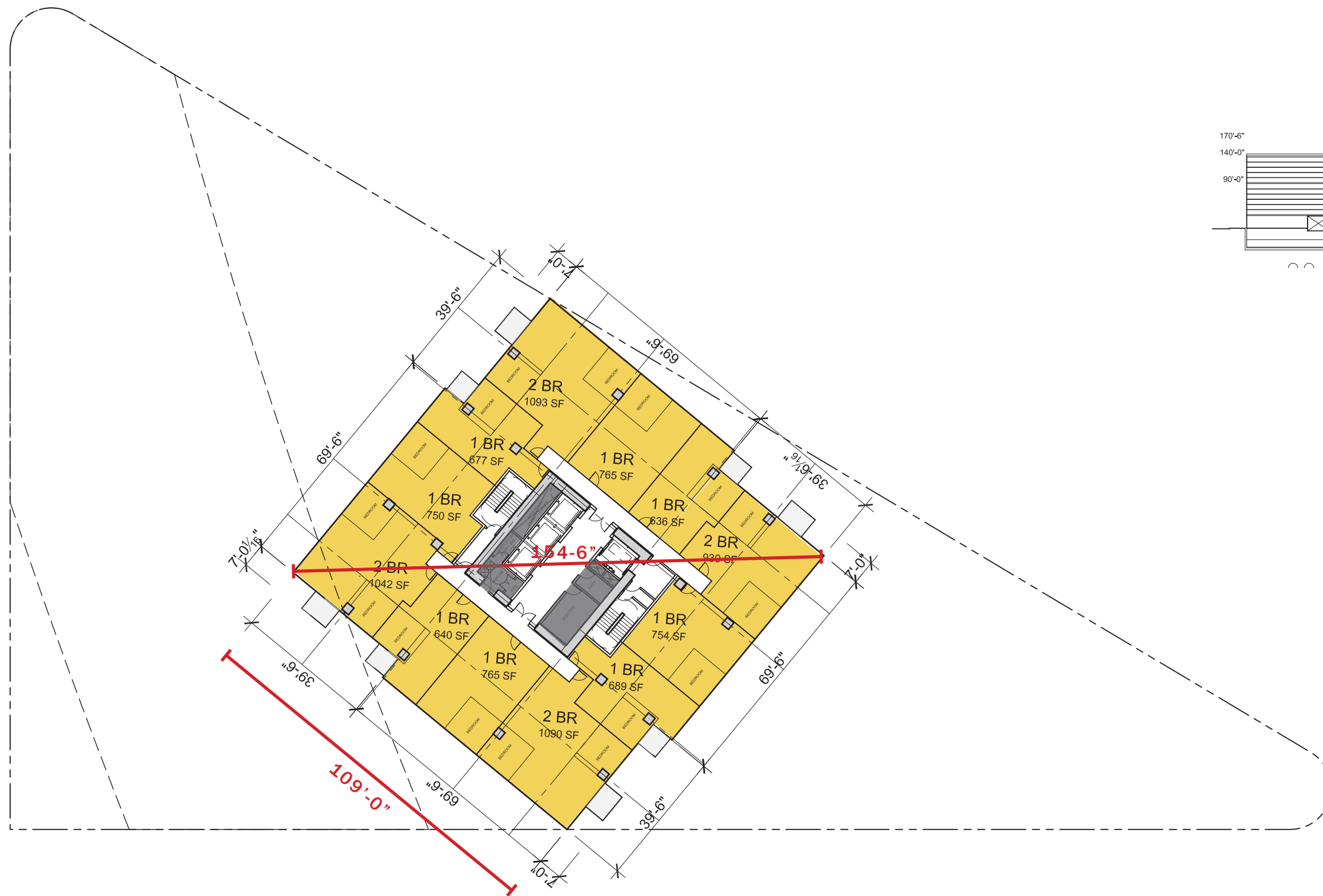
10,270 GSF

MAX DIAGONAL 154'-6"

MAX LENGTH 109'-0"

COLOR DENOTES EXEMPTED SF RE: PAGE 25





**L27-33 FLOOR PLAN (UPPER TOWER)**

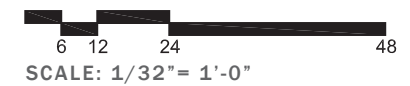
+287'-10" TO +345'-10"

12,350 GSF

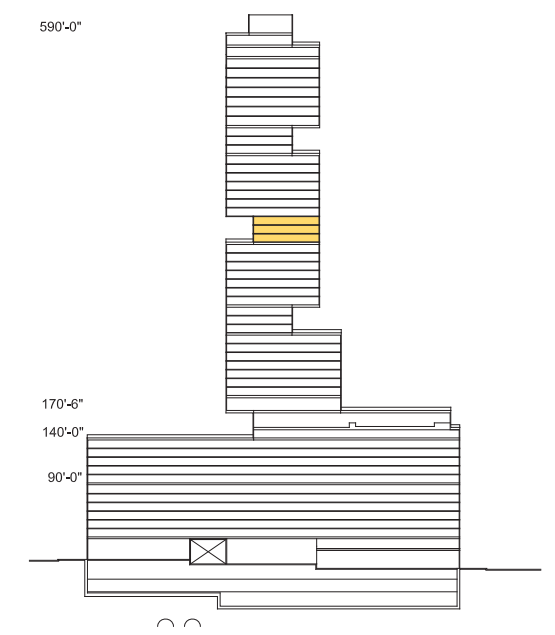
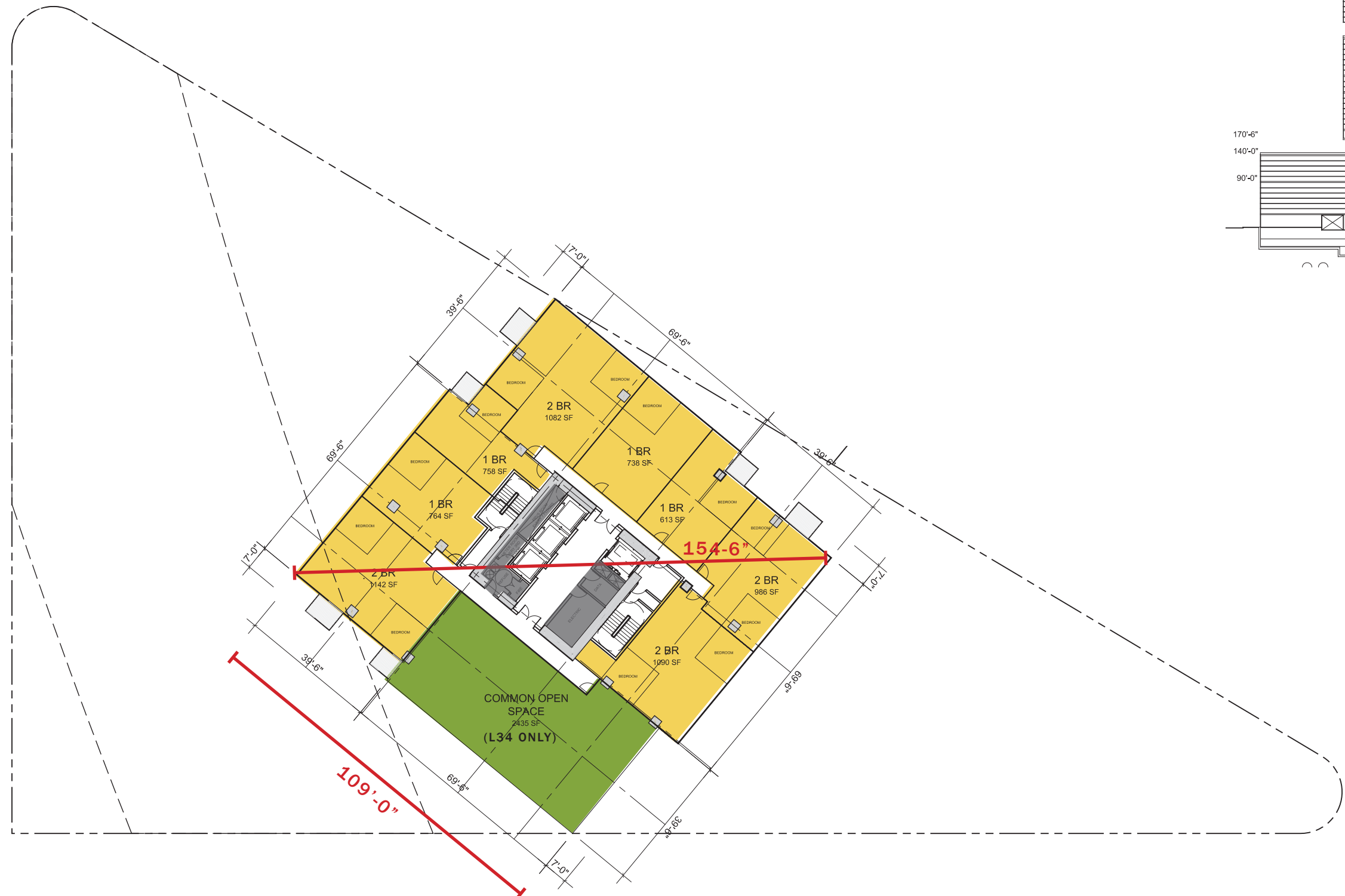
MAX DIAGONAL 154'-6"

MAX LENGTH 109'-0"

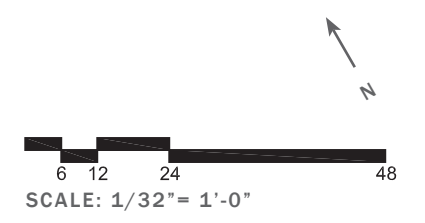
COLOR DENOTES EXEMPTED SF RE: PAGE 25

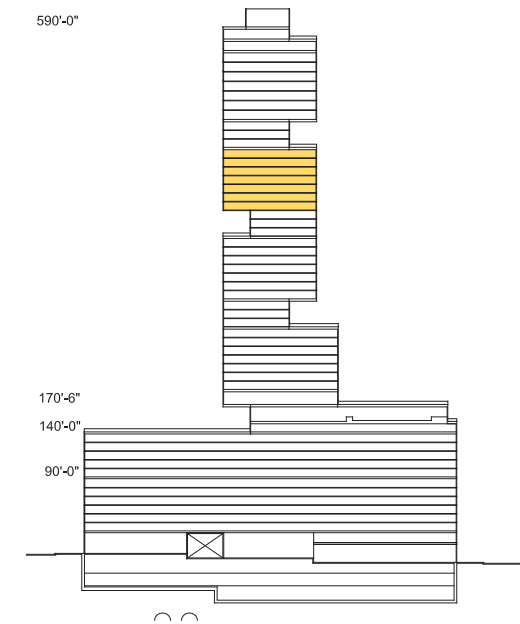
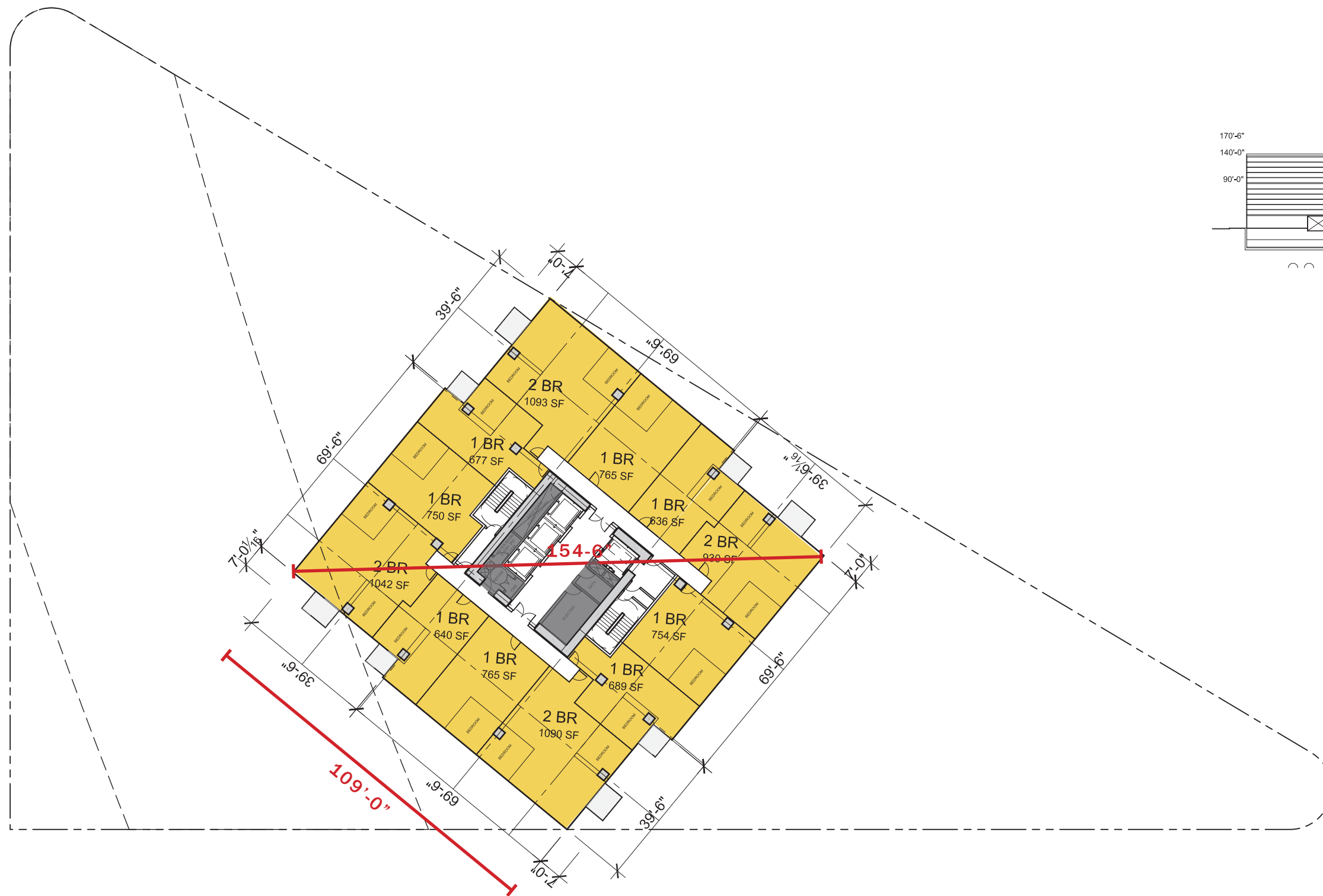






L34-36 FLOOR PLAN (UPPER TOWER)  
 +357'-6" TO +376'-10"  
 9,920 GSF  
 MAX DIAGONAL 154'-6"  
 MAX LENGTH 109'-0"  
 ■ COLOR DENOTES EXEMPTED SF RE: PAGE 25





**L37-43 FLOOR PLAN (UPPER TOWER)**

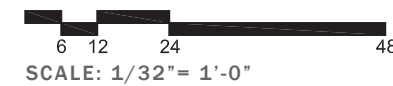
+386'-6" TO +444'-6"

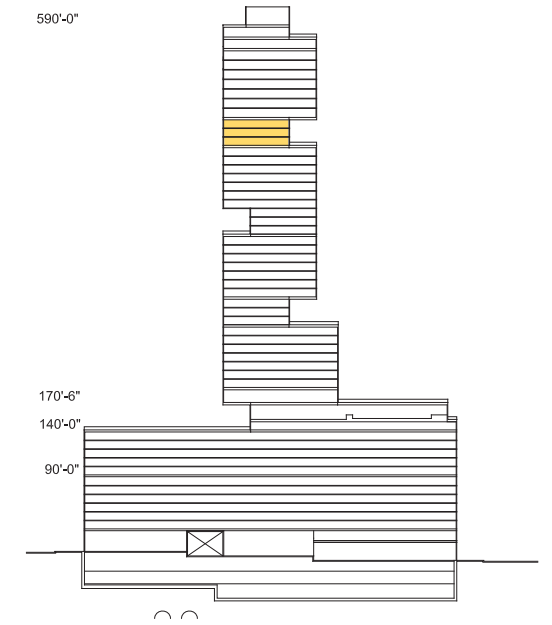
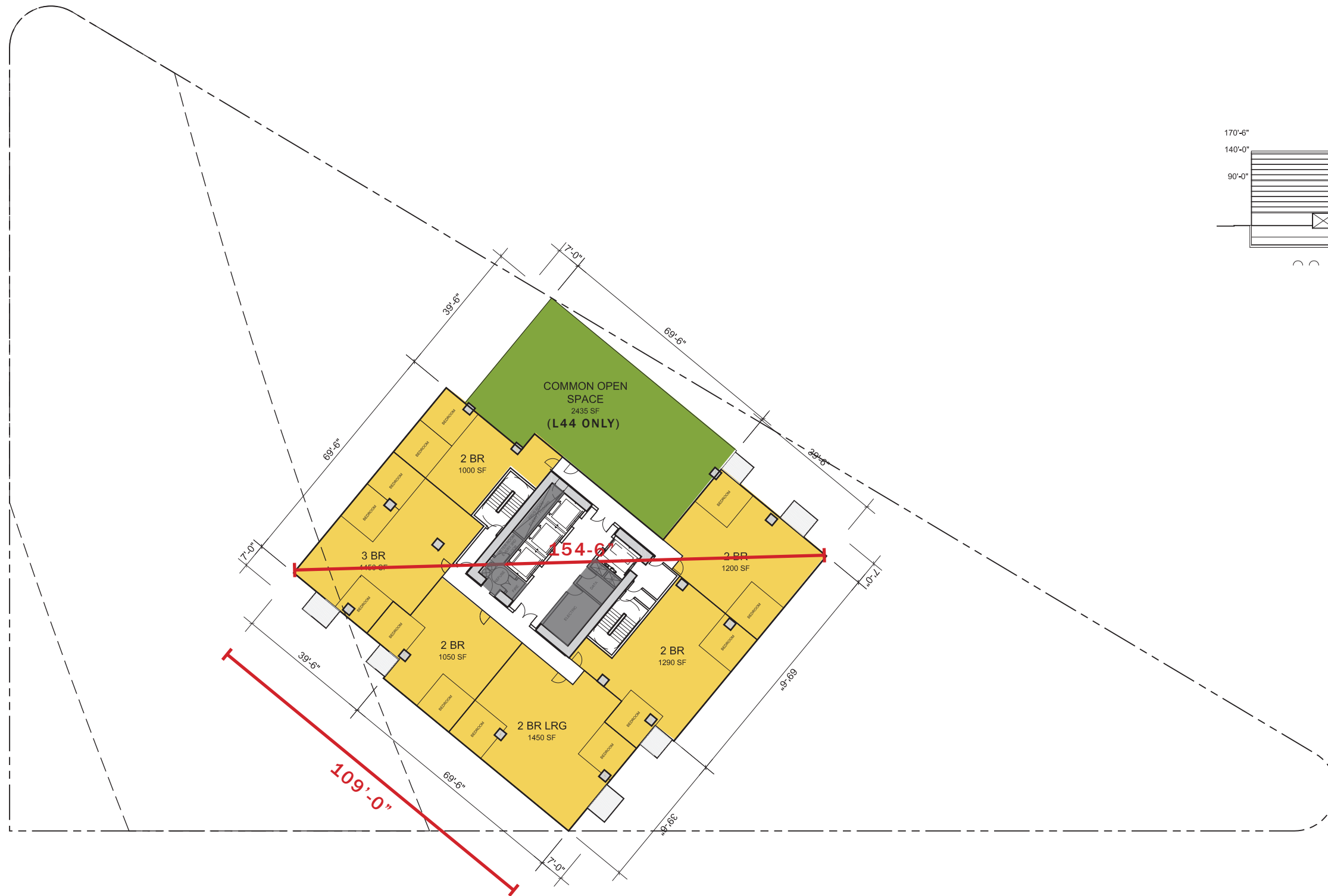
12,350 GSF

MAX DIAGONAL 154'-6"

MAX LENGTH 109'-0"

COLOR DENOTES EXEMPTED SF RE: PAGE 25





**L44-46 FLOOR PLAN (UPPER TOWER)**

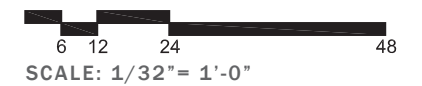
+456'-2" TO +475'-6"

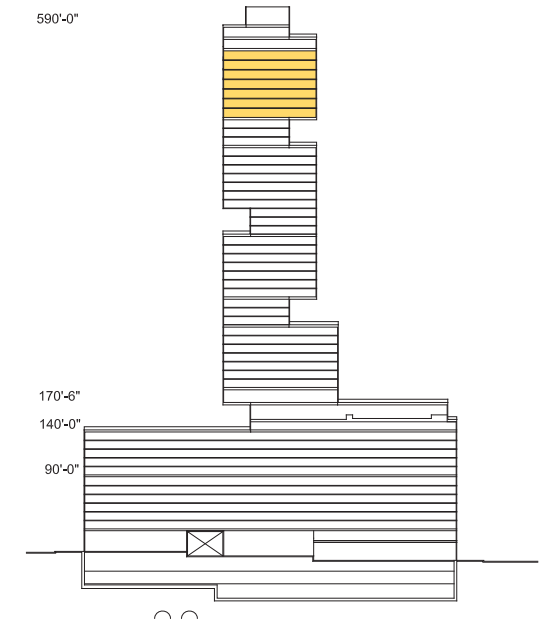
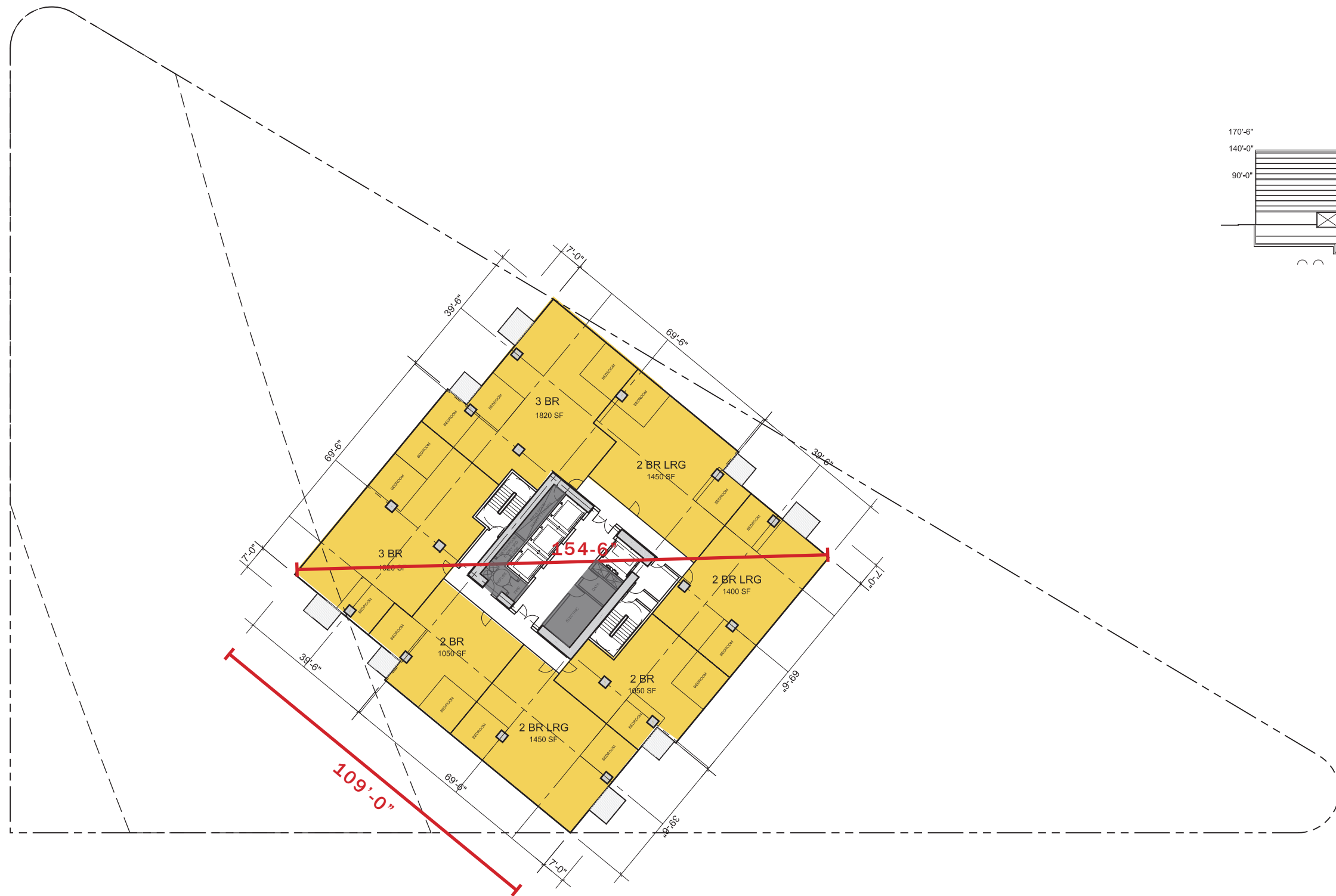
9,920 GSF

MAX DIAGONAL 154'-6"

MAX LENGTH 109'-0"

COLOR DENOTES EXEMPTED SF RE: PAGE 25





**L47-53 FLOOR PLAN (UPPER TOWER)**

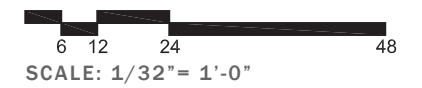
+487'-2" TO +551'-2"

12,350 GSF

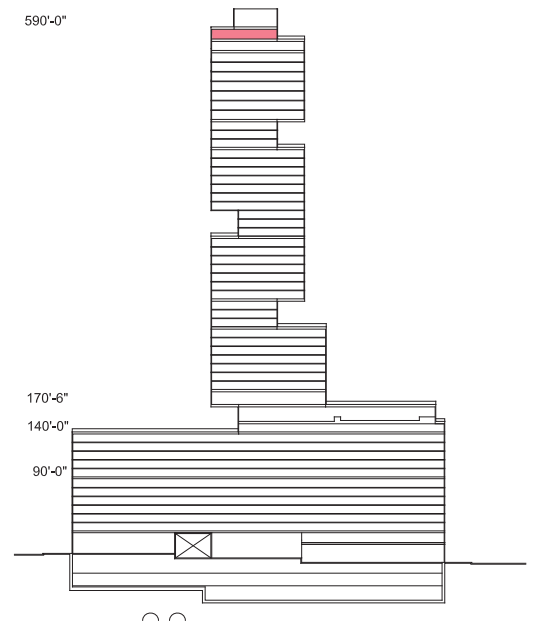
MAX DIAGONAL 154'-6"

MAX LENGTH 109'-0"

COLOR DENOTES EXEMPTED SF RE: PAGE 25







**L55 FLOOR PLAN (UPPER TOWER)**

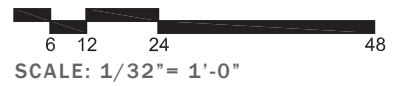
+576'-6"

7,900 GSF

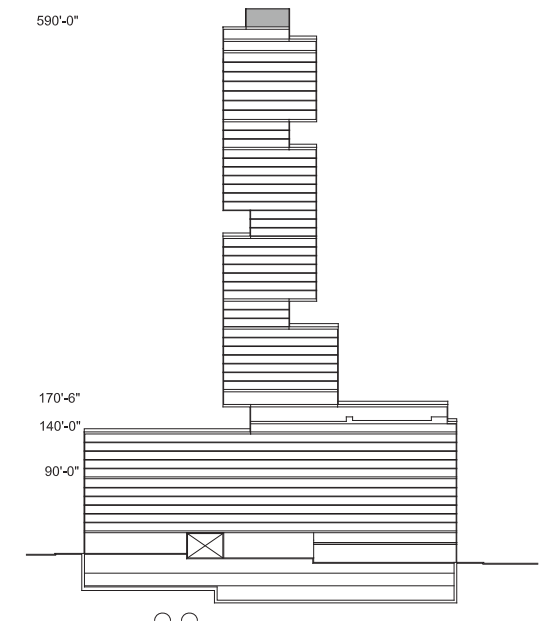
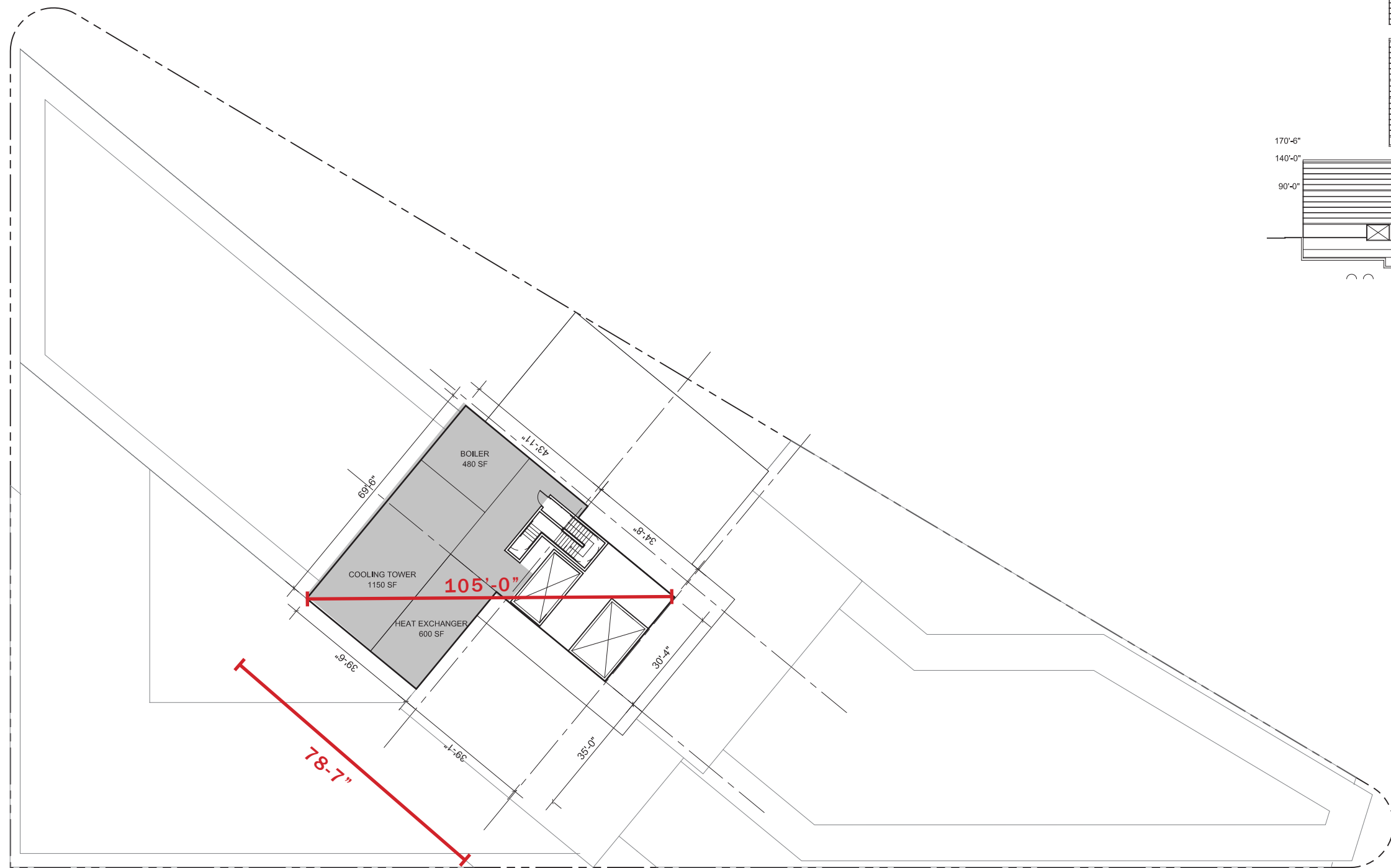
MAX DIAGONAL 133'-0"

MAX LENGTH 109'-0"

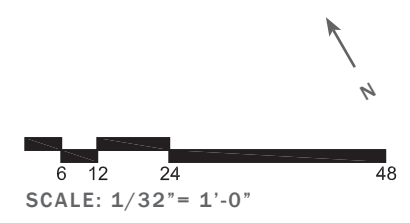
COLOR DENOTES EXEMPTED SF RE: PAGE 25







ROOF FLOOR PLAN (UPPER TOWER)  
 +590'0"  
 4,000 SF OPEN TO ABOVE  
 MAX DIAGONAL 105'-0"  
 MAX LENGTH 78'-7"



45' X 45' REQUIRED  
AT LEVEL 3.



LEVEL 3: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

40' X 40' REQUIRED  
AT LEVEL 4.



LEVEL 4: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

35' X 35' REQUIRED  
AT LEVEL 5.



LEVEL 5: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

30' X 30' REQUIRED  
AT LEVEL 6.



LEVEL 6: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

25' X 25'  
REQUIRED  
AT LEVEL 7.



LEVEL 7: EXPOSURE PLAN

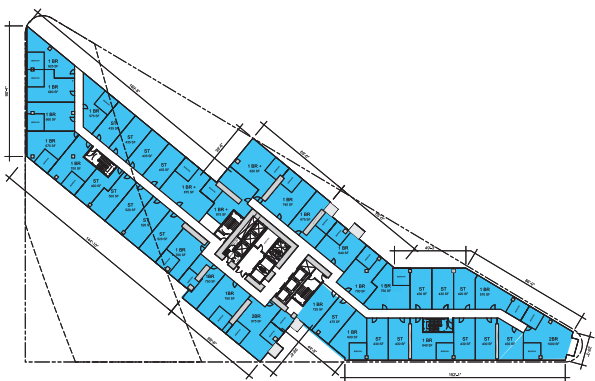
SCALE: 1/128"= 1'-0"

25' X 25' REQUIRED  
AT LEVEL 8.



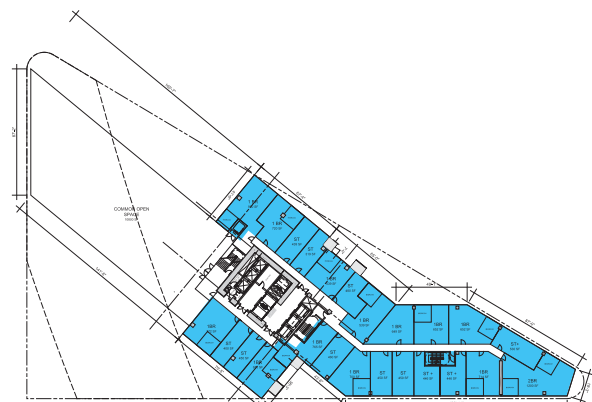
LEVEL 8: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



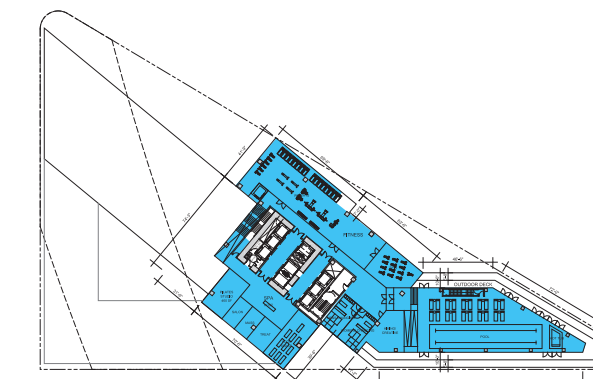
LEVEL 9-13: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



LEVEL 14: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

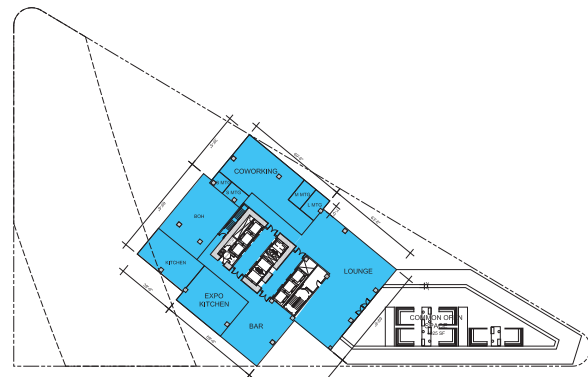


LEVEL 15: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

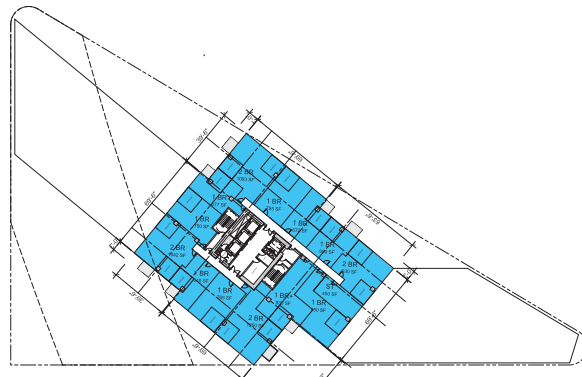
 NONCOMPLIANT EXPOSURE UNITS  
 COMPLIANT EXPOSURE UNITS

966 TOTAL UNITS  
34 UNITS DO NOT MEET EXPOSURE REQUIREMENTS



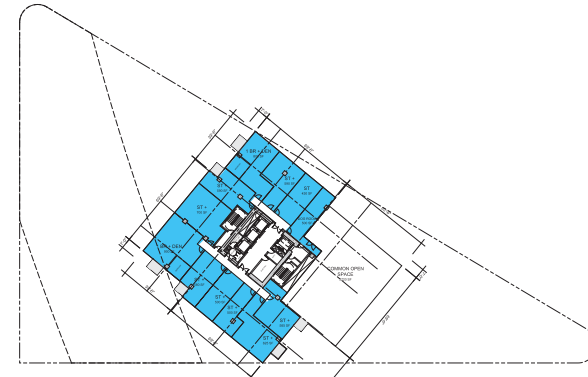
LEVEL 16: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



LEVEL 17-23: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



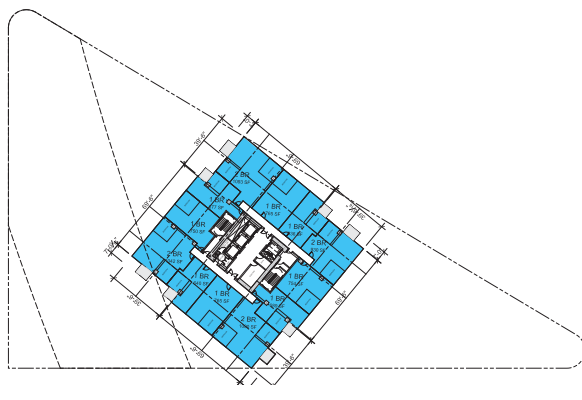
LEVEL 24: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



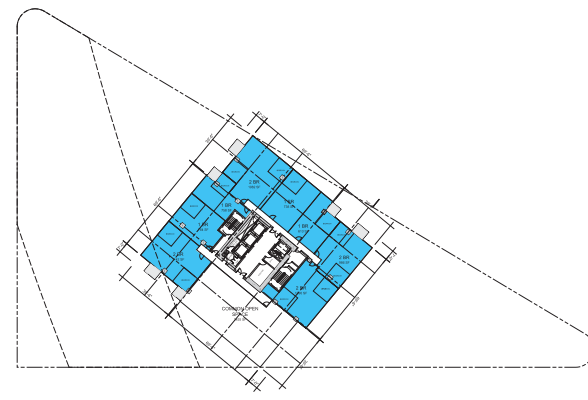
LEVEL 25-26: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



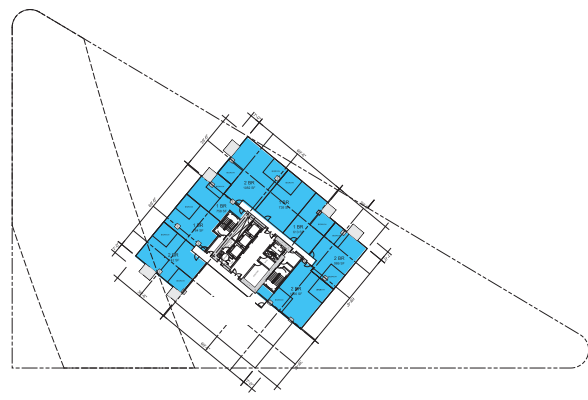
LEVEL 27-33: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



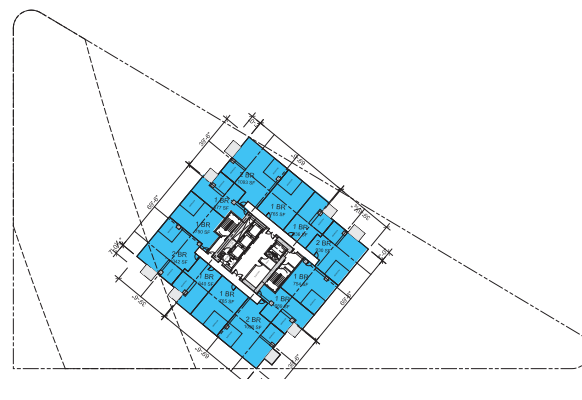
LEVEL 34: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



LEVEL 35-36: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"



LEVEL 37-43: EXPOSURE PLAN

SCALE: 1/128"= 1'-0"

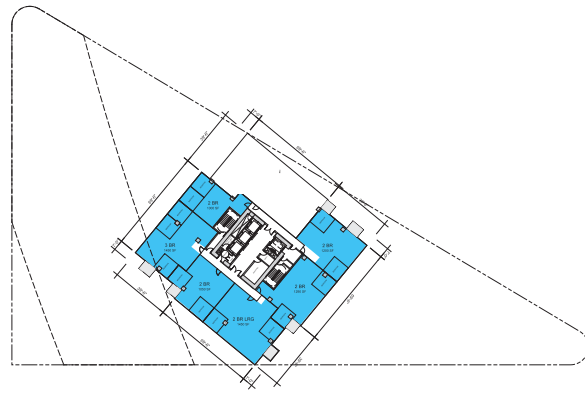


LEVEL 44: EXPOSURE PLAN

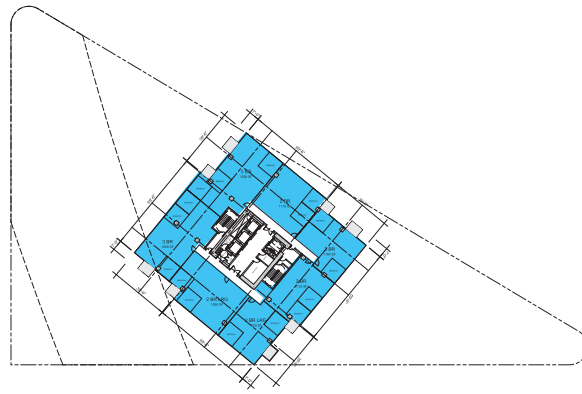
SCALE: 1/128"= 1'-0"

- NONCOMPLIANT EXPOSURE UNITS
- COMPLIANT EXPOSURE UNITS

966 TOTAL UNITS  
**34 UNITS DO NOT MEET EXPOSURE REQUIREMENTS**

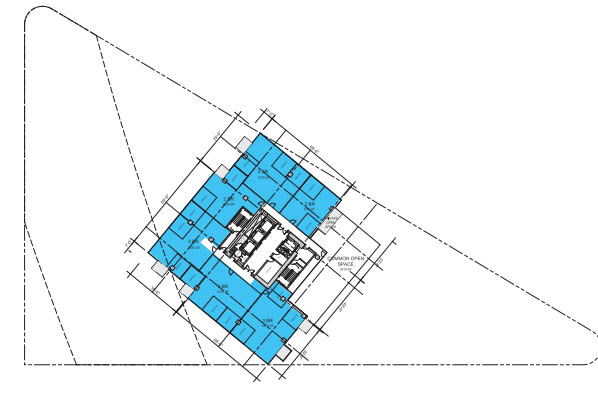


LEVEL 45-46: EXPOSURE PLAN



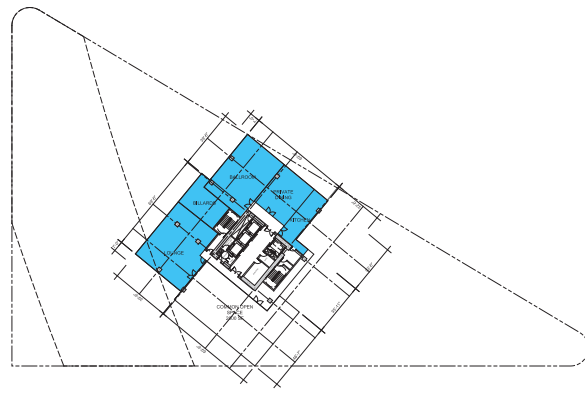
LEVEL 47-53: EXPOSURE PLAN

SCALE: 1/128" = 1'-0"



LEVEL 54: EXPOSURE PLAN

SCALE: 1/128" = 1'-0"



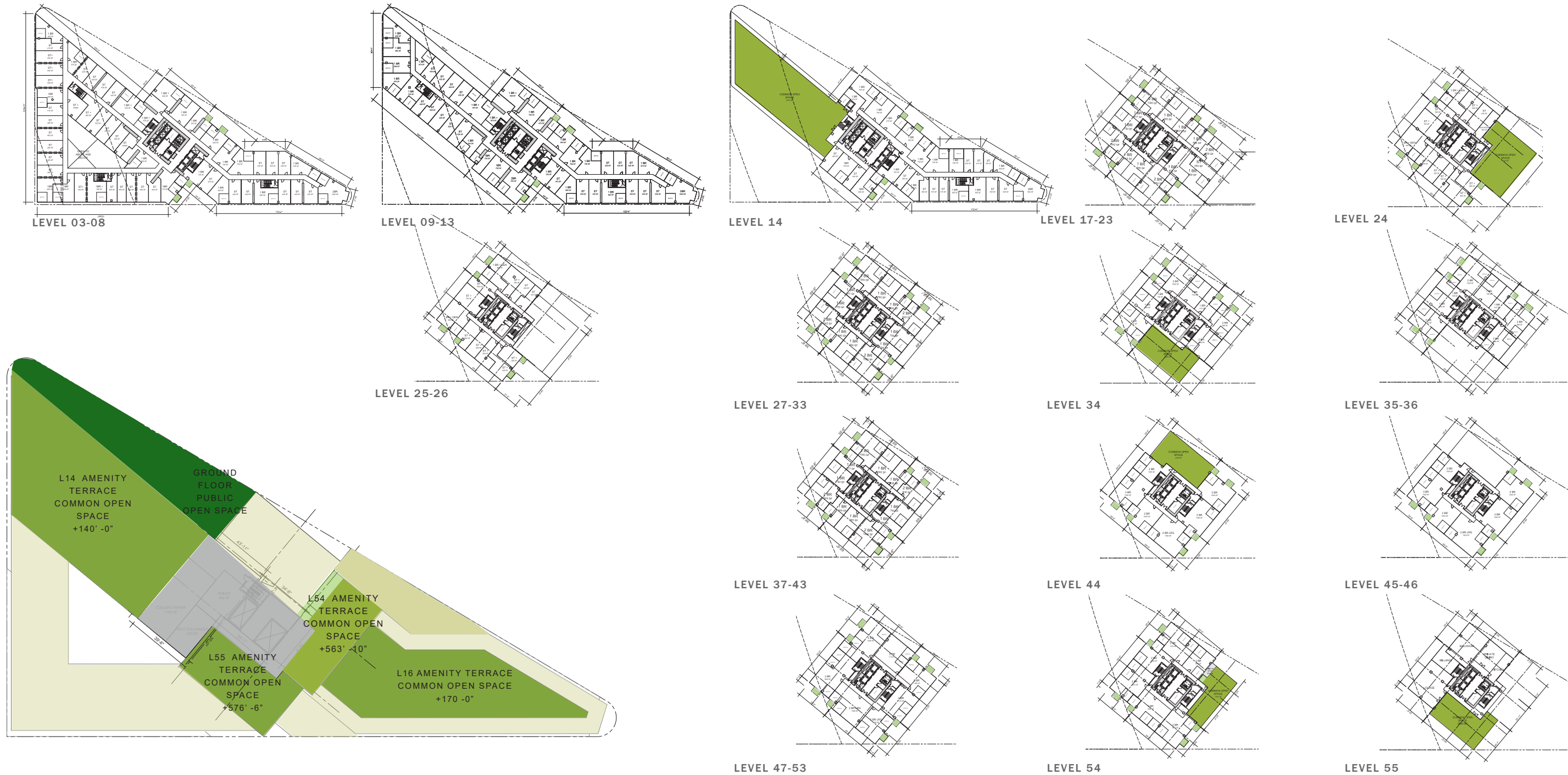
LEVEL 55: EXPOSURE PLAN

SCALE: 1/128" = 1'-0"

- NONCOMPLIANT EXPOSURE UNITS
- COMPLIANT EXPOSURE UNITS

966 TOTAL UNITS  
**34 UNITS DO NOT MEET EXPOSURE REQUIREMENTS**





**PUBLIC AND PRIVATE OPEN SPACE DIAGRAMS**

- NOTE:
- ROOF CAN BE ADDED AS POTENTIAL OPEN SPACE
  - BALCONIES MEET THE DIMENSIONAL REQUIREMENTS FOR PRIVATE BALCONIES

- PUBLIC OPEN SPACE
- COMMON OPEN SPACE
- PRIVATE OPEN SPACE
- ROOF- POTENTIAL OPEN SPACE

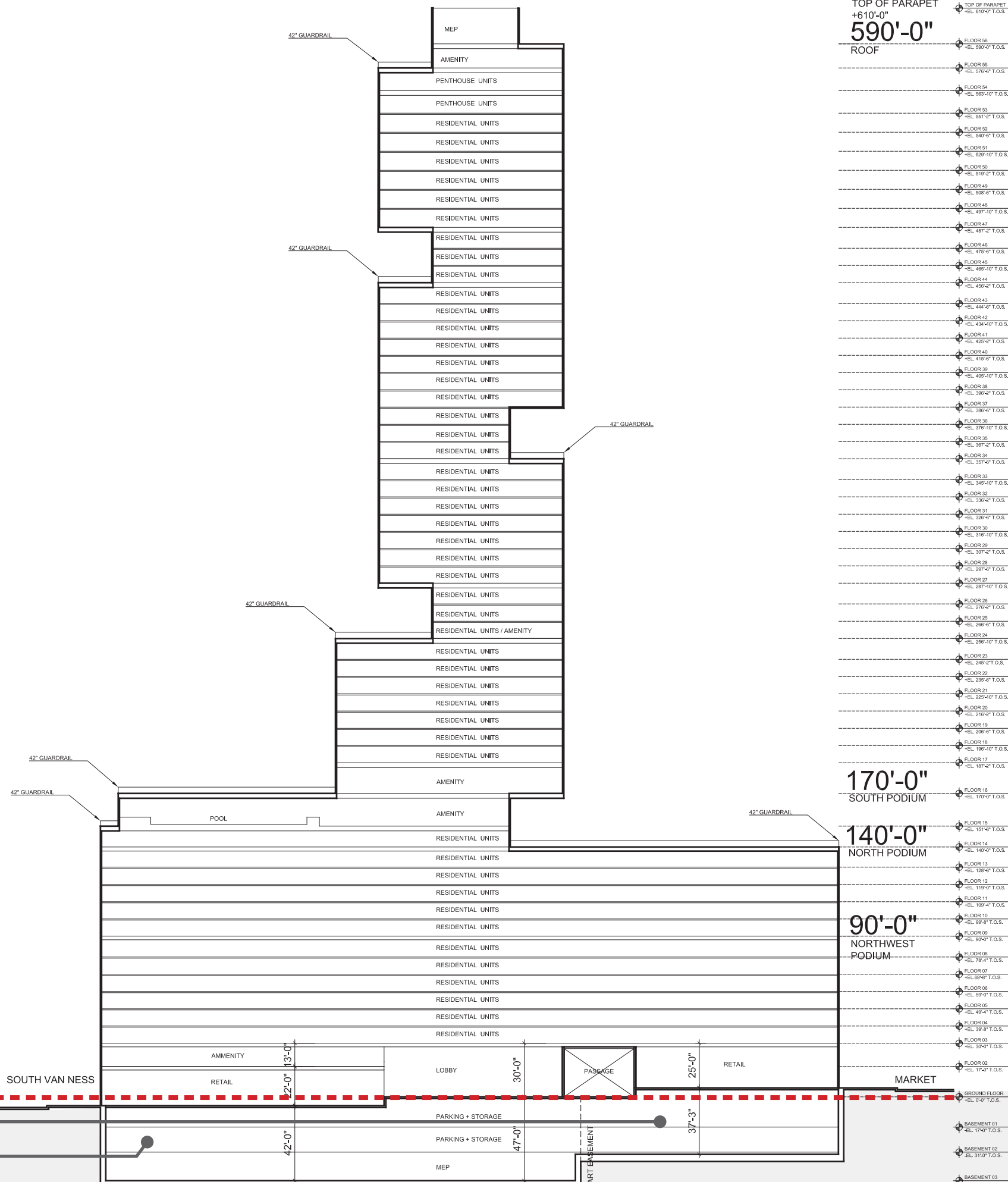
COMMON OPEN SPACE REQUIRED					COMMON USABLE OPEN SPACE PROVIDED***	
TOTAL RESIDENTIAL UNITS IN PROJECT	UNITS W/ PRIVATE USABLE OPEN SPACE*	UNITS W/O PRIVATE USABLE OPEN SPACE*	SF OF PRIVATE OPEN SPACE REQUIRED PER UNIT**	SF OF COMMON OPEN SPACE REQUIRED	LEVEL	AREA, SF
966	319	647	48	31,056	55 - AMENITY TERRACE	2,600
					54 - AMENITY TERRACE	1,910
					44 - AMENITY TERRACE	2,435
					34 - AMENITY TERRACE	2,435
					24 - AMENITY TERRACE	3,720
					16 - AMENITY TERRACE	4,025
					14 - AMENITY TERRACE	9,375
					01 - PUBLIC PLAZA	4,560
					<b>TOTAL</b>	<b>31,060</b>

\* PRIVATE BALCONIES / TERRACES COMPLIANT WITH SF PLANNING CODE SECTION 135(f)  
 \*\* PER SF PLANNING CODE TABLE 135A, C-3 DISTRICT  
 \*\*\* AREA COMPLIANT WITH SF PLANNING CODE SECTION 135(g), 136

\* +0'-0" BASE DATUM FOR BUILDING HEIGHTS TAKEN AT MIDPOINT OF SITE ELEVATION

AREA OF BASEMENT WITH TRIPLE STACKED PARKING

AREA OF BASEMENT WITH DOUBLE STACKED PARKING



170'-0"  
SOUTH PODIUM

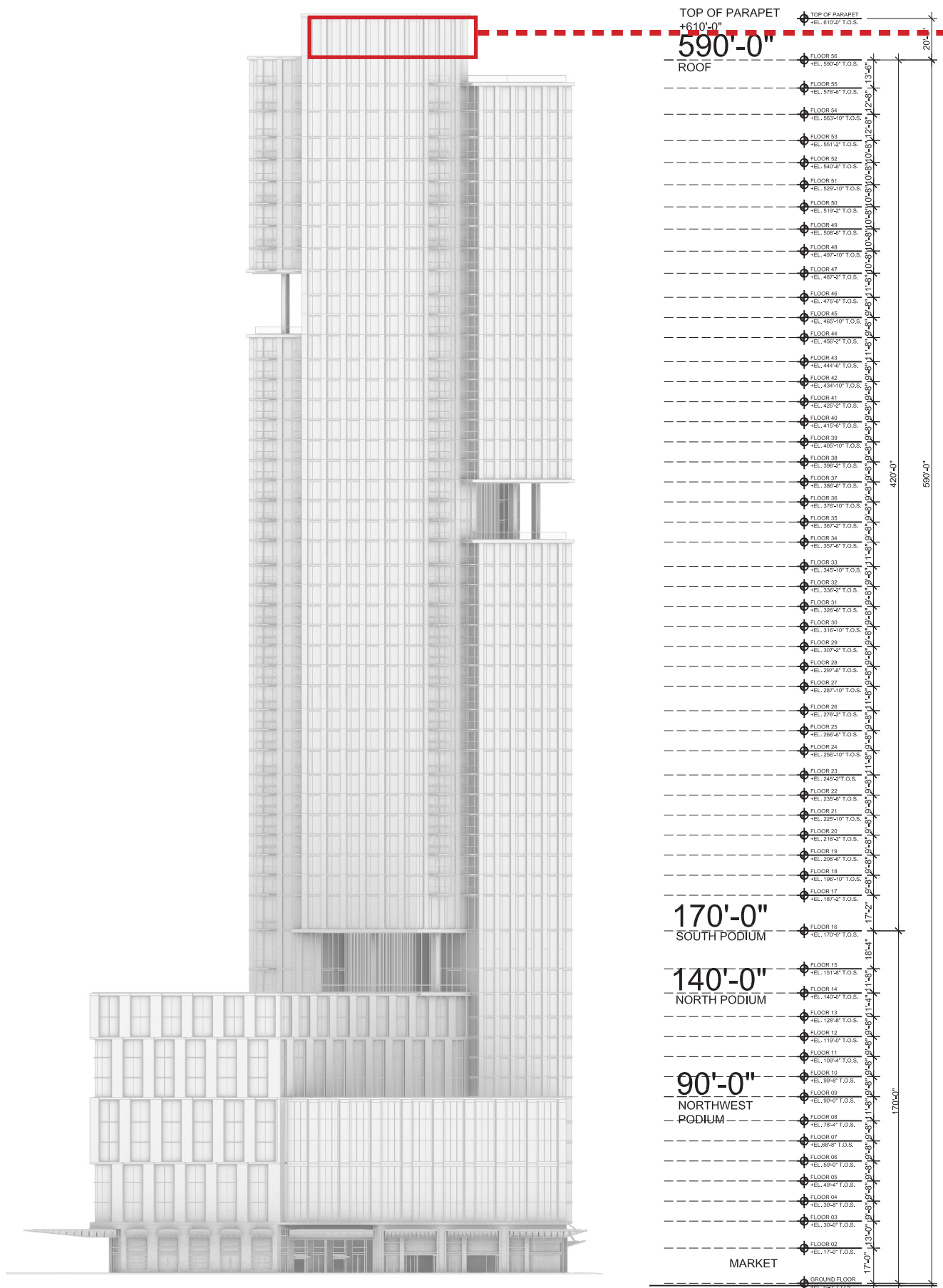
140'-0"  
NORTH PODIUM

90'-0"  
NORTHWEST PODIUM

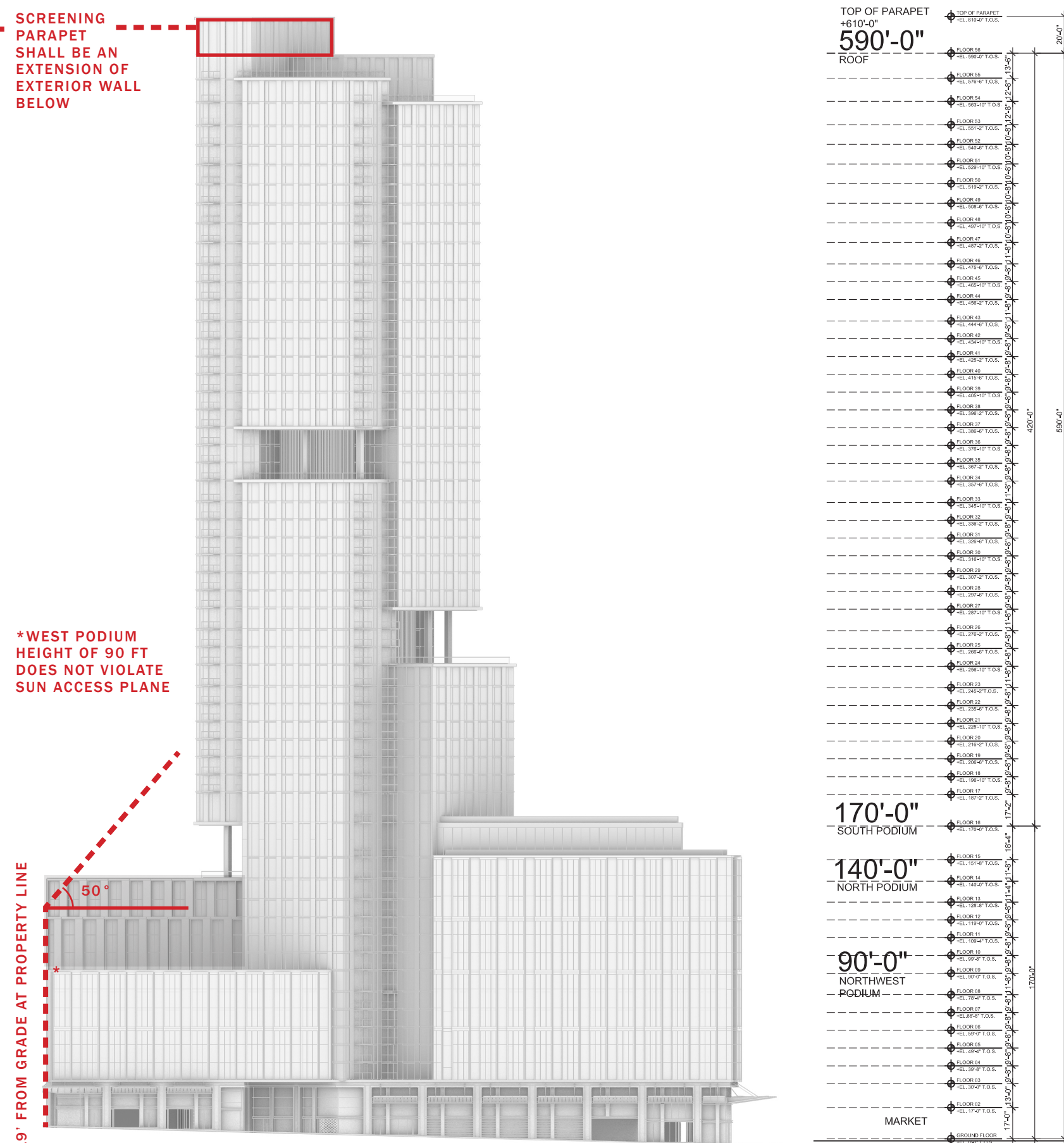
TOP OF PARAPET  
+610'-0"  
590'-0"  
ROOF

SCALE: 1/64" = 1'-0" @ 11 X 17



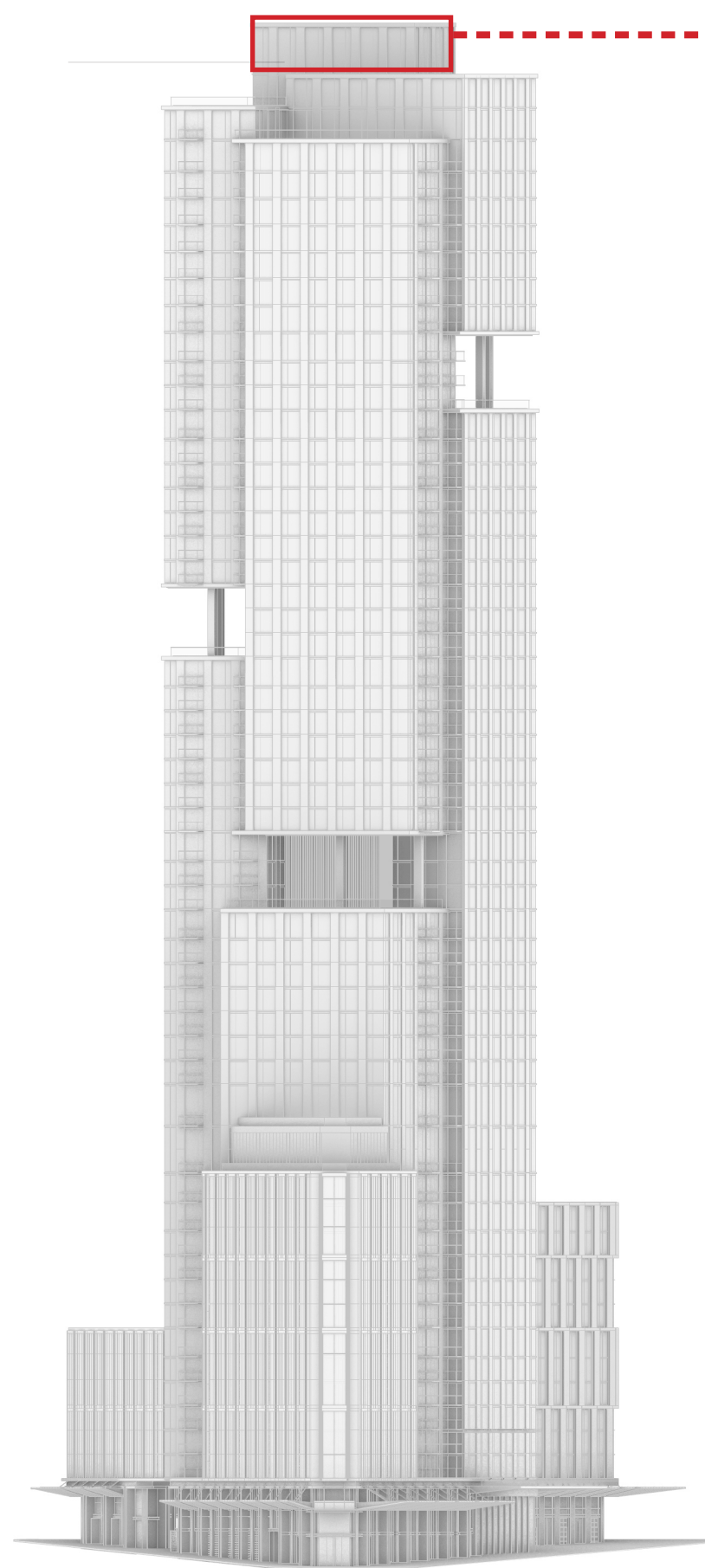


NORTH ELEVATION- MARKET STREET

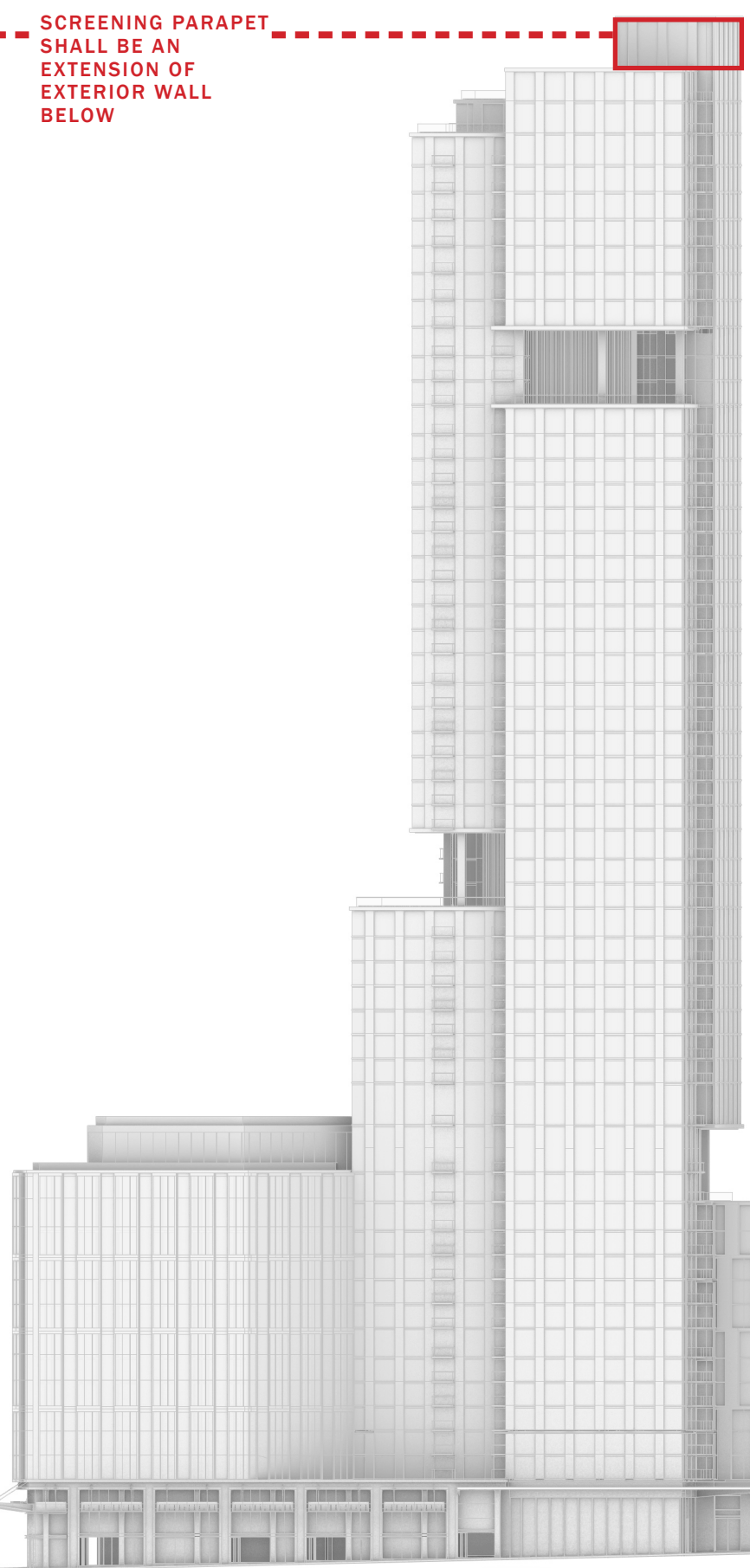


WEST ELEVATION- 12TH STREET

SCALE: 1/64" = 1'-0"



FLOOR	HEIGHT (T.O.S.)
TOP OF PARAPET	+610'-0"
ROOF	590'-0"
FLOOR 56	+EL. 590'-2" T.O.S.
FLOOR 55	+EL. 578'-4" T.O.S.
FLOOR 54	+EL. 563'-10" T.O.S.
FLOOR 53	+EL. 551'-2" T.O.S.
FLOOR 52	+EL. 547'-4" T.O.S.
FLOOR 51	+EL. 529'-10" T.O.S.
FLOOR 50	+EL. 519'-2" T.O.S.
FLOOR 49	+EL. 508'-4" T.O.S.
FLOOR 48	+EL. 499'-10" T.O.S.
FLOOR 47	+EL. 487'-2" T.O.S.
FLOOR 46	+EL. 475'-4" T.O.S.
FLOOR 45	+EL. 463'-10" T.O.S.
FLOOR 44	+EL. 456'-2" T.O.S.
FLOOR 43	+EL. 444'-4" T.O.S.
FLOOR 42	+EL. 434'-10" T.O.S.
FLOOR 41	+EL. 423'-2" T.O.S.
FLOOR 40	+EL. 413'-4" T.O.S.
FLOOR 39	+EL. 403'-10" T.O.S.
FLOOR 38	+EL. 396'-2" T.O.S.
FLOOR 37	+EL. 386'-4" T.O.S.
FLOOR 36	+EL. 373'-10" T.O.S.
FLOOR 35	+EL. 367'-2" T.O.S.
FLOOR 34	+EL. 357'-4" T.O.S.
FLOOR 33	+EL. 345'-10" T.O.S.
FLOOR 32	+EL. 333'-2" T.O.S.
FLOOR 31	+EL. 323'-4" T.O.S.
FLOOR 30	+EL. 313'-10" T.O.S.
FLOOR 29	+EL. 303'-2" T.O.S.
FLOOR 28	+EL. 297'-4" T.O.S.
FLOOR 27	+EL. 287'-10" T.O.S.
FLOOR 26	+EL. 276'-2" T.O.S.
FLOOR 25	+EL. 266'-4" T.O.S.
FLOOR 24	+EL. 256'-10" T.O.S.
FLOOR 23	+EL. 243'-2" T.O.S.
FLOOR 22	+EL. 233'-4" T.O.S.
FLOOR 21	+EL. 223'-10" T.O.S.
FLOOR 20	+EL. 213'-2" T.O.S.
FLOOR 19	+EL. 206'-4" T.O.S.
FLOOR 18	+EL. 196'-10" T.O.S.
FLOOR 17	+EL. 187'-2" T.O.S.
FLOOR 16	+EL. 178'-4" T.O.S.
FLOOR 15	+EL. 159'-4" T.O.S.
FLOOR 14	+EL. 143'-4" T.O.S.
FLOOR 13	+EL. 128'-4" T.O.S.
FLOOR 12	+EL. 119'-4" T.O.S.
FLOOR 11	+EL. 107'-4" T.O.S.
FLOOR 10	+EL. 99'-4" T.O.S.
FLOOR 09	+EL. 90'-0" T.O.S.
FLOOR 08	+EL. 78'-4" T.O.S.
FLOOR 07	+EL. 66'-4" T.O.S.
FLOOR 06	+EL. 59'-4" T.O.S.
FLOOR 05	+EL. 49'-4" T.O.S.
FLOOR 04	+EL. 39'-4" T.O.S.
FLOOR 03	+EL. 30'-4" T.O.S.
FLOOR 02	+EL. 17'-2" T.O.S.
MARKET	+EL. 0'-0" T.O.S.
GROUND FLOOR	+EL. 0'-0" T.O.S.



FLOOR	HEIGHT (T.O.S.)
TOP OF PARAPET	+610'-0"
ROOF	590'-0"
FLOOR 56	+EL. 590'-2" T.O.S.
FLOOR 55	+EL. 578'-4" T.O.S.
FLOOR 54	+EL. 563'-10" T.O.S.
FLOOR 53	+EL. 551'-2" T.O.S.
FLOOR 52	+EL. 547'-4" T.O.S.
FLOOR 51	+EL. 529'-10" T.O.S.
FLOOR 50	+EL. 519'-2" T.O.S.
FLOOR 49	+EL. 508'-4" T.O.S.
FLOOR 48	+EL. 499'-10" T.O.S.
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FLOOR 32	+EL. 333'-2" T.O.S.
FLOOR 31	+EL. 323'-4" T.O.S.
FLOOR 30	+EL. 313'-10" T.O.S.
FLOOR 29	+EL. 303'-2" T.O.S.
FLOOR 28	+EL. 297'-4" T.O.S.
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FLOOR 14	+EL. 143'-4" T.O.S.
FLOOR 13	+EL. 128'-4" T.O.S.
FLOOR 12	+EL. 119'-4" T.O.S.
FLOOR 11	+EL. 107'-4" T.O.S.
FLOOR 10	+EL. 99'-4" T.O.S.
FLOOR 09	+EL. 90'-0" T.O.S.
FLOOR 08	+EL. 78'-4" T.O.S.
FLOOR 07	+EL. 66'-4" T.O.S.
FLOOR 06	+EL. 59'-4" T.O.S.
FLOOR 05	+EL. 49'-4" T.O.S.
FLOOR 04	+EL. 39'-4" T.O.S.
FLOOR 03	+EL. 30'-4" T.O.S.
FLOOR 02	+EL. 17'-2" T.O.S.
MARKET	+EL. 0'-0" T.O.S.
GROUND FLOOR	+EL. 0'-0" T.O.S.

FLOOR	HEIGHT (T.O.S.)
TOP OF PARAPET	+610'-0"
ROOF	590'-0"
FLOOR 56	+EL. 590'-2" T.O.S.
FLOOR 55	+EL. 578'-4" T.O.S.
FLOOR 54	+EL. 563'-10" T.O.S.
FLOOR 53	+EL. 551'-2" T.O.S.
FLOOR 52	+EL. 547'-4" T.O.S.
FLOOR 51	+EL. 529'-10" T.O.S.
FLOOR 50	+EL. 519'-2" T.O.S.
FLOOR 49	+EL. 508'-4" T.O.S.
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FLOOR 47	+EL. 487'-2" T.O.S.
FLOOR 46	+EL. 475'-4" T.O.S.
FLOOR 45	+EL. 463'-10" T.O.S.
FLOOR 44	+EL. 456'-2" T.O.S.
FLOOR 43	+EL. 444'-4" T.O.S.
FLOOR 42	+EL. 434'-10" T.O.S.
FLOOR 41	+EL. 423'-2" T.O.S.
FLOOR 40	+EL. 413'-4" T.O.S.
FLOOR 39	+EL. 403'-10" T.O.S.
FLOOR 38	+EL. 396'-2" T.O.S.
FLOOR 37	+EL. 386'-4" T.O.S.
FLOOR 36	+EL. 373'-10" T.O.S.
FLOOR 35	+EL. 367'-2" T.O.S.
FLOOR 34	+EL. 357'-4" T.O.S.
FLOOR 33	+EL. 345'-10" T.O.S.
FLOOR 32	+EL. 333'-2" T.O.S.
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FLOOR 25	+EL. 266'-4" T.O.S.
FLOOR 24	+EL. 256'-10" T.O.S.
FLOOR 23	+EL. 243'-2" T.O.S.
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FLOOR 12	+EL. 119'-4" T.O.S.
FLOOR 11	+EL. 107'-4" T.O.S.
FLOOR 10	+EL. 99'-4" T.O.S.
FLOOR 09	+EL. 90'-0" T.O.S.
FLOOR 08	+EL. 78'-4" T.O.S.
FLOOR 07	+EL. 66'-4" T.O.S.
FLOOR 06	+EL. 59'-4" T.O.S.
FLOOR 05	+EL. 49'-4" T.O.S.
FLOOR 04	+EL. 39'-4" T.O.S.
FLOOR 03	+EL. 30'-4" T.O.S.
FLOOR 02	+EL. 17'-2" T.O.S.
MARKET	+EL. 0'-0" T.O.S.
GROUND FLOOR	+EL. 0'-0" T.O.S.

EAST ELEVATION- SOUTH VAN NESS AVE

SOUTH ELEVATION- 12TH STREET AND SOUTH VAN NESS AVE

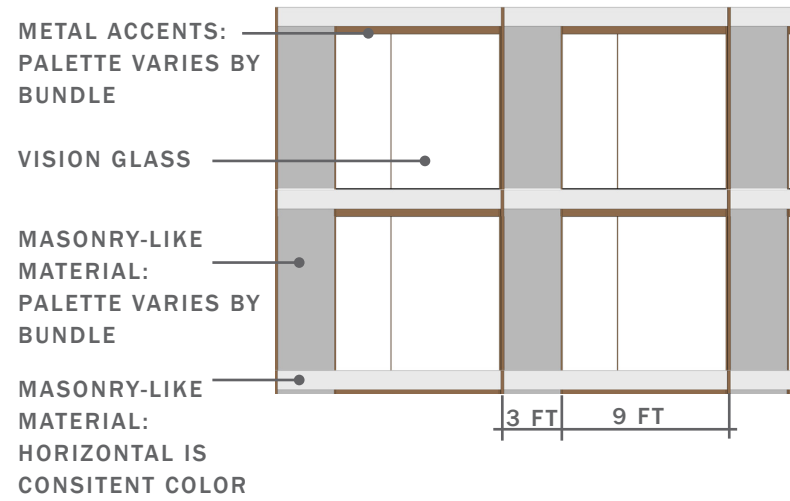
SCALE: 1/64" = 1'-0"

SCREENING PARAPET SHALL BE AN EXTENSION OF EXTERIOR WALL BELOW

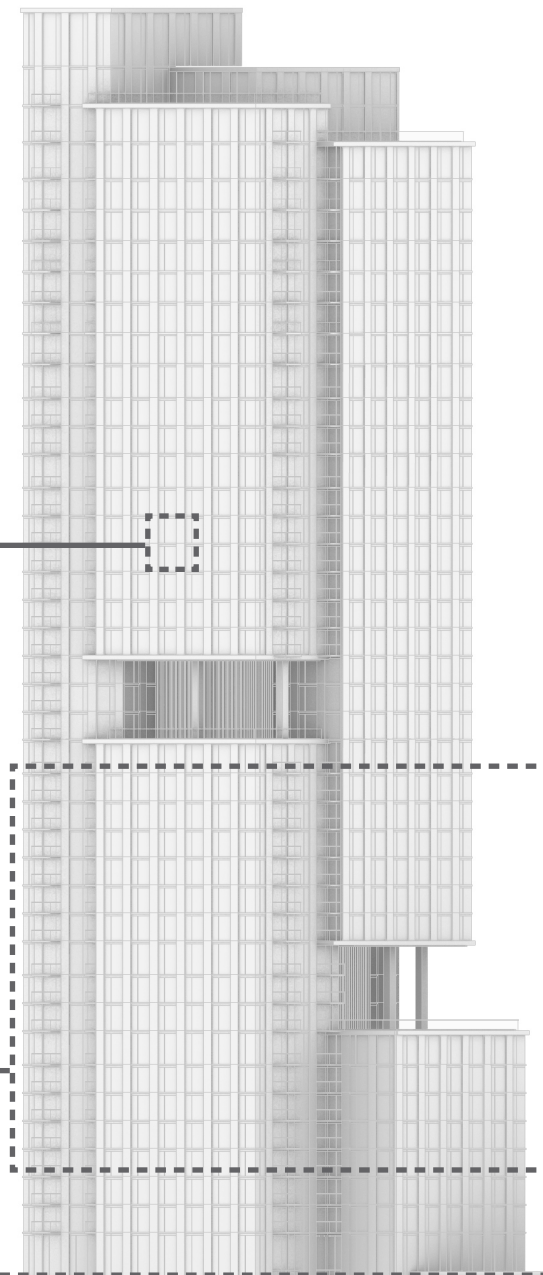
\*EAST PODIUM HEIGHT OF 140 FT VIOLATE SUN ACCESS PLANE BY 16 FT

119' FROM GRADE AT PROPERTY LINE

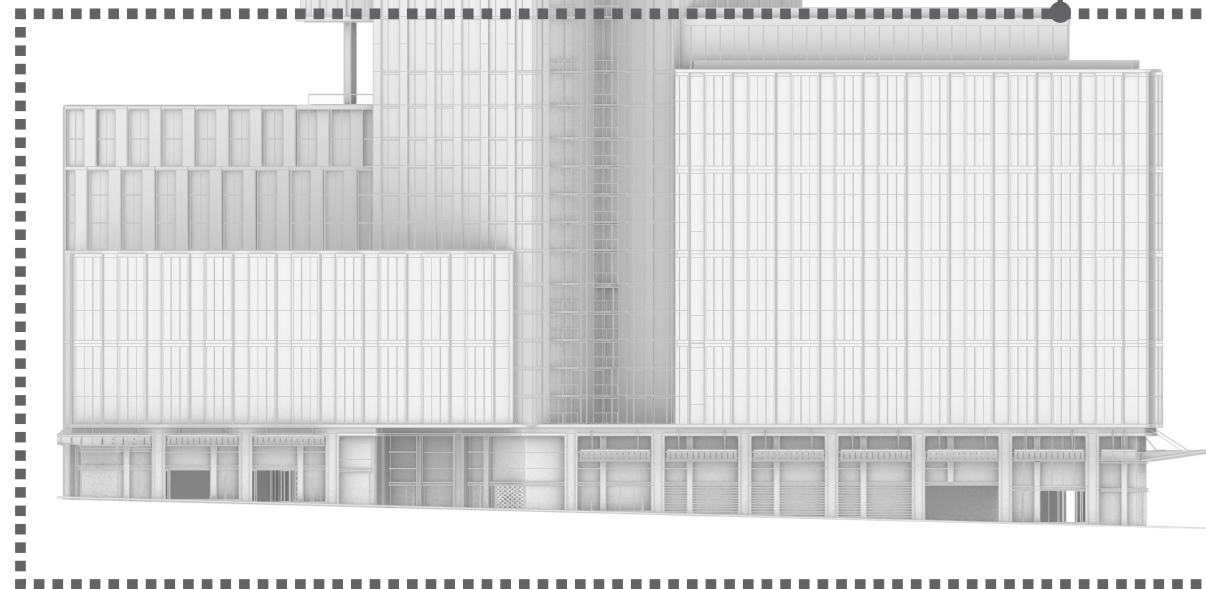




ENLARGED ELEVATION TYPICAL TOWER WALL TYPE



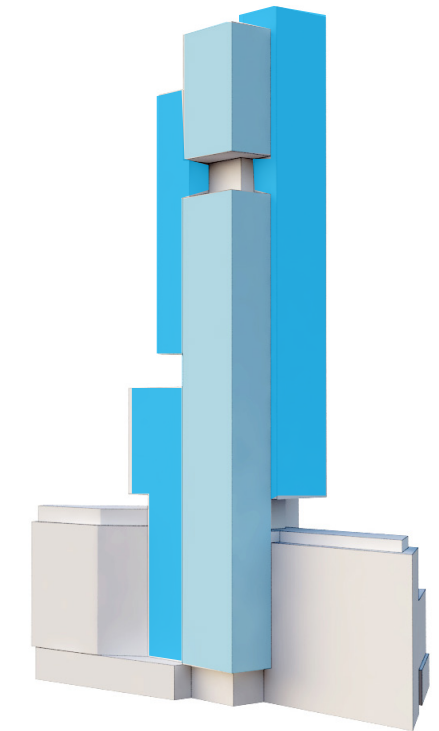
RE: ENLARGED ELEVATION  
ON PAGE 47



WEST ELEVATION- 12TH STREET



PALETTE 1 MATERIAL REFERENCE



MASSING "BUNDLES" DETERMINE  
EXTERIOR WALL PALETTE



PALETTE 2 MATERIAL REFERENCE





RE: PAGE 57  
FOR ENLARGED ELEVATION

ENLARGED 12TH STREET ELEVATION

MID BLOCK PASSAGE

METAL LOUVERS  
COLOR TO MATCH METAL FRAME

GARAGE ENTRY



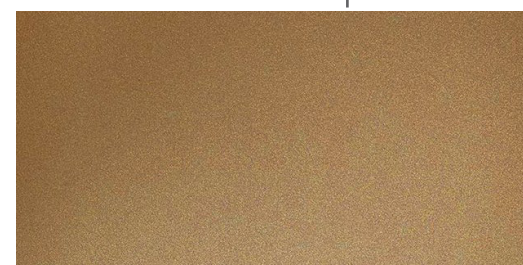
PALETTE 1 MASONRY-LIKE MATERIAL



PALETTE 2 MASONRY-LIKE MATERIAL



STONE OR STONE-LIKE MATERIAL



METAL FRAMES

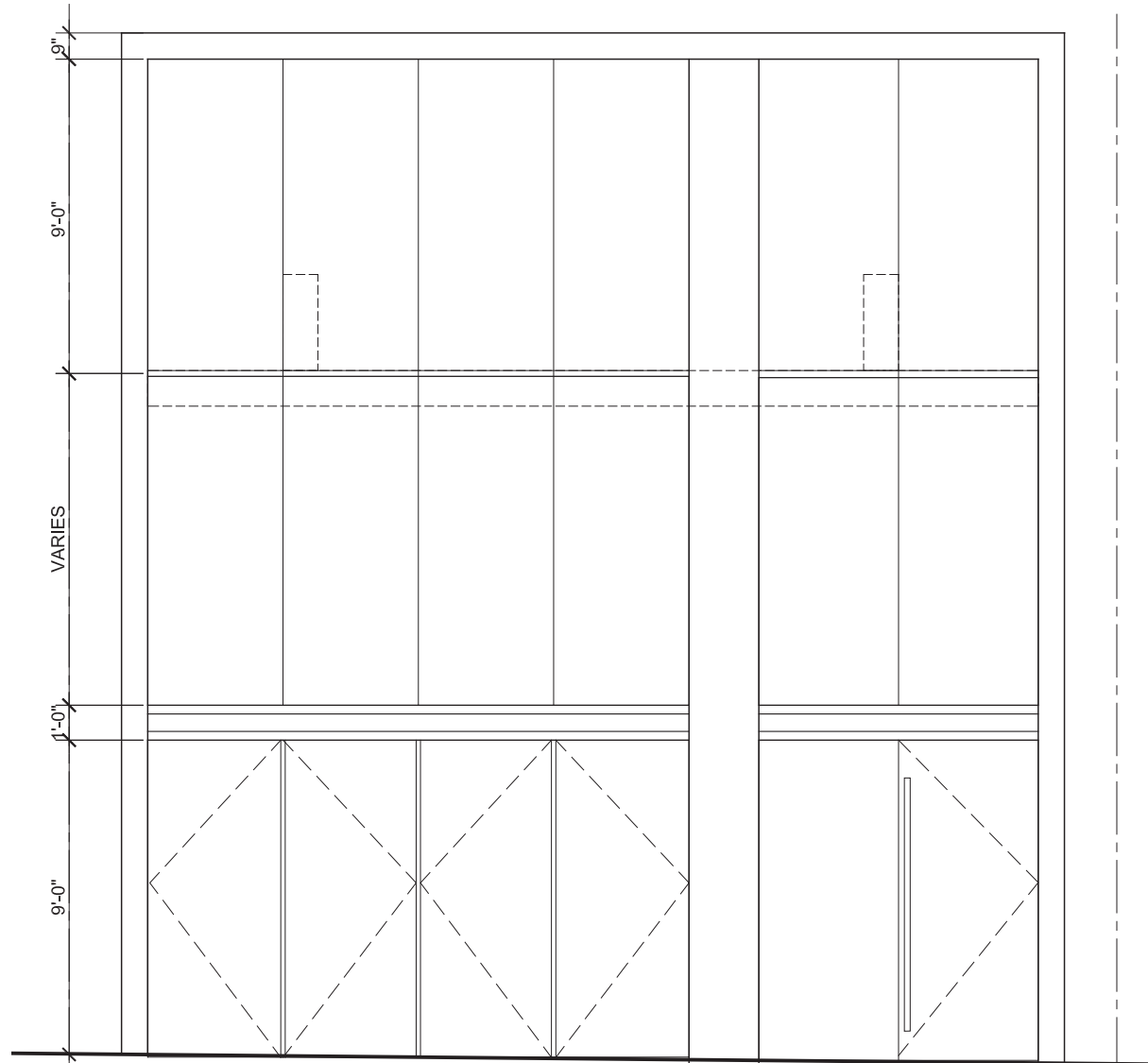


PRECEDENT: RETAIL OPERABLE FACADE

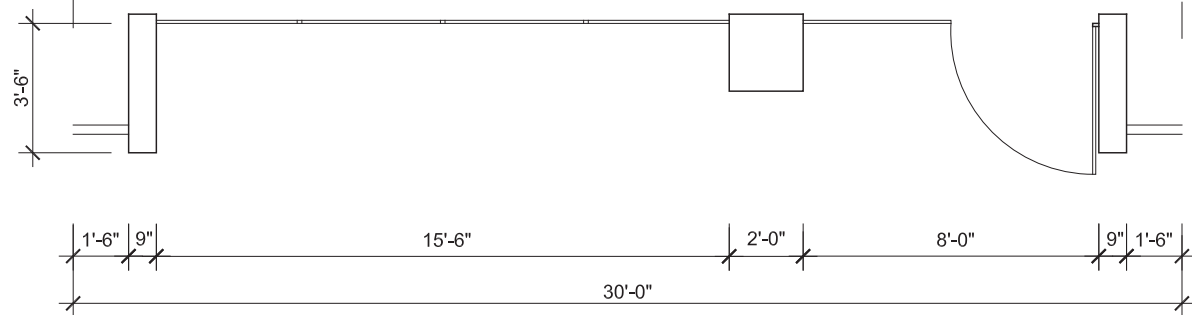




TYPICAL RETAIL WALL TYPE



ENLARGED ELEVATION OF TYPICAL MODULE



ENLARGED PLAN OF TYPICAL MODULE

**MINIMUM TOTAL AREA PER MODULE: 600 SF**  
**MINIMUM AREA OF TRANSPARENT GLASS REQUIRED PER MODULE: 360 SF**  
**AREA OF TRANSPARENT GLASS PROVIDED: 360 SF**

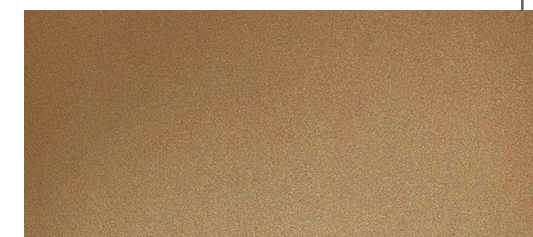
PALETTE 1 MASONRY-LIKE MATERIAL



STONE OR STONE-LIKE MATERIAL

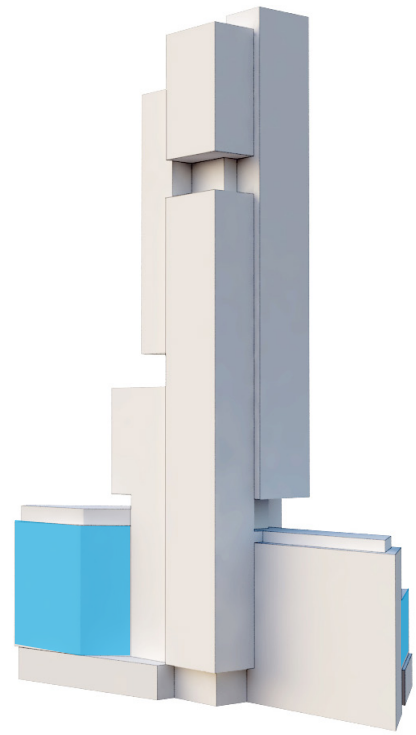


ENLARGED PERSPECTIVE

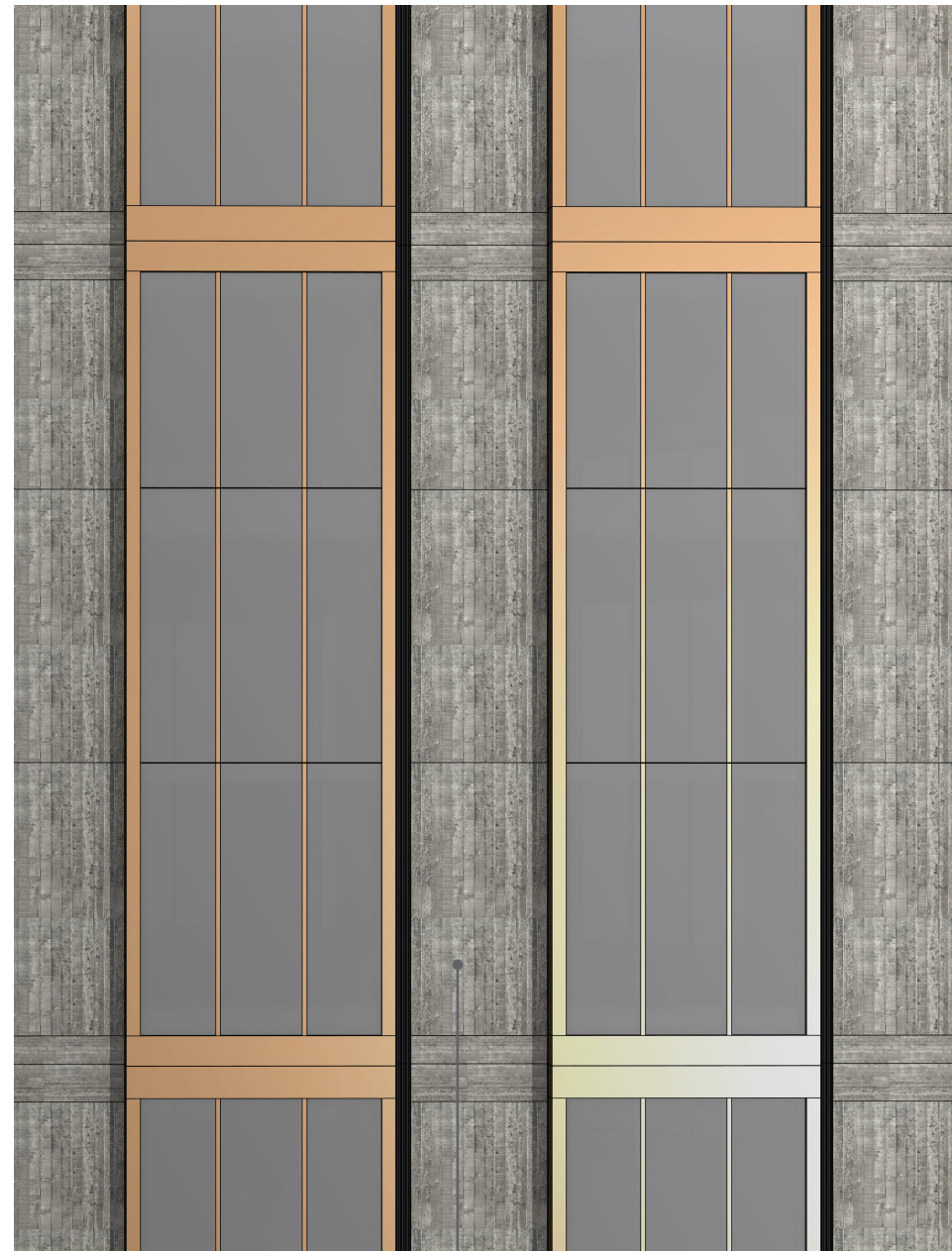


METAL FRAMES





TYPICAL BAY WINDOW WALL TYPE



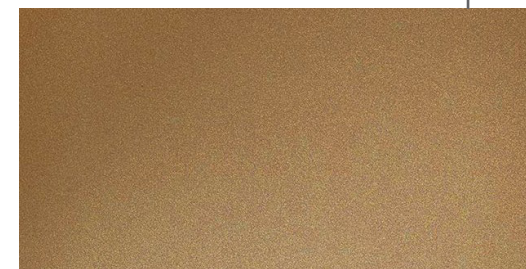
ENLARGED ELEVATION



ENLARGED PERSPECTIVE



PALETTE 1 MASONRY-LIKE MATERIAL



METAL FRAMES





AERIAL PERSPECTIVE FROM WEST ON MARKET STREET



STREETSCAPE AT SOUTH VAN NESS AVENUE AND MARKET STREET





STREETScape AT SOUTH VAN NESS AVENUE AND 12TH STREET



RETAIL ENTRY FROM STREET





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# Exhibit C

## FEIR Certification Motion (from May 21, 2020 CPC Hearing)



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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20720 EIR Certification

HEARING DATE: May 21, 2020

*Record No.:* 2015-004568ENV  
*Project Address:* 10 SOUTH VAN NESS AVENUE  
*Zoning:* C-3-G (Downtown – General) Zoning District  
120/400-R-2 Height and Bulk District  
120-R-2 Height and Bulk District  
Proposed 120/400-R-2//140/590-R-2 and  
120/400-R-2/120-R-2//140/590-R-2 Height and Bulk Districts  
Van Ness & Market Downtown Residential Special Use District  
*Block/Lot:* 3506 / 003A & 004  
*Project Sponsor:* Adam Tartakovsky  
10 SVN LLC  
8 10<sup>th</sup> Street, Suite 1205  
San Francisco, CA 94103  
*Property Owner:* 10 SVN LLC  
2200 Biscayne Blvd.  
Miami, FL 33137  
*Staff Contact:* Rachel Schuett – (415) 575-9030  
[rachel.schuett@sfgov.org](mailto:rachel.schuett@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PROJECT THAT WOULD DEMOLISH THE EXISTING TWO-STORY COMMERCIAL BUILDING, AND CONSTRUCT A NEW 55-STORY, 590-FT TALL (610-FT TALL INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT), MIXED-USE RESIDENTIAL BUILDING (APPROXIMATELY 906,811 GROSS SQUARE FEET) WITH 966 DWELLING UNITS (CONSISTING OF 347 STUDIOS, 433 1-BEDROOM UNITS, 165 2-BEDROOM UNITS, AND 21 3-BEDROOM UNITS), APPROXIMATELY 29,443 SQUARE FEET OF RETAIL SALES AND SERVICE USES, TWO BASEMENT GARAGE LEVELS CONSISTING OF 255 OFF-STREET PARKING SPACES, 4 OFF-STREET FREIGHT LOADING SPACES, 2 OFF-STREET SERVICE VEHICLE SPACES, 6 CAR-SHARE SPACES, AND 321 CLASS 1 BICYCLE PARKING SPACES, PLUS 61 CLASS 2 BICYCLE SPACES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, AT 10 SOUTH VAN NESS AVENUE, LOTS 003A AND 004 IN ASSESSOR'S BLOCK 3506, WITHIN THE C-3-G (DOWNTOWN - GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, THE 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, AND THE PROPOSED 120/400-R-2//140/590-R-2 AND 120/400-R-2/120-R-2//140/590-R-2 HEIGHT AND BULK DISTRICTS.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2015-004568ENV, for the "10 South Van Ness

Avenue Project" at 10 South Van Ness Avenue, Lots 003A and 004 in Assessor's Block 3506 (hereinafter "Project") based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Sections 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. On April 8, 2015, the Project Sponsor filed an Environmental Evaluation Application with the Department for the Project. The Department accepted the Environmental Evaluation Application as complete on September 28, 2015.
  - B. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 12, 2017.
  - C. The Project Sponsor applied to the Governor of the State of California to proceed as an Environmental Leadership Development Project under Chapter 6.5 (commencing with section 21178) of the Public Resources Code, which provides, among other things, that any judicial action challenging the certification of the EIR or the approval of the project described in the EIR is subject to the procedures set forth in sections 21185 to 21186, inclusive, of the Public Resources Code. The Governor certified this project as an Environmental Leadership Development Project, on October 10, 2018. The Department has complied with all requirements and procedures set forth in sections 21185 to 21186, inclusive, of the Public Resources Code. In accordance with Public Resources section 21186(a) and (b), documents and other materials placed in the record of proceedings can be found at <https://www.ab900record.com/10svn>.
  - D. The Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice 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 in a newspaper of general circulation on October 17, 2018.
  - E. The Department posted notices of availability of the DEIR and of the date and time of the public hearing near the project site on October 17, 2018.
  - F. The Department mailed or otherwise delivered copies of the DEIR to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse, on October 17, 2018.
  - G. The Department filed a Notice of Completion with the State Secretary of Resources via the State Clearinghouse on October 17, 2018.

2. The Commission held a duly advertised public hearing on said DEIR on Thursday, December 6, 2018, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on December 11, 2018.
3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing 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 errors in the DEIR. This material was presented in a Comments and Responses to Comments on DEIR document ("RTC"), published on March 3, 2020, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
4. The Department has prepared a Final Environmental Impact Report (hereinafter "FEIR") 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.
5. The Department has made available project EIR files 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.
6. On May 14, 2020, the Commission reviewed and considered the information contained in the FEIR and hereby does find 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.
7. The Planning Commission hereby does find that the FEIR in File No. 2015-004568ENV reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the RTC document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.
8. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR would cause a substantial adverse change in the significance of a historical resource as defined in the California Environmental Quality Act (CEQA) Guidelines section 15064.5, denoted in the DEIR as Impact CR-1. Despite implementing Mitigation Measures M-CR-1a: Documentation, M-CR-1b: Interpretation, and M-CR-1c: Salvage Architectural Resources from the Site for Public Information or Reuse, the Project may not feasibly reduce that impact to a less-than-significant level. That impact therefore remains significant and unavoidable.
9. In certifying the completion of said FEIR, the Commission also does hereby find that the project described in the EIR, in combination with other past, present, and reasonably foreseeable future projects, would contribute considerably to significant cumulative construction-related transportation impacts, with substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility

to adjoining areas, resulting in potentially hazardous conditions, denoted in the DEIR as Impact CR-TR-7. Despite implementing Mitigation Measure M-C-TR-7a: Cumulative Construction Coordination, Mitigation Measure M-C-TR-7b: Construction Truck Deliveries During Off-Peak Periods, and Mitigation Measure M-C-TR-7c: Construction Management Plan, the Project may not feasibly reduce that impact to a less-than-significant level. That impact therefore remains significant and unavoidable.

10. Finally, in certifying the completion of said FEIR, the Commission also does hereby find that the project described in the EIR, in combination with other past, present, and reasonably foreseeable future projects, would alter wind in a manner that would substantially affect public areas in the vicinity of the project site. Despite implementing Mitigation Measure M-C-WI-1: Design Measures to Reduce Cumulative Off-Site Wind Impacts, the Project may not feasibly reduce that impact to a less-than-significant level. That impact therefore remains significant and unavoidable.

11. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 21, 2020.

Jonas P. Ionin  
Commission Secretary

AYES: Koppel, Moore, Diamond, Fung, Imperial, Johnson

NAYS:

ABSENT:

ADOPTED: May 21, 2020



# Exhibit D

## Shadow Analysis Technical Memorandum

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# 10 South Van Ness Shadow - Variant Technical Memorandum

To: Rachel Schuett  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94102

From: Adam Noble  
FASTCAST  
260 Evergreen Avenue  
Mill Valley, CA 94941

## Executive Summary

The single tower project variant would result in the demolition of the existing auto dealership on the site, and the construction of an approximately 1,072,989-gross-square-foot (gsf), 590-foot-tall, 55-story building.<sup>1</sup> Similar to the proposed project, the single tower project variant would have stair/elevator penthouses extending up to 20 feet above the roof height, for a total height of 610 feet.<sup>2</sup> The podium would vary in height, from approximately 90 to 139 feet along the Market Street frontage and up to approximately 164 feet along the southern frontage of the site. The single tower project variant would include comparable uses as the proposed project, with approximately 935,250 gsf of residential uses; approximately 30,450 gsf of commercial uses; approximately 5,297 gsf of rooftop mechanical equipment; and approximately 101,992 gsf of parking. The single tower project variant would include usable open space in a combination of publically-accessible open spaces (12,091 square feet), common useable open spaces (25,565 square feet), and private open space (9,550 square feet) for a total of 47,206 square feet.<sup>3</sup> The publically-accessible open space would consist of a mid-block alley connecting Market Street to 12th Street and a pedestrian plaza along the northeasterly South Van Ness Avenue frontage. Dimensioned plans and elevations are included as Exhibit F.

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<sup>1</sup> The Van Ness and Market Downtown Residential Special Use District (SUD) encourages transit-oriented, high-density, mixed-use residential neighborhood development around the intersections of Market Street and Van Ness Avenue and Mission Street and Van Ness. The current height limit for building towers ranges from 250 to 400 feet. The Project Variant is intended to reflect the potential changes to the existing height limits proposed by the Market Street Hub Project (Hub Project). The Hub Project is expected to propose changes to existing height limits on certain parcels, including the project site, to provide greater variation in the heights of buildings proposed at the intersection of Market Street and Van Ness Avenue and to better ensure that the area's growth supports the City's goals for housing, transportation, the public realm, and the arts. The specific changes to the existing height limits proposed by the Hub Project have not yet been established.

<sup>2</sup> Pursuant to Planning Code Section 260(b)(1)(B), the mechanical and elevator penthouses are exempt from the Planning Code height limits, but are considered in the context of environmental review.

<sup>3</sup> Private open space is open space only accessible to one unit or a certain group of units.



FASTCAST conducted a review of the potential shadow effects that would be generated by the single tower project variant at 10 South Van Ness Avenue on the parks and open spaces under the jurisdiction of the Recreation and Park Department, per *San Francisco Planning Code* Section 295 and for the purposes of review under the California Environmental Quality Act (CEQA).

Compliance with Section 295 of the Planning Code requires that no project over 40 feet cast any new shade or shadow between one hour after sunrise and one hour before sunset upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Department unless it is determined that the impact of such new shading would be insignificant. Criteria for evaluating shadow was set by the Department of Recreation and Parks and the Planning Department in the Proposition K Memorandum, dated February 3, 1989. FASTCAST performed a computer shadow modeling study and shadow analysis of the single tower project variant following this guidance to assess when project-generated shading would occur, what patterns of park usage currently exist, and potential shadow impacts to these parks from the single tower project variant.

The results indicate that single tower project variant would shade Patricia's Green, Page & Laguna Mini Park, Howard & Langton Mini Park, Hayes Valley Playground, Koshland Park, Buchanan Street Mall and the future Natoma & 11<sup>th</sup> Street Park during Section 295 sun angle sample times.

FASTCAST conducted multiple site visits to both Patricia's Green and Page & Laguna Mini Park to observe park use in order to evaluate how new shading might impact existing patterns of park use. It was observed that during the morning, when new shading would occur, use of these parks was very low.

## 1. Introduction

FASTCAST conducted a review of the potential project shadow effects that would be generated by the proposed construction of 55-story mixed-used building, 590-foot-tall (610 feet total, inclusive of roof screens and the elevator penthouse on each tower), at 10 South Van Ness Avenue on the parks and open spaces under the jurisdiction of the Recreation and Park Department, per *San Francisco Planning Code* Section 295 and for the purposes of the California Environmental Quality Act (CEQA) review. This memorandum evaluates the results according to criteria described in the Department of Recreation and Park and the Planning Department's memorandum, *Section 295 - The Sunlight Ordinance (1989)*. This technical memorandum includes figures that detail the extent of the maximum shading that would result from the single tower project variant on each public open space. A full set of shadow projections on the hour from sunrise plus 1 hour to sunset minus 1 hour and quantitative shadow impacts is included in Exhibit H.



## 2. Project Description

### 2.1 Project Location

The single tower project variant shown within the surrounding neighborhood is portrayed in Figure 1. The approximately 51,150-square-foot parcel is located at the southwest corner of Market Street and South Van Ness Avenue, and comprises the entire block bound by South Van Ness Avenue to the east, Market Street to the north, and 12th Street to the west.<sup>4</sup> The project site is comprised of Assessor's Block 3506, Lots 004 and 003a and is roughly triangular in shape. A subsurface easement for Bay Area Rapid Transit (BART) is located in the northern portion of the project site. Two San Francisco Municipal Railway (Muni) bus stops and one subsurface Muni rail entrance are located along the project site's frontage on Market Street.

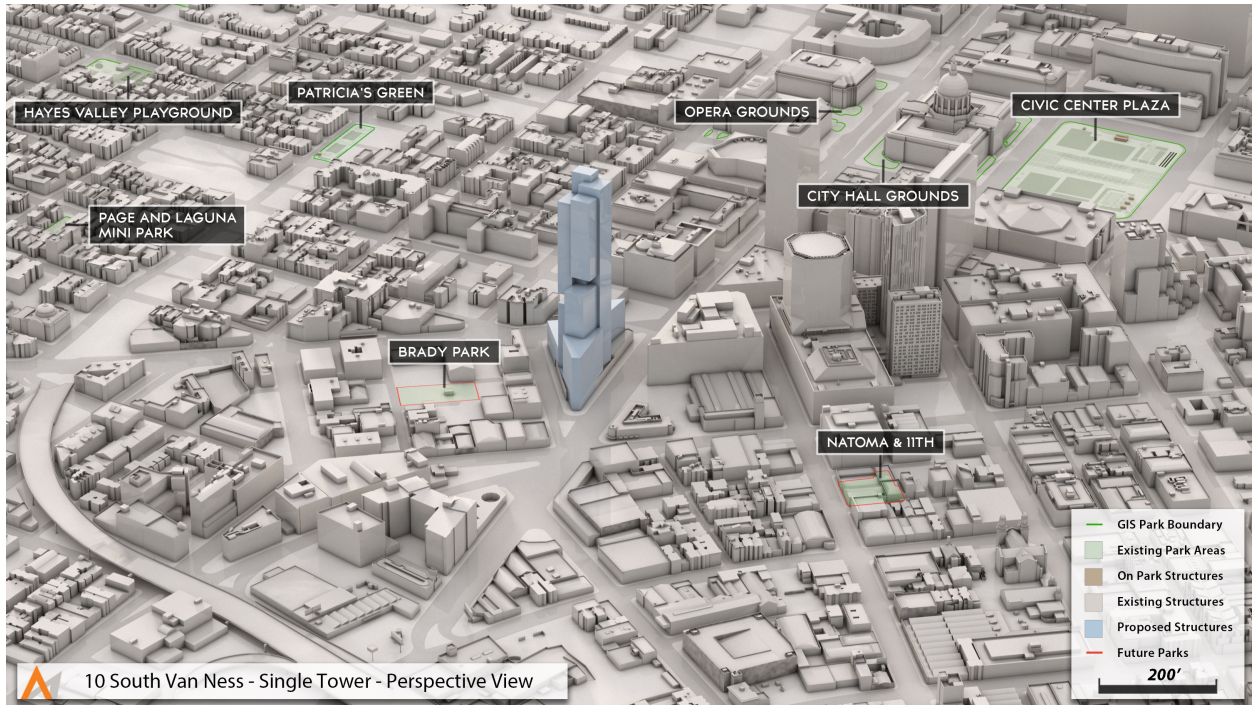
The project site is in the Market and Octavia Area Plan area, the Downtown-General (C-3-G) zoning district, and the Van Ness and Market Downtown Residential Special Use District (SUD). The northern portion of the site is in the 120-R-2 height and bulk district; and the southern portion of the site is in the 120-400-R-2 height and bulk district. The base permitted floor area ratio in the C-3-G zone is 6:1, which can be increased above 6:1 with payment of certain development impact fees (the Van Ness Inclusionary Housing Fee and the Van Ness and Market Infrastructure Fee).<sup>5</sup>

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<sup>4</sup> For purposes of describing project site location, this document uses a project north/south axis aligned with 12th Street, such that Market Street forms the northern boundary of the project site, 12th Street forms the western boundary, and South Van Ness Avenue forms the southwestern boundary.

<sup>5</sup> Floor area ratio is the gross floor area of a building or buildings on a zoning plot divided by the area of such zoning plot. Floor area ratio is calculated to assist in determining whether the mass and scale of the project is compatible with the surrounding neighborhood.





**Figure 1: Perspective View of the Single Tower Project Variant from the South**

## 2.2 Project Characteristics

The single tower project variant would result in the demolition of the existing auto dealership on the site, and the construction of a 590-foot-tall, 55-story building (see Figure 1).<sup>6</sup> Similar to the proposed project, the single tower project variant would have stair/elevator penthouses extending up to 20 feet above the roof height, for a total height of 610 feet.<sup>7</sup> The podium would vary in height, from approximately 90 to 139 feet along the Market Street frontage and up to approximately 164 feet along the southern frontage of the site (see Figure 2). The ground floor would contain the same uses as the proposed project, with approximately 30,450 gsf of retail uses and a single residential lobby (see Figure 3). As with the proposed project, 336 class I bicycle spaces would be provided on the ground floor for project residents and ground-floor retail spaces, and 61 class II bicycle spaces would be provided on the sidewalk adjacent to the project site. These bicycle spaces would meet Planning Code requirements. Vehicle parking would be

<sup>6</sup> The Van Ness and Market Downtown Residential Special Use District (SUD) encourages transit-oriented, high-density, mixed-use residential neighborhood development around the intersections of Market Street and Van Ness Avenue and Mission Street and Van Ness. The current height limit for building towers ranges from 250 to 400 feet. The Project Variant is intended to reflect the potential changes to the existing height limits proposed by the Market Street Hub Project (Hub Project). The Hub Project is expected to propose changes to existing height limits on certain parcels, including the project site, to provide greater variation in the heights of buildings proposed at the intersection of Market Street and Van Ness Avenue and to better ensure that the area's growth supports the City's goals for housing, transportation, the public realm, and the arts. The specific changes to the existing height limits proposed by the Hub Project have not yet been established.

<sup>7</sup> Pursuant to Planning Code Section 260(b)(1)(B), the mechanical and elevator penthouses are exempt from the Planning Code height limits, but are considered in the context of environmental review.



the same as under the proposed project, with 518 vehicle parking spaces provided in a two-level approximately 102,000 gsf subgrade parking garage/basement with an entrance off of 12th Street.

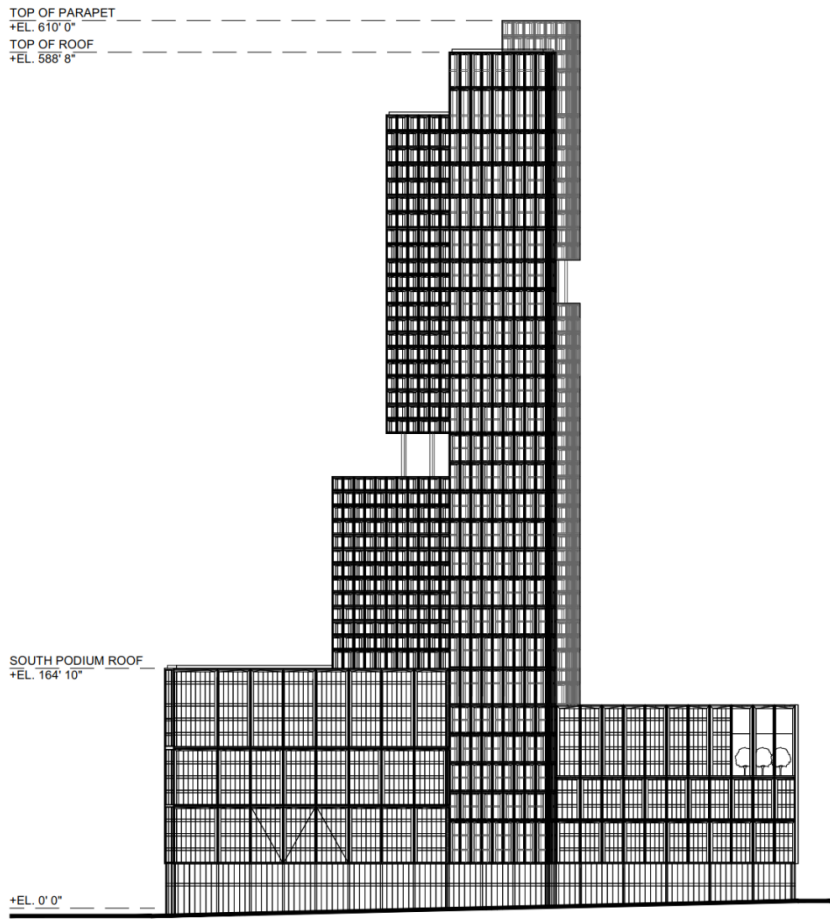
The single tower project variant would include up to approximately 984 dwelling units in a combination of studios and one-, two-, and three-bedroom units, similar to the proposed project. Residential uses would be provided on Levels 3 through 55, with Level 2 serving as an amenity floor for the proposed residential uses. The pedestrian entrances to the residential lobby would be located on South Van Ness Avenue, and on the mid-block alley. One elevator from the parking garage/basement would provide access to the residential lobby. From the residential lobby, a second elevator would provide access to the tower. Elevator access may be available between the below-grade parking garage/basement and the retail spaces.

The single tower project variant would include usable open space in a combination of publically-accessible open spaces (12,091 square feet), common useable open spaces (25,565 square feet), and private open space (9,550 square feet) for a total of 47,206 square feet.<sup>8</sup> The publically-accessible open space would consist of a mid-block alley connecting Market Street to 12th Street and a pedestrian plaza along the northeasterly South Van Ness Avenue frontage, as shown in Figure 3. The common useable open space would be provided on Levels 14, 16, 29, 37, and 49.

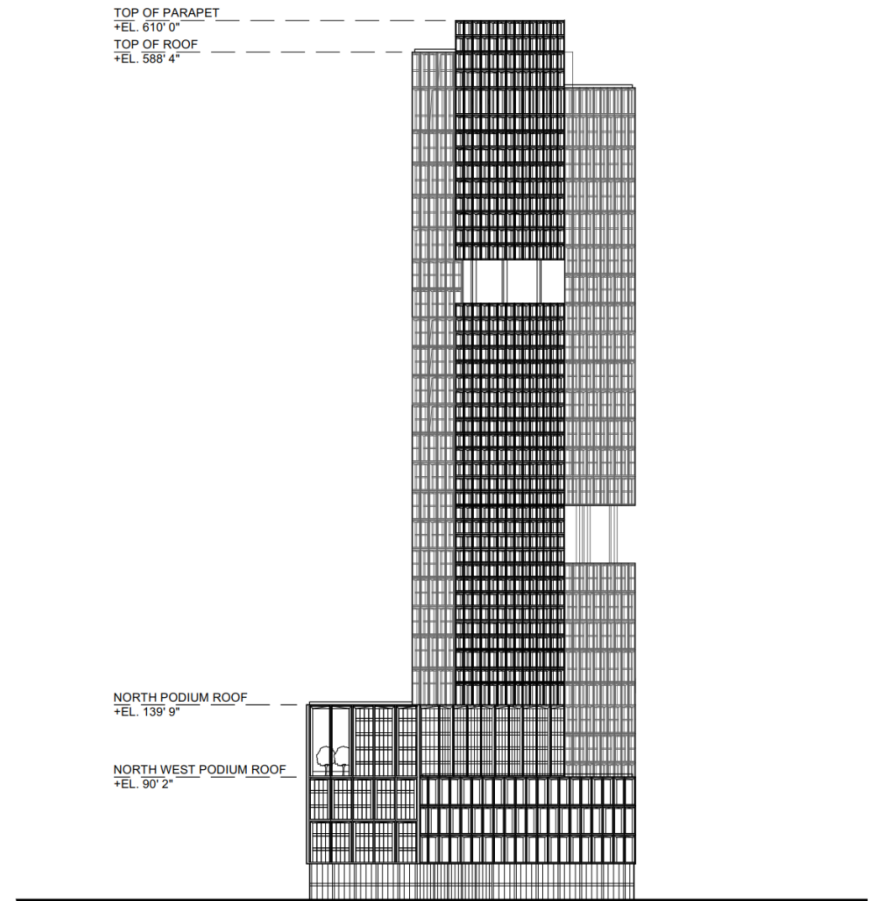
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<sup>8</sup> Private open space is open space only accessible to one unit or a certain group of units.

# ELEVATIONS



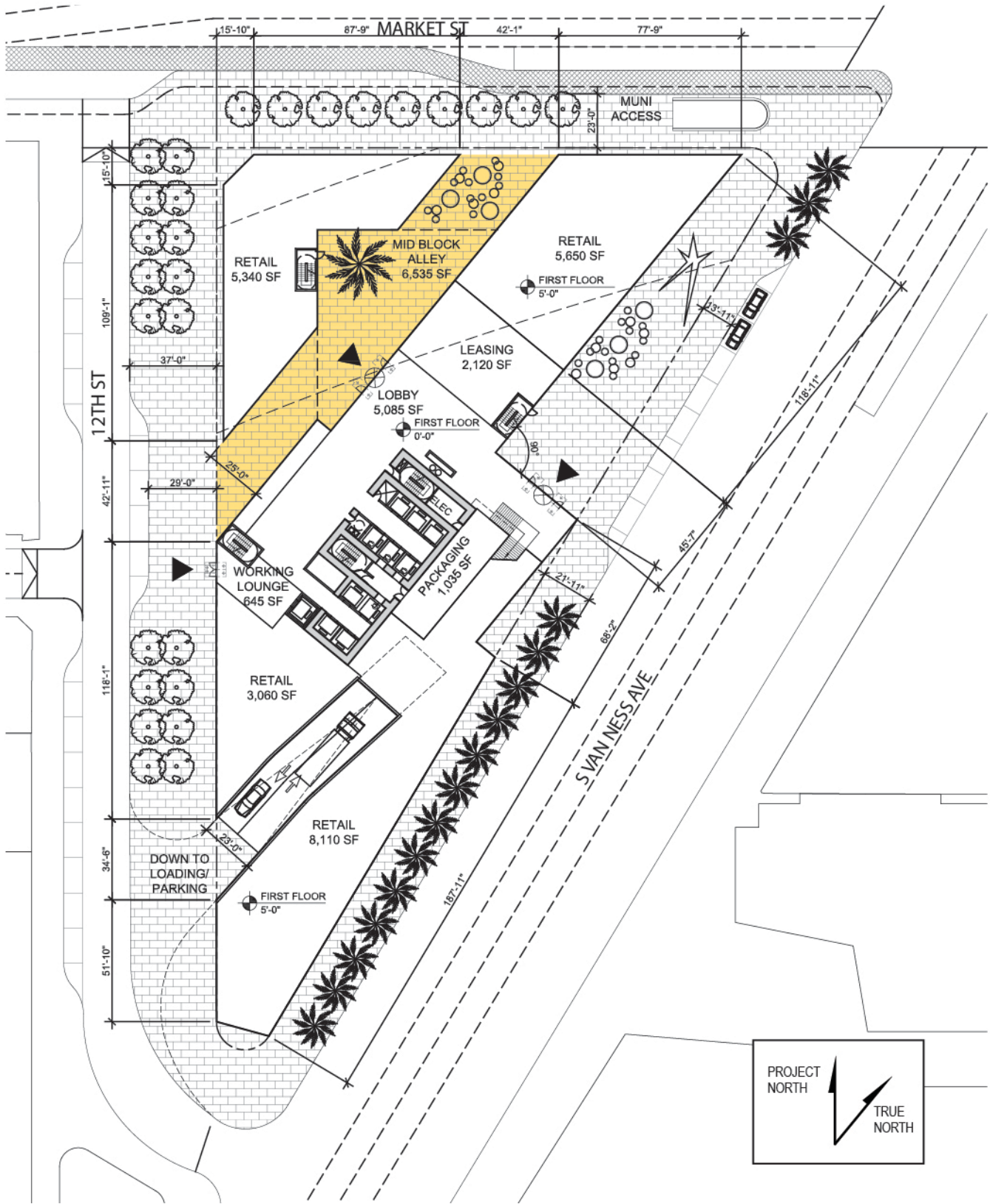
SOUTH VAN NESS ELEVATION



MARKET ELEVATION

Source: KPF Associates, 2017

**Figure 2: Single Tower Project Variant – Building Elevations Looking West and South Toward Project Site from South Van Ness Avenue and Market Street**



Source: KPF Associates, 2017

**Figure 3: Single Tower Project Variant – Ground Floor Plan**

## 2.3 Cumulative Projects

Cumulative projects analyzed for potential shadow impacts are reasonably foreseeable projects at least 40 feet tall, which could cast shadow on open spaces within the project vicinity. These cumulative projects are presented in Table 1 and Figure 4, below.



**Table 1  
Cumulative Projects**

Address	Case File No.	Height	Dwelling Units	Retail (gsf)	Commercial (gsf)	Office (gsf)
22-24 Franklin Street	2013.1005E	100	35	2,100		
33 Gough Street <sup>1</sup>	No current case number	85				
1532 Howard Street	2013.1305E	62	15			
1390 Market Street (Fox Plaza Expansion) <sup>2</sup>	2005.0979E	120				
1546 -1564 Market Street	2012.0877E	136	109	4,810		
1629 Market Street (1601 – 1637 Market Street & 53 Colton Street)	2015.005848ENV	80	584	13,000		27,300
1699 Market Street	2014.0484E	84	162		4,500	
1700 Market Street	2013.1179E	100	48		1,549	
1740 Market Street	2014.0409E	85	100		4,385	
1500 Mission Street (1500 and 1580 Mission Street)	2014.000362ENV	380	560	38,000		454,200
1601 Mission Street	2014.1121ENV	120	220	7,336		
30 Otis Street	2015.010013PPA	250	354	4,600	13,125	
1 Oak Street	2009.0159E	420	310	4,025		
30 Van Ness Avenue <sup>3</sup>	2015.008571ENV	400				
200-214 Van Ness Avenue	2015.012994ENV	135	17			
Parcels K & L – 424 & 432 Octavia Boulevard	No current case number	65	1	6,070		
Parcels M & N – 300 Octavia Street	2014.002330ENV	65	16		1,400	
Parcels O – 455 Fell Street	2015.002837ENV	50	112	2,100		1,470
Parcels R and S	2014.1322ENV	50	19,492 (square feet)	4,925		
Parcel T	2014.1509ENV	55	26			

Source: AECOM, 2017

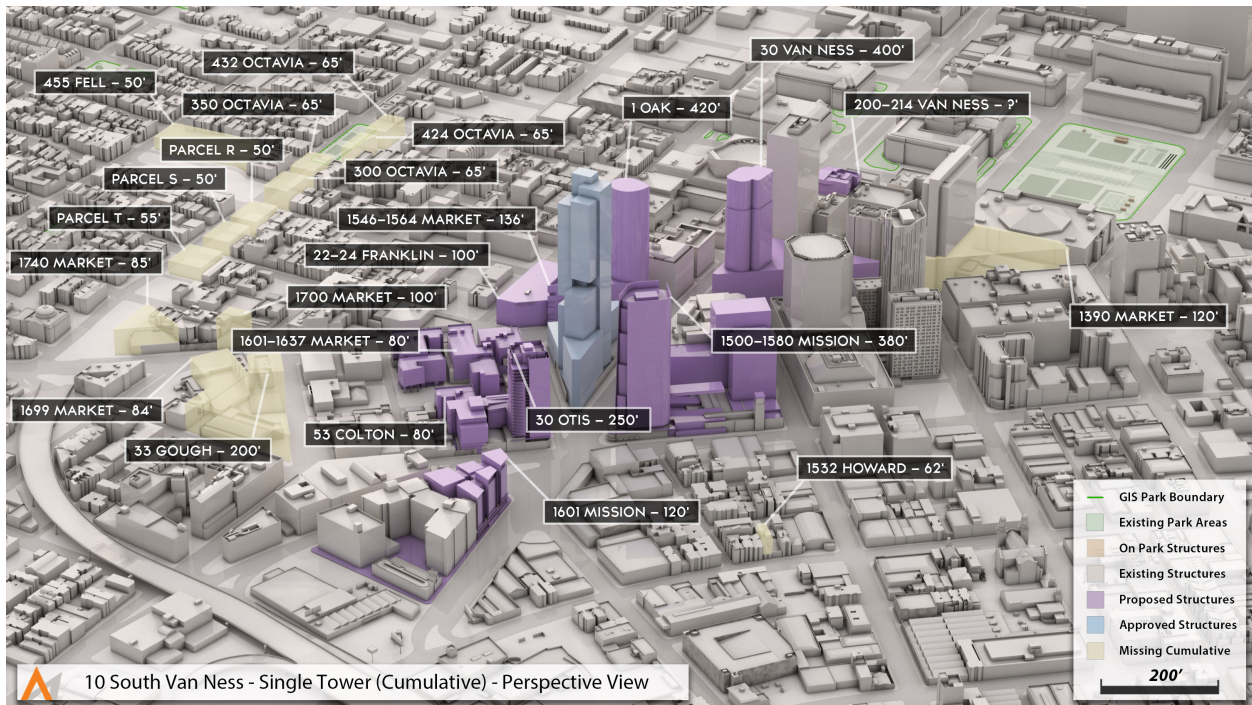
Notes: <sup>1</sup> There is no project currently proposed at this site. Modeled as a Hub pipeline project with a 200-foot tall tower and 80-foot podium.

<sup>2</sup>There is no project currently proposed at this site. Modeled as a 120-140-foot building.

<sup>3</sup>The project is the sale of a four-story, City-owned, office building over ground-floor retail/commercial and the continued use of the office use by the City until the year 2019. It is anticipated that after 2019, the building would be replaced with a high-rise residential tower. Proposed height increase under the Hub Plan to 520/120 feet.

In addition to the cumulative projects identified in Table 1, the following transportation improvement plans and areas plans are also considered as part of the cumulative setting:

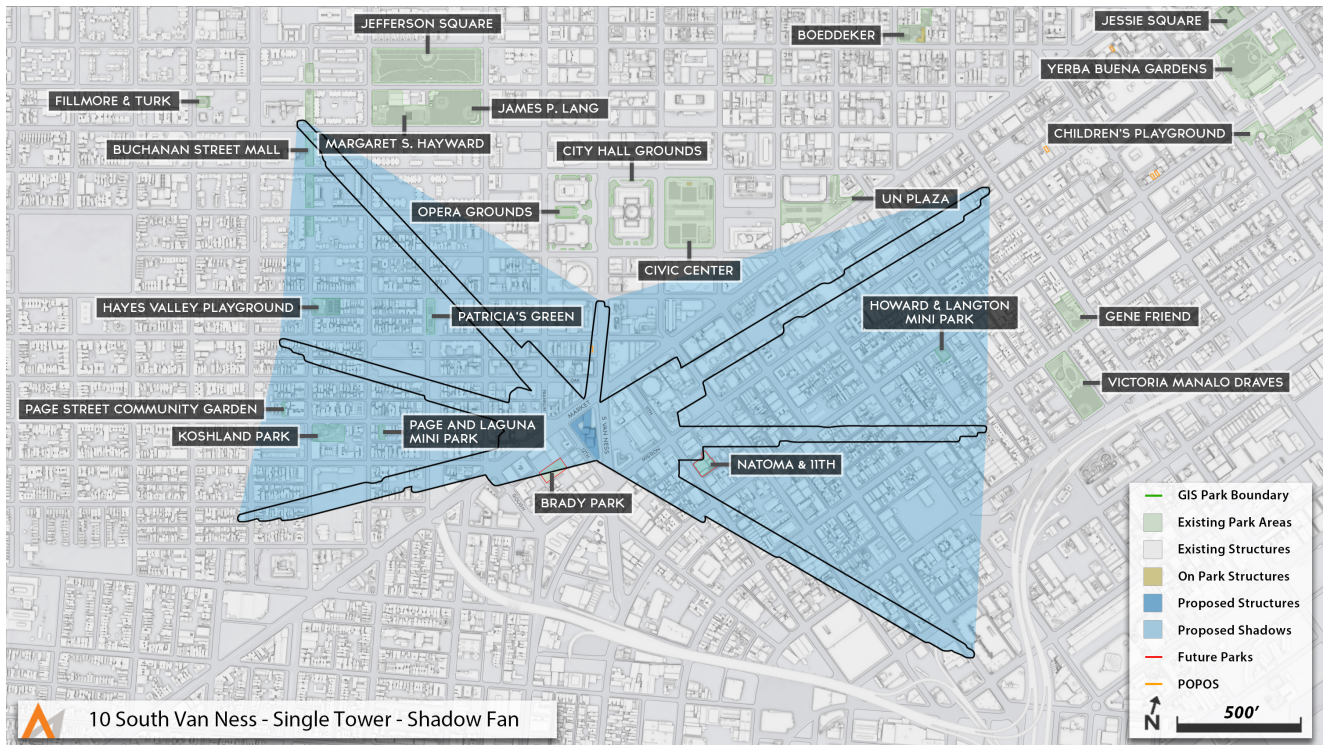
**Van Ness Bus Rapid Transit (BRT) – Clearinghouse No. 2007092059.** The Van Ness BRT project proposes operational and physical improvements to facilitate improved Muni bus service along Van Ness Avenue between Mission and Lombard Streets. The operational improvements include designating bus-only lanes to allow buses to travel with fewer impediments; adjusting traffic signals to give buses more green light time at intersections; and providing real-time bus arrival and departure information to passengers to allow them to manage their time more efficiently. The physical improvements include building high-quality and well-lit bus stations to improve passenger safety and comfort, as well as providing streetscape improvements and amenities to make the street safer and more comfortable for pedestrians and bicyclists who access the transit stations. Improvements to stations in the vicinity of the project site include locating the BART station in the northbound direction of South Van Ness Avenue at Market Street and discontinuing the existing curbside bus stop on South Van Ness Avenue north of Mission Street.



**Figure 4: Cumulative Projects**

### 3. Parks

The 10 public open spaces listed in Table 2, below, were considered during the analysis. As shown in Figure 5: Shadow Fan, this analysis determined that new shadow from the single tower project variant at 10 South Van Ness would reach seven open spaces protected under *Planning Code* Section 295. These parks are: Patricia’s Green, Page & Laguna Mini Park, Howard & Langton Mini Park, Hayes Valley Playground, Koshland Park, Buchanan Street Mall and the future Natoma & 11<sup>th</sup> Street Park. Shadow from the single tower variant also reaches the proposed Brady Park, which is not subject to Section 295.



**Figure 5: Single Tower Project Variant - Shadow Fan**

<b>Table 2: Public Open Spaces Considered in the Analysis</b>	
<b>Park</b>	<b>Subject to Section 295</b>
Patricia's Green	Yes
Page & Laguna Mini Park	Yes
Natoma & 11th Street Park (proposed)	Yes
Hayes Valley Playground	Yes
Koshland Community Park and Learning Center	Yes
Page Street Community Garden	Yes
Howard & Langton Mini Park	Yes
Buchanan Street Mall	Yes
Brady Park (proposed)	No
77 Van Ness Avenue	No

### **3.1 Potentially Affected Existing and Proposed Parks Protected Under *Planning Code Section 295***

The nearest park to the project site would be the proposed Natoma & 11th Street Park, which may include a playground, sports court, and/or active green space. The parks that would be affected by the single tower project variant include Patricia's Green and Buchanan Street Mall to the northwest; Page & Laguna Mini Park, Koshland Park, Hayes Valley Playground, and Page Street Community Garden to the west, and Howard & Langton Park and the proposed Natoma & 11<sup>th</sup> Street Park to the east. The following parks are also in the vicinity of the single tower project variant (as shown in Figure 5), but are not anticipated to be affected by the single tower project variant: Civic Center Plaza, Margaret Hayward Playground, Victoria Manalo Draves Park, the Gene Friend Recreation Center, Page Street Community Garden, and UN Plaza.

#### **3.1.1 Patricia's Green**

Patricia's Green is a 17,902 sf (0.41 acre) urban park under the jurisdiction of the Recreation and Park Department. It is located in the Western Addition neighborhood of San Francisco along the former Central Freeway parcel where Octavia Boulevard splits into two lanes, which flank Patricia's Green on



the east and the west. Patricia's Green is bounded by Hayes Street to the north, Fell Street to the south, and Octavia Boulevard to the east and west. Patricia's Green is not fenced and there are no public restrooms. An aerial photograph of Patricia's Green is shown in Figure 6.



**Figure 6: Aerial Photograph of Patricia's Green**

Patricia's Green is divided into three basic sections. On the northern portion of the park is a picnic seating area located along Hayes Street. It features a plaza with four picnic tables around a mature tree with a mix of wooden and concrete benches. Two additional picnic tables are located on the western side of this area along Octavia Street, adjacent to some of the nearby restaurants. The central section contains a circular plaza with four concrete benches and eight bollards, and functions as an area for art exhibitions. Lawn areas are located to the north and south of the center plaza. Surrounding the lawn areas are brick sidewalks forming the inner border of the park. Patricia's Green visitors can sit on benches lining the outer edges of the sidewalks. The southern portion of the park contains a children's play area, which features a dome structure with ropes and bars for climbing and rubber safety paving. Delineation between the play area and the lawn is made by low square concrete pillars. A metal fence encloses the Fell Street side. A service building is located on the southwest corner of Patricia's Green. On the periphery of the Patricia's Green there are concrete ledges and benches interspersed with approximately 24 trees and plantings.

### 3.1.2 Page & Laguna Mini Park

The Page & Laguna Mini Park is a an approximately 6,576.08 sf (0.16 acre) community garden located within the block bounded by Page Street to the north, Octavia Boulevard to the east, Rose Street to the

south, and Laguna Street to the west. The park is nestled between two Victorian houses. The park includes a curving walkway that cuts through the park from the south to the north, 16 flower beds, and apple trees with seating at their base.

### **3.1.3 Natoma & 11<sup>th</sup> Street Park (Proposed)**

The Recreation & Parks Department is currently in the process of acquiring a new park property on 11th Street between Minna and Natoma Streets (Block 3510 / Lots 035, 037, 039, 055, 056). The proposed Natoma & 11<sup>th</sup> Street Park would be located in District 6, the Western SoMa neighborhood, which has the fewest public parks in the City, and is consistent with RPD Strategic Plan 2016-2020 Objective 1.1, which strives to “develop more open space to address population growth in high needs areas and emerging neighborhoods.”<sup>9</sup> The timing of construction and programming of the park is unknown at this time, though construction would begin no sooner than 2024, when the current site tenants’ lease expires.

### **3.1.4 Hayes Valley Playground**

Hayes Valley Playground is a 32,805.06 sf (0.75 acre) playground featuring play areas for children of all ages, a stage and plaza to facilitate community gatherings, community garden plots, outdoor fitness equipment and a 2,500 sf clubhouse. It is bounded by Hayes Street to the north, Buchanan Street to the west and Linden Street to the south. It occupies the western half of the block bounded by on the east by Laguna Street, the remainder of which is occupied by restaurants and retailers that front Laguna Street.

### **3.1.5 Koshland Community Park and Learning Center**

Koshland Community Park is a 35,775.12 sf (0.82 acre) park featuring children’s play equipment and community garden plots, a lined by large leafy trees. In the northwestern corner there is a half-court basketball court connected to the rest of the park by a meandering concrete path that connects it with the children’s play equipment and the community garden plots. Koshland Community Park occupies the northwestern corner of a large block bounded by Page Street to the north, Buchanan Street to the west, Haight Street to the south and Laguna Street to the East.

### **3.1.6 Howard & Langton Mini Park**

Howard & Langton Mini Park is a 10,218 sf (0.23 acre) park and community garden located on the northern corner of the block bounded by Howard Street to the northwest, Rausch Street to the southwest, Folsom Street to the southeast and Langton Street to the northeast. The perimeter of the park is lined by large trees and the park is crisscrossed by sandy paths that surround and define the community garden beds.

### **3.1.7 Buchanan Street Mall**

The Buchanan Street Mall is a 78,925 sf (1.81 acre) park that runs roughly north to south for five city blocks in five distinct sections. From north to south, the first section north of Turk Street forms the eastern boundary of the block bounded by Eddy Street to the north, Webster Street to the west and Turk Street to the south (see Figure 16). Buchanan Street Mall is edged by sidewalks on both sides, and the

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<sup>9</sup> San Francisco Recreation and Parks Department, 2016. San Francisco Recreation and Parks 2016-2020 Strategic Plan. Available: <https://view.joomag.com/rpd-strategic-plan/0230791001453414745?shortv>.

first block, running north to south, features a lawn and children’s play equipment. The following block, bounded by Turk Street to the north and Golden Gate Avenue to the south has a large tree, a circular dirt lawn, children’s play equipment and a small grass lawn. The following block features a basketball half-court occupying the central portion, and large trees on either end. This section is next to the Hill Hutch Community Centre. The next block, bounded by McAllister to the north and Fulton Street to the south contains three small grass lawns, two of which are ornamented with semi-circular dirt lawns. The most southerly section of Buchanan Street Mall features two grass lawns on either end of a set of children’s play equipment, and terminates in a 26 car parking lot.

## **3.2 Privately-Owned Public Open Spaces (POPOS)**

Privately-owned public open spaces (POPOS) are publicly-accessible spaces, including plazas, terraces, atriums, and small parks that are provided and maintained by private entities. There is one existing POPOS in the vicinity of the single tower project variant on which the single tower project variant would cast additional shadow at 77 Van Ness Avenue. There is also one proposed POPOS referred to as Brady Park that may be developed in the future.

### **3.2.1 77 Van Ness Avenue**

The 77 Van Ness Avenue POPOS is located in the lobby of the building at 77 Van Ness Avenue, and offers tables and chairs, and features a sculpture titled, “New Life,” by Paul D. Gibson. Since this POPOS is located indoors, additional shading from the single tower project variant does not need to be considered.

### **3.2.2 Brady Park (Proposed)**

The Market and Octavia Plan has identified the center of the “Brady Block” as the primary opportunity to create a signature public park. The Brady Block is bounded by Market Street to the north, Gough Street to the west, Otis Street to the south and 12<sup>th</sup> Street to the east. The proposed Brady Park, would serve as a focal point, would be surrounded by several housing opportunity sites, and would be accessed via a network of mid-block alleys designed as “living alley” spaces. The City has not yet designed the Brady Park or approved funding to construct this POPOS.

## **4. Section 295 Methodology & Evaluation Criteria**

### **4.1 Planning Code Section 295**

Section 295 of the *Planning Code*, the Sunlight Ordinance, was adopted through voter approval of Proposition K in 1984 to protect certain public open spaces from additional shading from new structures. Section 295 prohibits the issuance of building permits for structures or additions to structures greater than 40 feet in height that would shade property under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset, unless the Planning Commission, following review and comment by the general manager of the

Recreation and Park Department in consultation with the Recreation and Park Commission, determines that such shade would -have an insignificant impact on the use of such property.

In 1989, the two Commissions adopted shadow criteria for 14 downtown parks, including an Absolute Cumulative Limit<sup>10</sup> on new shadow for each open space, and set forth qualitative criteria for assessing new shadow. For proposed projects that would affect parks for which a quantitative limit was established, shadow impacts have typically been judged not significant if the single tower project variant would not result in shade that would exceed the Absolute Cumulative Limit.

In establishing the Absolute Cumulative Limits for the downtown parks, the Commissions generally relied upon the following guidelines: for smaller parks (of less than two acres) on which more than 20 percent of the potential “Proposition K” theoretically available annual sunlight (T.A.A.S) was in shadow under then-existing conditions, no additional shadow was to be permitted. (This standard was applied to nine downtown parks.) No guideline was provided for parks of less than two acres that have less than 20 percent existing shadow. For larger parks (of two acres or more) with between 20 percent and 40 percent existing shadow, the Absolute Cumulative Limit was to be set at 0.1 percent, or an addition of 0.1 percent shadow coverage would be permitted beyond existing conditions. For larger parks shadowed less than 20 percent of the time, an additional 1.0 percent new shadow was to be permitted.

## **4.2 CEQA**

A project that adds new shadow to sidewalks or a public open space, or exceeds the Absolute Cumulative Limit on a Section 295 park does not necessarily result in a significant impact under CEQA. The shadow impact analysis under CEQA examines whether a project would “affect, in an adverse manner, the use of any park or open space under the jurisdiction of the Recreation and Park Department”, or, “substantially affect the usability of other existing publicly accessible open space or outdoor recreation facilities or other public areas.”

## **4.3 Shadow Methodology**

### **4.3.1 Recreation and Park Department Properties**

The seven Recreation and Park Department properties evaluated in this report have no established quantitative Absolute Cumulative Limit for the increment of permitted new shadow, as they were all constructed (or will be constructed) after Proposition K was adopted. Table 3 below, provides the existing shadow characteristics of the seven Recreation and Park Department parks analyzed in this report.

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<sup>10</sup> The Absolute Cumulative Limit is a quantitative measure of the new shadow that may be added to a park. The limit can be stated either as a shadow coverage quantity (in square-foot-hours or as a percentage of the theoretically available annual sunlight hours) on a park. The value of the Absolute Cumulative Limit for any park was based on the park’s existing shadow coverage at that time.

<b>Table 3 Existing Shadow on Recreation and Park Department Properties</b>				
<b>Open Space</b>	<b>Park Area (sq. ft.)<sup>11</sup></b>	<b>Park Area (acres)</b>	<b>Existing Shadow</b>	<b>Existing Shadow as % of TAAS</b>
Patricia's Green	17,902	0.41	13,462,755	20.21%
Page & Laguna Mini Park	6,576	0.15	12,095,949	49.43%
Natoma & 11 <sup>th</sup> Street Park (Proposed)	19,597	0.45	15,160,278	20.79%
Hayes Valley Playground	32,805	0.75	32,458,749	26.59%
Koshland Community Park and Learning Center	35,775	0.82	21,611,520	16.23%
Buchanan Street Mall	78,925	1.81	81,888,347	27.88%
Howard and Lagnton Mini Park	10,218	0.23	18,578,599	48.86%

Although Page Street Community Garden is located on the boundary of the shadow fan, the single tower project variant would not cast any new shadow on this park. Shadow from the single tower variant would be cast on an area of the park that is currently shaded. Full quantitative shadow results are included in Exhibit E. No further analysis is provided for this park in this memorandum.

In addition to quantifying the amount of new shadow, this analysis is focusing on the impact of the new shadow on the usage of the park. For each of the eight parks, this memorandum provides information about the size of the new shadow, the portions of the park that would be newly shadowed, and the times of day and durations of the new shadow cast by the single tower project variant. For existing parks, information on the uses and activities in the parks during the time of new shading are also included.

### 4.3.2 Quantitative Analysis

A shadow modeling study was completed by FASTCAST using a 3D computer model of the single tower project variant, existing and proposed parks, and the existing urban environment to simulate and calculate levels of shading. The model calculated both existing and proposed amounts of shading, from one hour after sunrise to one hour before sunset, on the three affected RPD parks and one POPO <sup>12</sup>surrounding the

<sup>11</sup> Numbers taken from San Francisco Property Information Map <http://propertymap.sfplanning.org/?dept=planning>

<sup>12</sup> The 77 Van Ness POPOS is located inside the lobby of the seven-story building at the same address. Therefore, a quantitative analysis was not prepared for this POPOS because of its location inside the covered lobby of the



project site. During these times, analyses were performed at 15-minute intervals, every 7 days, from June 21<sup>st</sup> through December 20<sup>th</sup>. This half-year is referred to as “solar year” in this analysis. The sun angles during the “other” side of the calendar year, (December 21<sup>st</sup> through June 20<sup>th</sup>), mirror the solar year sun angles.<sup>13</sup> Since the angles are mirrored, an analysis of the remaining time period is not conducted and, instead, a multiplier is used to put the sample results into calendar year units. Using a multiplier does not change the percentages.

### 4.3.3 Quantitative Estimate of Net New Shadow

The difference between the current level of shading and the level of shading that would be present with the addition of the single tower project variant yielded the total annual increase in shadow-foot-hours. This increase was then taken as a percentage of the T.A.A.S. (in square-foot-hours) in the park to determine whether the new shadow created by the single tower project variant fell within the allowable limits. The quantitative shadow estimate was compared with the quantitative limit for each park as described above for “smaller parks” under Proposition K.

To quantitatively evaluate shadow impacts, shadow quantities on the four parks were calculated for the following conditions:

- **Existing Conditions**– baseline shadow or total shadow coverage (without the project) on each of the eight parks cast by existing buildings.
- **Existing Plus Variant Conditions**– the total shadow coverage on each of the eight parks cast by the existing buildings plus the Single tower project variant.
- **Cumulative Conditions** – the total shadow coverage on each of the eight parks cast by the existing buildings and foreseeable projects on each park (without the Single tower project variant).
- **Cumulative Plus Variant Conditions**– the total shadow coverage on each of the eight parks cast by the existing buildings, foreseeable projects, and the Single tower project variant.

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building and because of the surrounding building that would subsume any potential shadow from the single tower project variant.

<sup>13</sup> The “solar year” dates and the mirror dates are both provided. Mirror dates are shown in *italics*.

#### 4.3.4 Qualitative Analysis

The qualitative evaluation of shadow is based on visual observation (surveys) conducted at the parks and considers factors such as the value of sunlight – at the times of day and on the days of the year when the shadows would occur. The analysis also considers the shadow characteristics, including size, duration and location of the new shadows from the single tower project variant and from the foreseeable future projects in the cumulative condition. In addition, the analysis of shadow impacts considered the public good associated with the single tower project variant is described, pursuant to Planning Code Section 295.

## 5. Shadow Evaluation of Section 295 Affected Open Spaces

### 5.1 Patricia's Green

#### 5.1.1 Quantitative Analysis

##### Annualized Shadow Impacts

- **Existing Conditions**

Patricia's Green has approximately 66,620,503 square foot hours (sfh) of Theoretically Available Annual Sunlight (TAAS), which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 13,462,755 sfh, which means that Patricia's Green is currently 20.208% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 212,668 sfh of net new shadow resulting in a 0.319% increase in annual shadow as a percentage of TAAS, as shown in Table 3. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 13,675,423 sfh. Therefore, under Existing Plus Variant Conditions, Patricia's Green Park would be 20.527% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.1.

- **Cumulative Conditions (without the Variant)**

Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Patricia's Green. Under this condition, the annual shadow coverage on the park would be 24,917,975 sfh. Therefore, under the Cumulative Conditions, Patricia's Green would be 37.403% shaded during the hours protected by Proposition K.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 15,799 sfh of net new shadow, a 0.024% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 3. The Cumulative Plus Variant Conditions would result in a

total of 24,933,774 sfh annual shadow coverage on Patricia’s Green. Therefore, the park would be 37.427% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.10.

<b>Table 4: Annualized Shadow Results for Patricia’s Green</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 66,620,503 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	13,462,755	13,675,423	24,917,975	24,933,774
<i>Difference</i>		+212,668		+15,799
Annual Shadow as a Percentage of TAAS	20.208%	20.527%	37.403%	37.427%
<i>Difference</i>		+0.319%		+0.024%
<b>Notes:</b>				
<sup>1</sup> Based on the City’s annualized TAAS factor.				

### Single-Day Shadow Impacts

Table 4 presents shadow impacts caused by the single tower project variant on Patricia’s Green.

- **Characterization of the Single Tower Project Variant’s Net New Shadow**

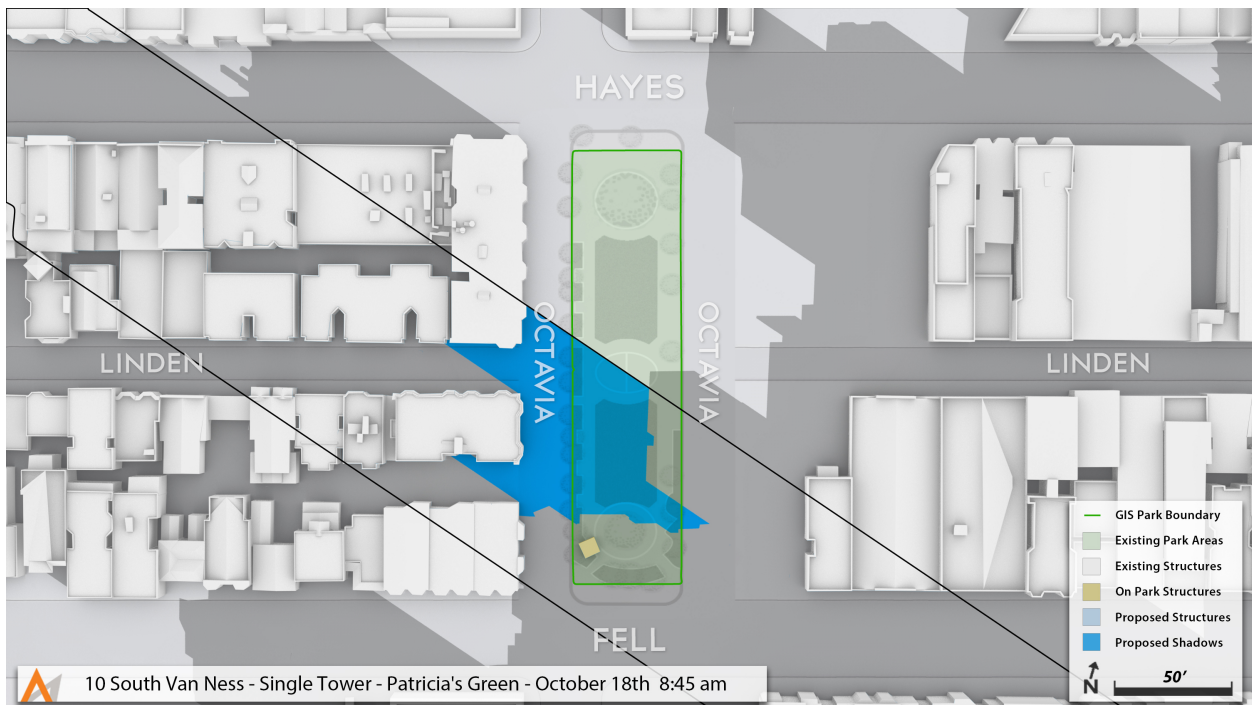
The single tower project variant would cast new shadow on Patricia’s Green between *January 18 and March 1*, and again between October 8<sup>th</sup> and November 22, for a total of 112 days. No new shadow from the single tower project variant would affect Patricia’s Green after 9:29 AM on any day of the year. During these periods, the largest new shadow (based on area) would occur on October 18<sup>th</sup> and *February 22<sup>nd</sup>* at 9:00 AM, lasting 15 minutes, and would cover an area of approximately 11,895 square feet, or 66.4% of Patricia’s Green Park. The maximum shadow coverage of the single tower project variant would cover the central area of the park, as shown in Figure 7B, and would occur on October 8<sup>th</sup> (*February 22<sup>th</sup>*) is shown in Figures 7A-7D. Full quantitative shadow results are included in Exhibit G.1.

The average duration of new shadow resulting from the single tower project variant on Patricia’s Green would be 29 minutes, 33 seconds. The longest new shadow duration resulting from the single tower project variant would occur on October 18 and *February 22<sup>th</sup>* for 55 minutes, 48 seconds.

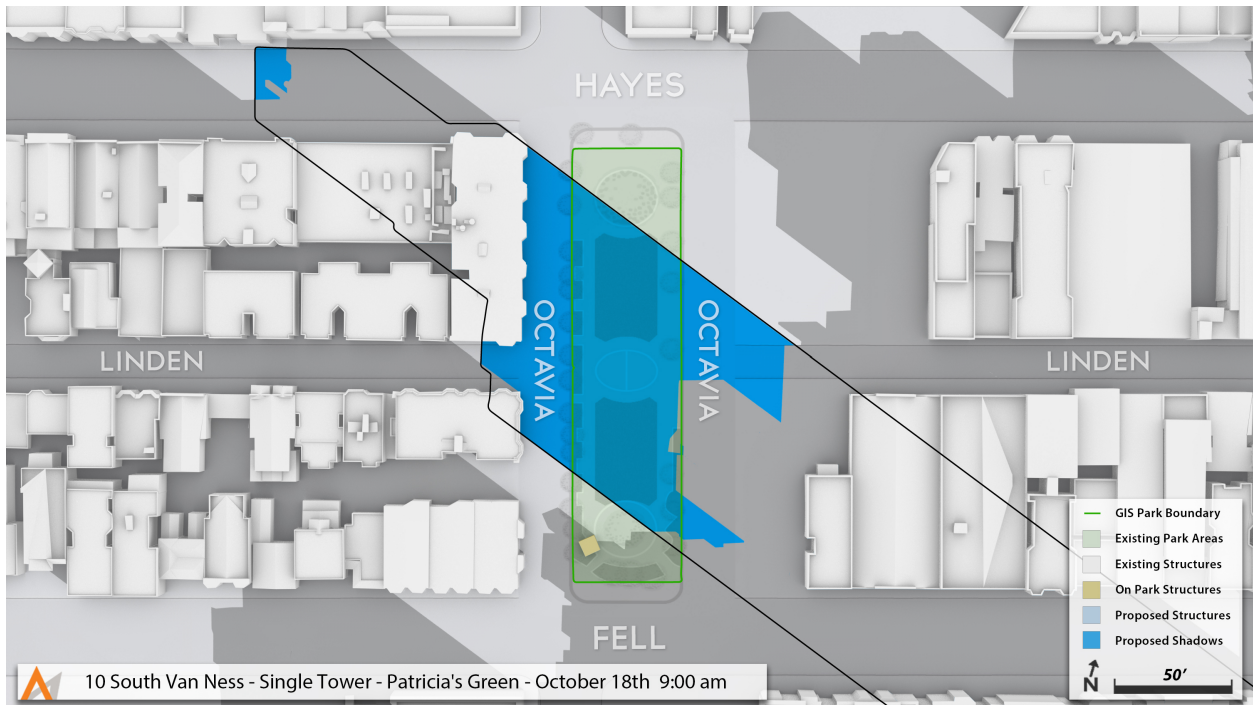
**Table 4:  
Single-Day Shadow Results at Patricia's Green for Single Tower Project Variant**

	Date Range	Mirror Date Range <sup>1</sup>	Duration	Area
Longest shadow Day	18-Oct	22-Feb	55min 48sec	NA
Average shadow Duration	NA	NA	29min 33sec	
Largest shadow by Area	18-Oct	22-Feb	15min	11,895 sq ft
Largest shadow Day	25-Oct	15-Feb	52min 48sec	4,403 sfh

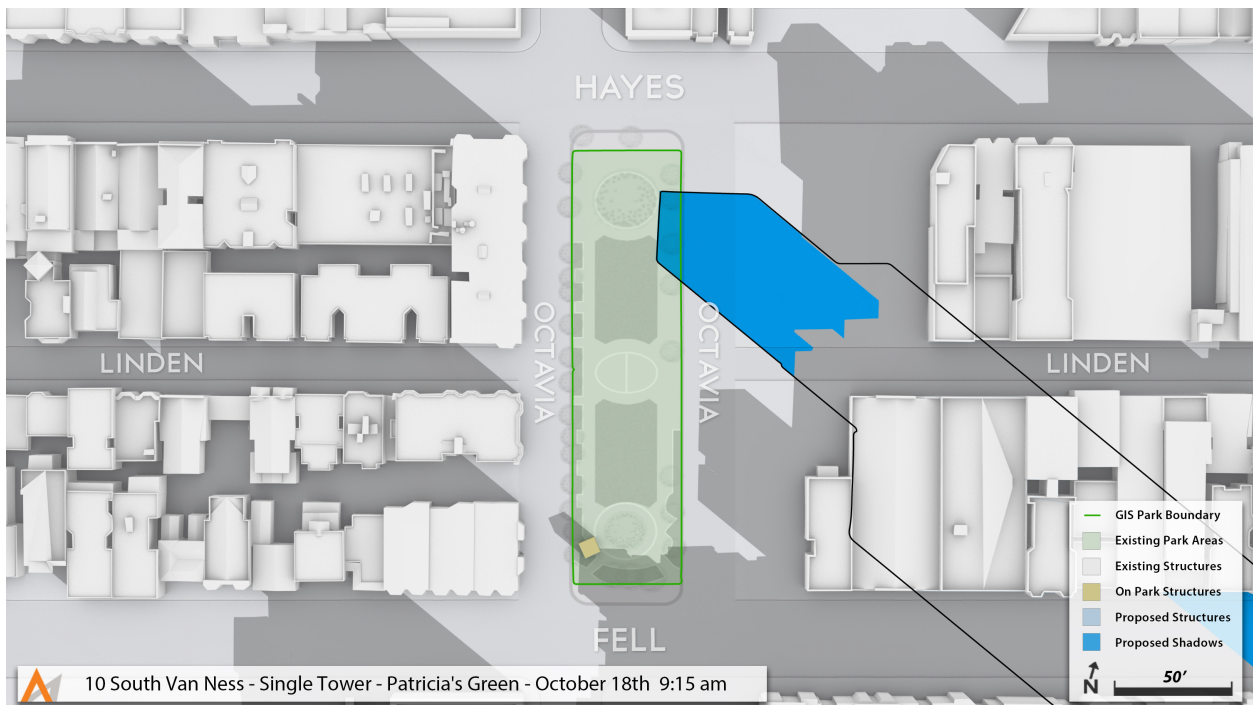
Note: <sup>1</sup> This date is when the sun angles are similar to those in the corresponding solar-year day  
 NA: Not Available



**Figure 7A: Single Tower Project Variant's Shadow Coverage on Patricia's Green (October 18, 8:45 AM)**

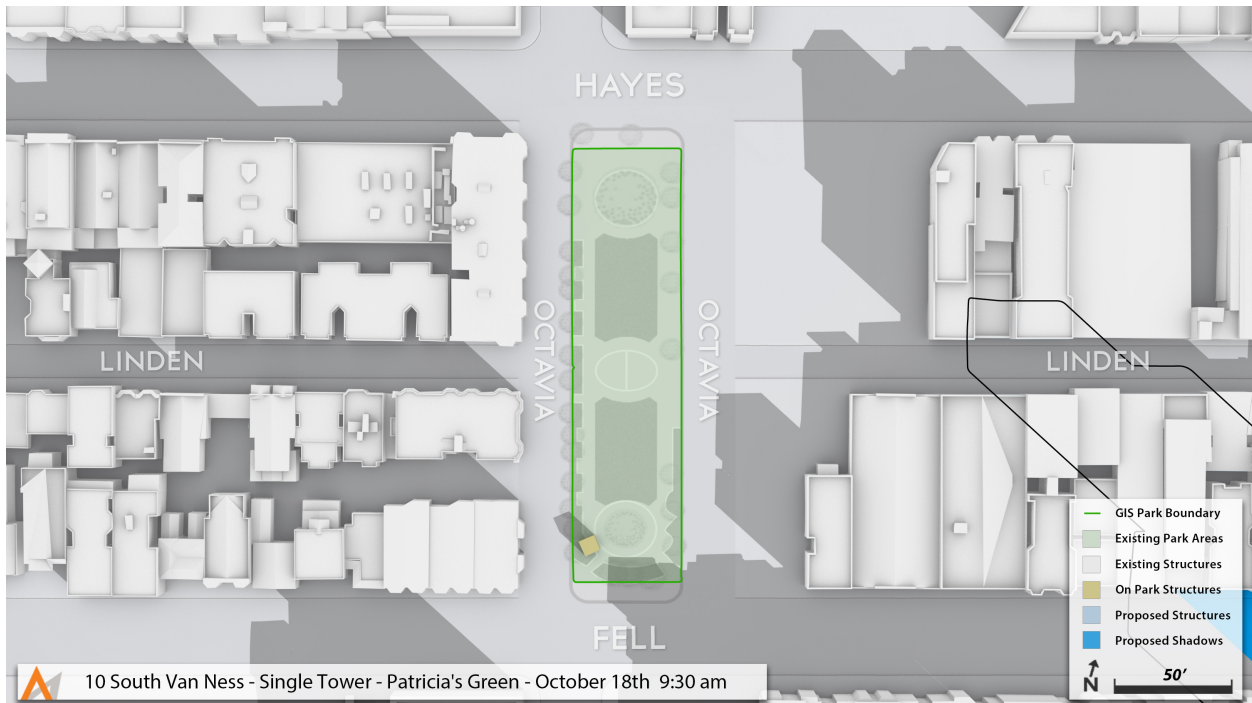


**Figure 7B: Single Tower Project Variant's Maximum Shadow Coverage (66%) on Patricia's Green (October 18, 9:00 AM)**



**Figure 7C: Single Tower Project Variant's Shadow Coverage on Patricia's Green (October 18, 9:15 AM)**





**Figure 7D: Single Tower Project Variant's Shadow Coverage on Patricia's Green (October 18, 9:30 AM)**

- **Cumulative Conditions (without the single tower project variant project)**

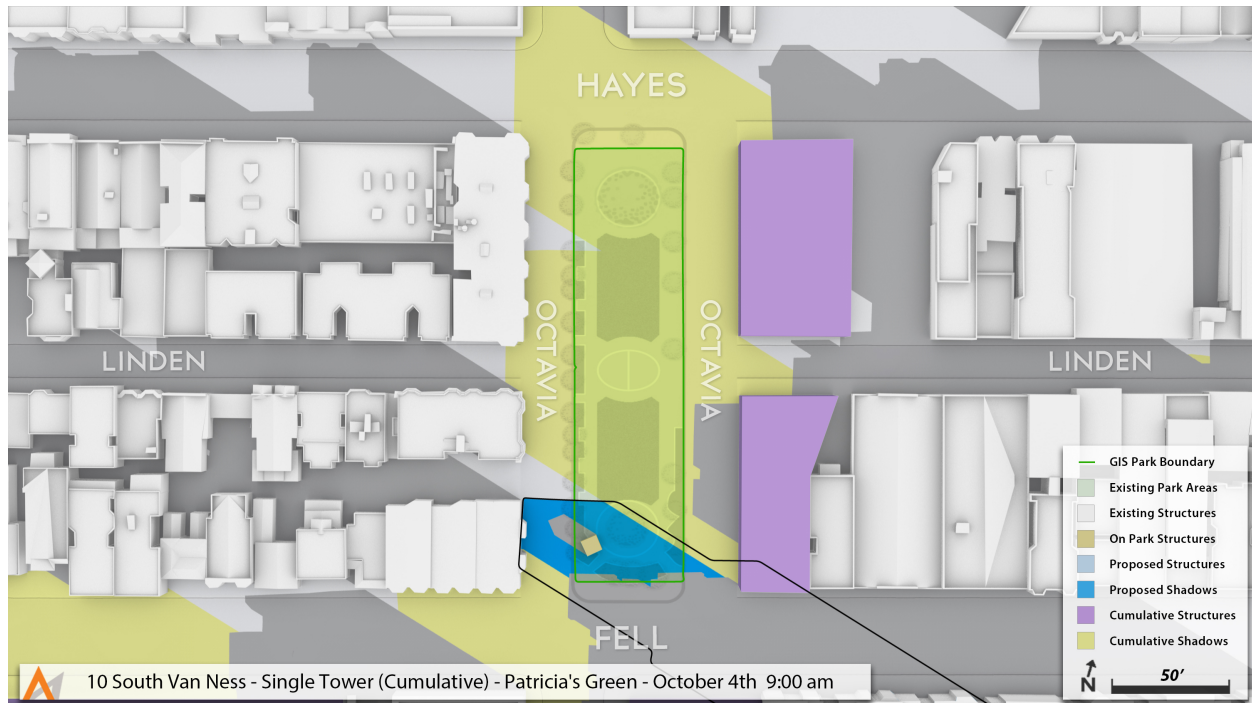
Under Cumulative Conditions (without the single tower project variant project), shadow would be cast on Patricia's Green over the entire year. The largest shadow by area under this condition would occur at 8:15 AM on *May 10<sup>th</sup>* and again on August 2<sup>nd</sup>. The primary sources of this shadow during the morning are foreseeable projects that line the western edge of Octavia Street – namely 432, 424 and 350 Octavia Street. During the evening, existing buildings at 501 Hayes Street, 449 Octavia Street, and 506 Hayes Street cast shadow on Patricia's Green. Full quantitative analysis for the cumulative condition at Patricia's Green is included in Exhibit B.8.

Cumulative projects (without the single tower project variant) would cast shadow on Patricia's Green Park for approximately 365 days, between January 1st and December 31st. The average duration of new shadow on Patricia's Green would be 4 hours 30 minutes 56 seconds, while the longest new shadow duration would occur on November 1<sup>st</sup> and November 8<sup>th</sup> (*February 1<sup>st</sup> and February 8<sup>th</sup>*) for 6 hours 18 minutes 36 seconds, and the shortest new shadow duration would occur on October 4<sup>th</sup> (*March 8<sup>th</sup>*) for 2 hours 57minutes 36 seconds. Full quantitative shadow results are included in Exhibit B.8.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add new shadow on Patricia’s Green Park Patricia’s Green for approximately 56 days, from October 4<sup>th</sup> through October 25<sup>th</sup>, and again on *February 15<sup>th</sup>* through *March 8<sup>th</sup>*. As shown in Table 5, below, the average duration of new shadow on Patricia’s Green would be 25 minutes 12 seconds, while the longest new shadow duration would occur on October 18<sup>th</sup> and *February 22<sup>th</sup>* for 40 minutes 40 seconds. The largest new shadow (based on area) would occur on October 4<sup>th</sup> or *March 8<sup>th</sup>* for approximately 15 minutes, at 9:00 AM, and would cover an area of 2,123 square feet, or 11.8% of the Patricia’s Green Park (See Figure 8, below). The shortest new shadow duration would occur on October 4<sup>th</sup>, 25<sup>th</sup>, *February 15<sup>th</sup>*, and *March 8<sup>th</sup>* for 15 minutes. Full quantitative shadow results are included in Exhibit G.10.

<b>Table 5: Single Day Shadow Results at Patricia’s Green for Single Tower Project Variant plus Cumulative Projects</b>				
	<b>Date Range</b>	<b>Mirror Date Range</b>	<b>Duration</b>	<b>Area</b>
Longest shadow Day	18-Oct	<i>22-Feb</i>	40min 48sec	N/A
Average shadow Duration	N/A	<i>N/A</i>	25min 12sec	
Largest shadow by Area	4-Oct	<i>8-Mar</i>	15min	2,123 sf ft
Largest shadow Day	4-Oct	<i>8-Mar</i>	15min	531 sfh



**Figure 8: Single Tower Project Variant plus Cumulative Projects Largest New Shadow Coverage on Patricia's Green (October 4, 9:00 AM)**

### 5.1.2 Qualitative Analysis

Site visits to Patricia's Green took place on both weekdays and on weekends<sup>14</sup> to observe how the park was being used and to evaluate how new shading might impact the current pattern of park use.

As described above, qualitative criteria include the time of day and time of year when the shadows would occur, and also the shadow characteristics, including size, duration and location of the shadows that would result from the single tower project variant. Qualitative criteria also include the importance of sunlight to the type of open space and activity that would be shaded, as well as the level of activity that occurs at the time of day that a given area of Patricia's Green would be shadowed.

Visual observations of the park during the time when the proposed project would cast shadow on Patricia's Green were conducted on Tuesday June 21, 2016, between 7 and 9 AM, and Saturday August 6, 2016 between 8:00 and 11:00 AM. Results of the visual observation showed that usage during morning hours includes sitting, walking, dog walking, stretching and yoga, and socializing. On June 21, the number of people using the park between 7:00 AM and 9:45 AM varied between 4 and 20, with the lowest number of people at 7:00 AM and the highest at 9:45 AM. On August 6, the number of people using the park between 8:00 AM and 11:00 AM varied between 6 and 16, with the lowest number of

<sup>14</sup> A log documenting the observed park usage is included in Exhibit E.

people at 8:00 AM and the highest at 11:00 AM. Logs documenting the observed park usage on June 21, 2016 and August 6, 2016 are included in Exhibit E.

Based on visual observations of the park conducted on June 21st and August 6th; park use before 9:00 AM is typically sparse. Since shadows from the single tower project variant would primarily affect the park during morning times, and usage of the park during the morning is low, new shadow from the proposed project is not likely to substantially nor negatively affect park use. In addition, shadow under the Cumulative Conditions would likewise be greater during the morning, but would decrease throughout the morning as park usage increases.

## 5.2 Page & Laguna Mini Park

### 5.2.1 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

As shown in Table 6, Page & Laguna Mini Park has approximately 24,472,209 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 12,095,949 sfh, which means that Page & Laguna Mini Park is currently 49.427% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 14,086 sfh of net new shadow resulting in a 0.058% increase in annual shadow as a percentage of TAAS, as shown in Table 6. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 12,110,036 sfh. Therefore, under this condition, Page & Laguna Mini Park would be 49.485% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.2.

- **Cumulative Conditions (without the Single Tower Variant Project)**

The Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Page & Laguna Mini Park. Under this condition, the annual shadow coverage on the park would be 12,098,671 sfh. Therefore, under Cumulative Conditions, Page & Laguna Mini Park would be shaded 49.438% during the hours protected by Proposition K. Full quantitative analysis for the Cumulative Conditions at the Page & Laguna Mini Park is included in Exhibit B.9.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 14,086 sfh of net new shadow, a 0.058% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 6. The Cumulative Plus Variant Conditions would result in a total of 12,112,758 sfh annual shadow coverage on Page & Laguna Mini Park. Therefore, the park would be 49.496% shaded during the hours protected by Proposition K.

<b>Table 6: Annualized Shadow Results for Page &amp; Laguna Mini Park</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 24,472,209 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	12,095,949	12,110,036	12,098,671	12,112,758
<i>Difference</i>		<i>+14,086</i>		<i>+14,086</i>
Annual Shadow as a Percentage of TAAS	49.427%	49.485%	49.438%	49.496%
<i>Difference</i>		<i>+0.058%</i>		<i>+0.058%</i>
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

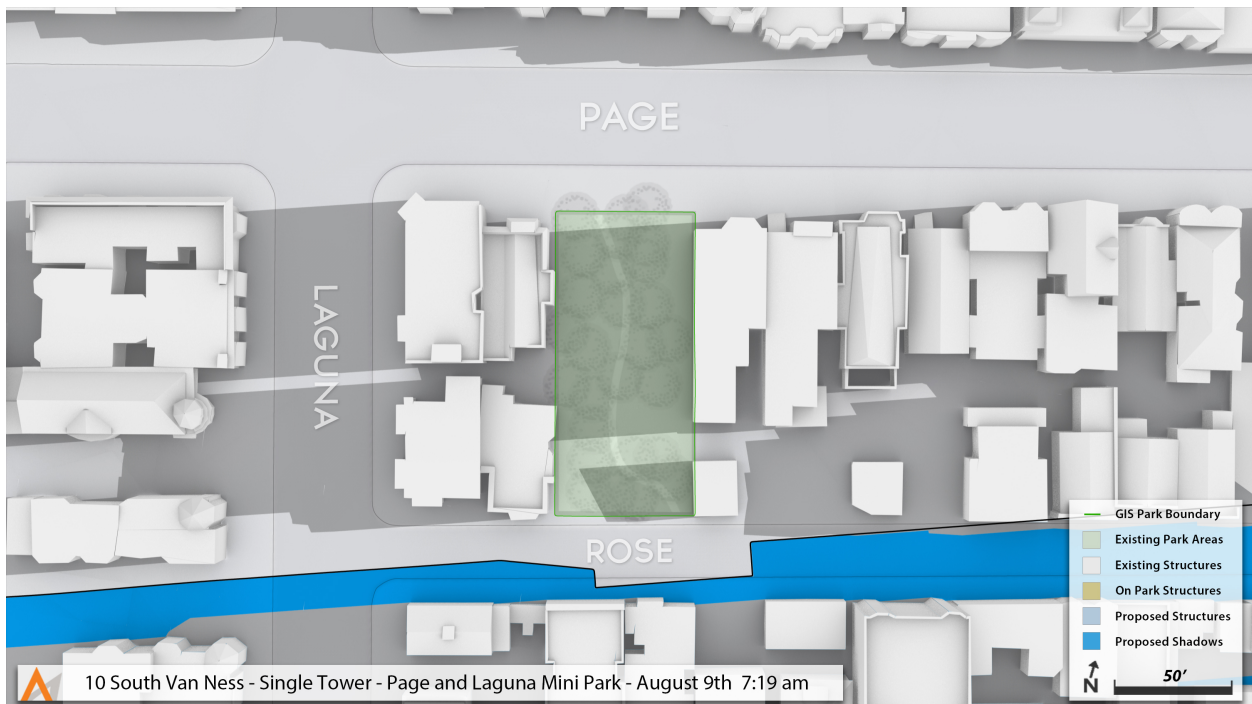


## Single-Day Shadow Impacts

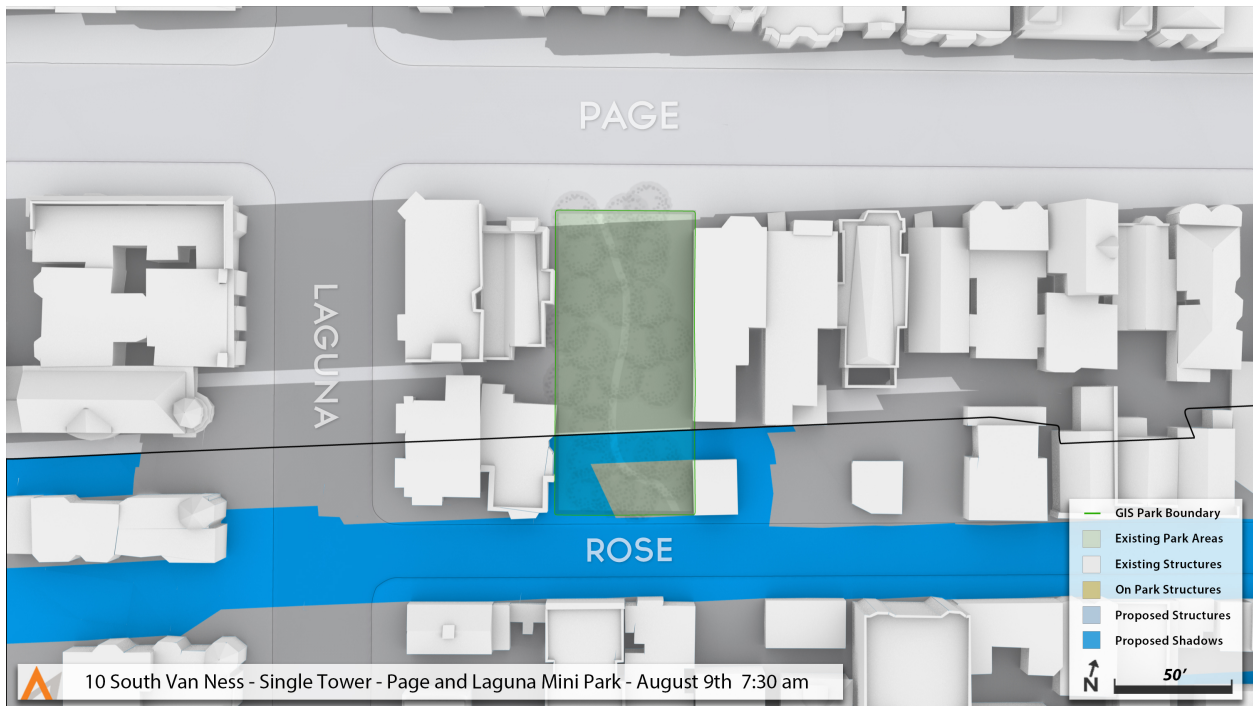
- **Characterization of the Single Tower Project Variant's Net New Shadow**

The single tower project variant would cast new shadow on Page & Laguna Mini Park between August 2<sup>nd</sup> to August 23<sup>rd</sup> and between April 9<sup>th</sup> and May 10<sup>th</sup>, for a total of 56 days. During these periods, as shown in Table 7, the largest new shadow (based on area) would occur on August 9<sup>th</sup> and May 3<sup>rd</sup> at 7:45 AM, lasting 15 minutes, and would cover an area of approximately 1,236 square feet, or 18.8% of Page & Laguna Mini Park. The maximum shadow coverage of the single tower project variant on Page & Laguna Mini Park on August 9<sup>th</sup> and May 3<sup>rd</sup> would occur on the southern quarter of the Page & Laguna Mini Park, north of the Rose Street entrance (see Figures 9C). Full quantitative shadow results are included in Exhibit G.2.

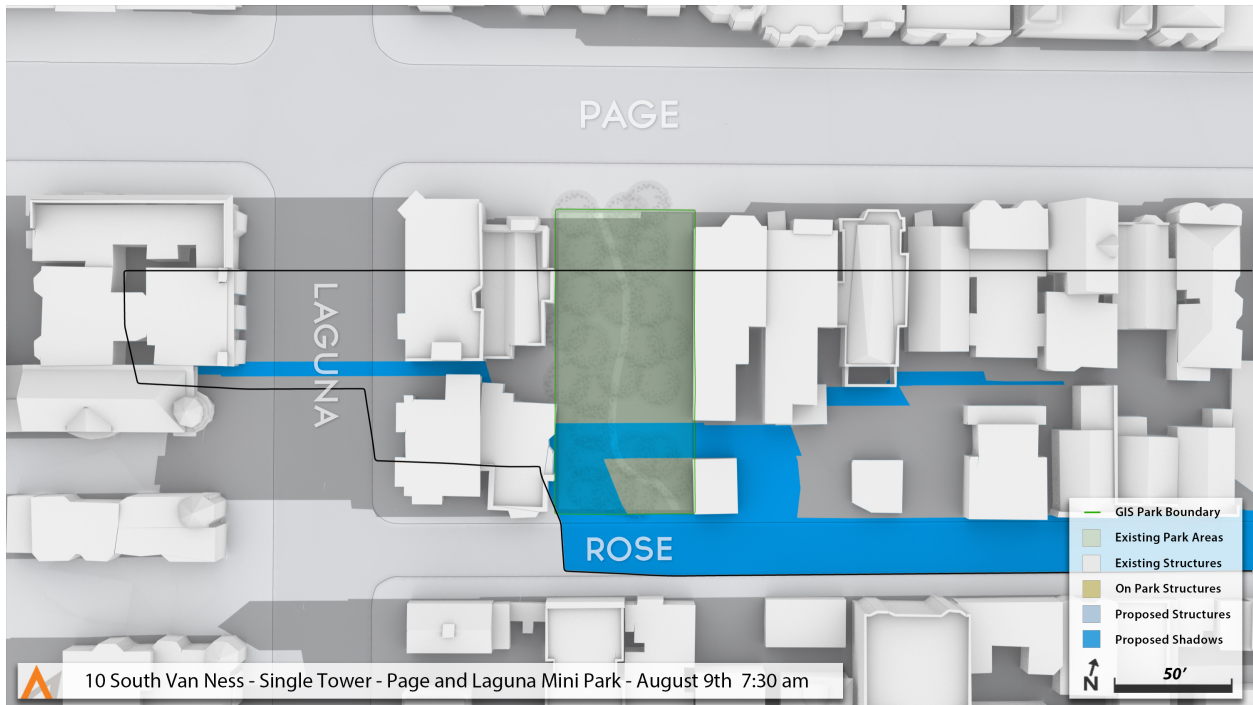
The average duration of new shadow resulting from the single tower project variant on Page & Laguna Mini Park would be 19 minutes, 12 seconds. The longest new shadow duration resulting from the single tower project variant would occur on August 9<sup>th</sup> and 16<sup>th</sup> and again on April 26<sup>th</sup> and May 3<sup>rd</sup> for 27 minutes, 36 seconds, and the shortest new shadow duration would occur on August 23<sup>th</sup> and April 19<sup>th</sup> for 3 minutes, 36 seconds. Figures 9A-9E show net new shadow on August 9<sup>th</sup> between 7:19 AM and 8:15 AM.



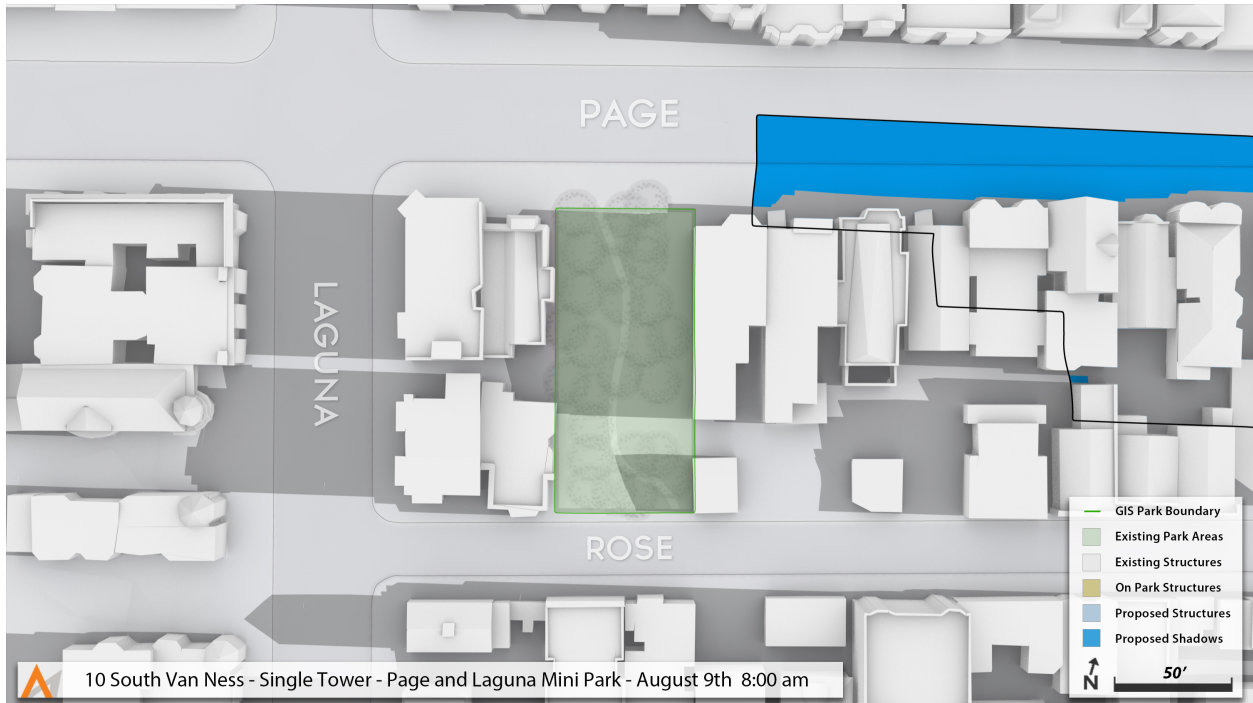
**Figure 9A: Single Tower Project Variant's New Shadow on Page & Laguna Mini Park (August 9, 7:19 AM)**



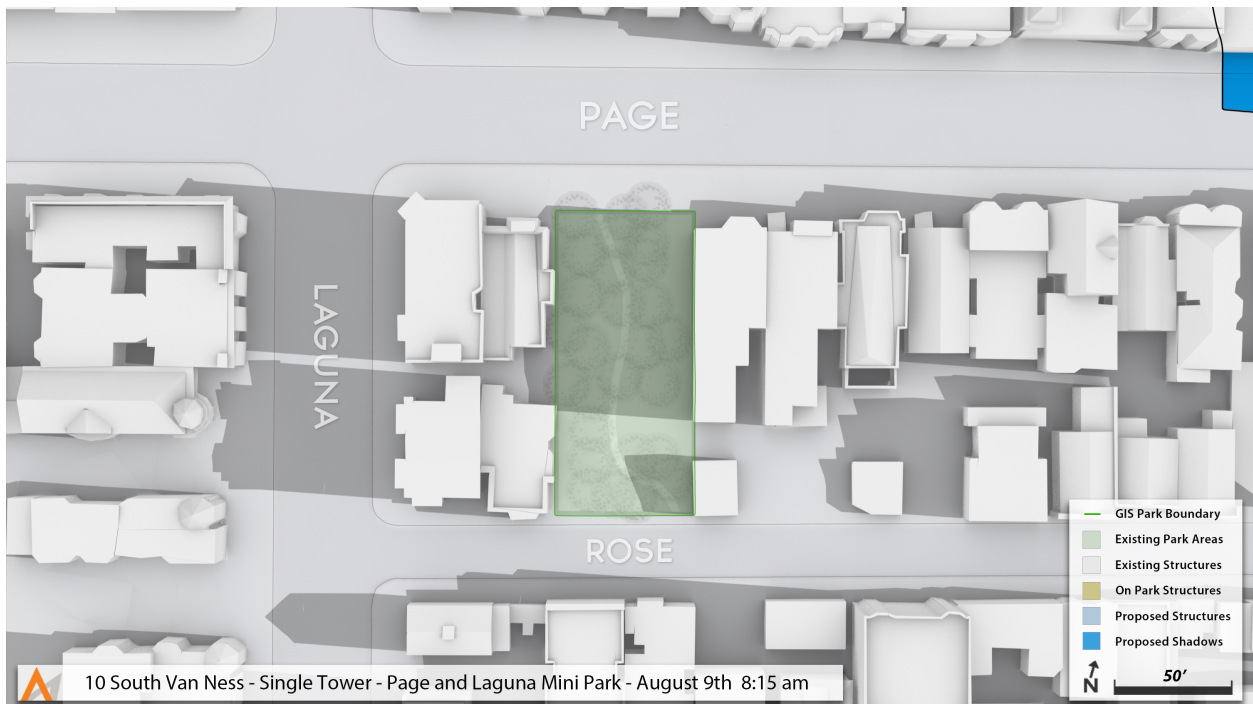
**Figure 9B: Single Tower Project Variant's New Shadow on Page & Laguna Mini Park (August 9, 7:30 AM)**



**Figure 9C: Single Tower Project Variant's Maximum New Shadow on Page & Laguna Mini Park (August 9, 7:45 AM)**



**Figure 9D: Single Tower Project Variant’s Shadow on Page & Laguna Mini Park (August 9, 8:00 AM)**



**Figure 9E: Single Tower Project Variant’s Shadow on Page & Laguna Mini Park (August 9, 8:15 AM)**

<b>Table 7: Single Day Shadow Results at Page &amp; Laguna for Single Tower Project Variant</b>				
	<b>Date Range</b>	<b>Mirror Date Range</b>	<b>Duration</b>	<b>Area</b>
Longest shadow Day	9-Aug, 16-Aug	26-Apr, 3-May	27 min 36 sec	
Average shadow Duration	N/A	N/A	19 min 12 sec	N/A
Largest shadow by Area	9-Aug	3-May	15min	1,236sq ft
Largest shadow Day	9-Aug	3-May	27min 36sec	514 sfh

- **Cumulative Conditions (without the Single Tower Project Variant)**

Under Cumulative Conditions (without the single tower project variant), existing and foreseeable future projects would cast shadow over Page & Laguna Mini Park between *June 7<sup>th</sup>* and *July 5<sup>th</sup>*, for 35 days. The largest new shadow by area under this condition would occur at 6:47 AM on *June 21<sup>st</sup>* when the largest net new shadow (based on area) would cover 758 square feet or approximately 11.53% of Page & Laguna Mini Park for 6 minutes and 36 seconds. Full quantitative shadow results are included in Exhibit B.9.

- **Cumulative Plus Variant Conditions**

Under Cumulative Plus Variant Conditions, there would be no change in shadow from the Existing Plus Variant conditions. Similar to the analysis, above, under **Characterization of the Single Tower Project Variant's Net New Shadow**, the largest new shadow (based on area) under the Cumulative Plus Variant Conditions would occur on *August 9<sup>th</sup>* and *May 3<sup>rd</sup>* at 7:45 AM, lasting 15 minutes, and would cover an area of approximately 1,236 square feet, or 18.8% of Page & Laguna Mini Park.

## 5.2.2 Qualitative Analysis

Site visits to Page & Laguna Mini Park took place on both weekdays and on weekends to observe how the park was being used and to evaluate how new shading might impact the current pattern of park use.

As described above, qualitative criteria include the time of day and time of year when the shadows would occur, and the shadow characteristics, including size, duration and location of the shadows that would result from the single tower project variant. Qualitative criteria also include the importance of sunlight to the type of open space and activity that would be shaded, as well as the level of activity that occurs at the time of day that a given area of the park would be shadowed.

Visual observations of Page & Laguna Mini Park during the morning hours were conducted on Tuesday July 26 and Thursday July 28, 2016. Results of the visual observation showed that usage during morning



hours includes walking and dog walking. The number of people using the park between 7:00 AM and 10:00 AM ranged from 0 to 3. Visual observations conducted on Thursday August 4, 2016 and Friday August 5, 2016 between 4:00 PM and 7:00 PM observed similar activity as during the morning, with only slightly more users (between 0 and 6 users each hour). A log documenting the observed park usage is included in Exhibit E.

Based on a visual observation of the park conducted in July 2016; park use before 10:00 AM is typically sparse. Since shadows from the single tower variant project would only affect the park during morning times, and usage of the park during the morning is low. In addition, the majority of the park is already shaded during the time-intervals when shadows from the single tower variant project would be the greatest. Existing plus foreseeable projects would cast shadow on the park at different times than the single tower variant project, with the greatest shadow occurring before 7:00 AM.

## 5.3 Natoma & 11<sup>th</sup> Street Park (Proposed)

### 5.3.1 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

Natoma & 11<sup>th</sup> Street Park is currently occupied by buildings and parking. Once the site is developed with the proposed park, the park would have approximately 72,927,691 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park would be 15,160,278 sfh if the park were present under existing conditions, which means that Natoma & 11<sup>th</sup> Street Park is currently 20.788% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 1,048,546 sfh of net new shadow resulting in a 1.438% increase in annual shadow as a percentage of TAAS, as shown in Table 8. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 16,208,824 sfh. Therefore, under this condition, Natoma & 11<sup>th</sup> Street Park would be shaded 22.226% during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.3.

- **Cumulative Conditions (without the Single Tower Variant Project)**

The Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on the proposed Natoma & 11<sup>th</sup> Street Park. Under this condition, the annual shadow coverage on the park would be 16,759,905 sfh. Therefore, under Cumulative Conditions, the proposed Natoma & 11<sup>th</sup> Street Park would be shaded 22.982% during the hours protected by Proposition K. Full quantitative analysis for the Cumulative Conditions at the proposed Natoma & 11<sup>th</sup> Street Park is included in Exhibit B.10.



- **Cumulative Plus Variant Conditions**

Under Cumulative Plus Variant Conditions, the single tower project variant would add 940,774 sfh of net new shadow, a 1.290% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 8. The Cumulative Plus Variant Conditions would result in a total of 17,700,679 sfh annual shadow coverage on the proposed Natoma & 11<sup>th</sup> Street Park. Therefore, the park would be 24.272% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.12.

<b>Table 8: Annualized Shadow Results for Natoma &amp; 11<sup>th</sup> Street Park</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 72,927,691 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	15,160,278	16,208,824	16,759,905	17,700,679
<i>Difference</i>		<b>+1,048,546</b>		<b>+940,774</b>
Annual Shadow as a Percentage of TAAS	20.788%	22.226%	22.982%	24.272%
<i>Difference</i>		<b>+1.438%</b>		<b>+1.290%</b>
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

#### Single-Day Shadow Impacts

- **Characterization of the Single Tower Project Variant's Net New Shadow**

The Single tower project variant would cast new shadow on the proposed Natoma & 11<sup>th</sup> Street Park between *March 22<sup>nd</sup>* and *September 20<sup>th</sup>*, for a total of 27 weeks (189 days). During these periods, the largest new shadow (based on area) would occur on *July 12<sup>th</sup>* and *May 31<sup>st</sup>* at 6:00 PM, lasting until sunset, and would cover an area of approximately 11,679 square feet, or 59.60% of the proposed Natoma & 11<sup>th</sup> Street Park. Full quantitative shadow results are included in Exhibit G.3.

The average duration of new shadow resulting from the single tower project variant on the proposed Natoma and 11<sup>th</sup> Street Park would be 59 minutes, 50 seconds. The longest new shadow duration resulting from the single tower project variant would occur on *July 26<sup>th</sup>* and *May 17<sup>th</sup>* for 1 hour, 42 minutes 36 seconds. No shadow from the single tower project variant would occur prior to 5:30 PM on any day of the year. This information is summarized in Table 9, below.

- **Cumulative Conditions (without the Single Tower Project Variant)**

Under Cumulative Conditions, existing and foreseeable future projects would cast shadow on the proposed Natoma & 11<sup>th</sup> Street Park, therefore increasing shading by 2.194% of TAAS. Full quantitative analysis for Cumulative Conditions at the proposed Natoma & 11<sup>th</sup> Street Park is included in Exhibit B.10.

- **Cumulative Plus Variant Conditions**

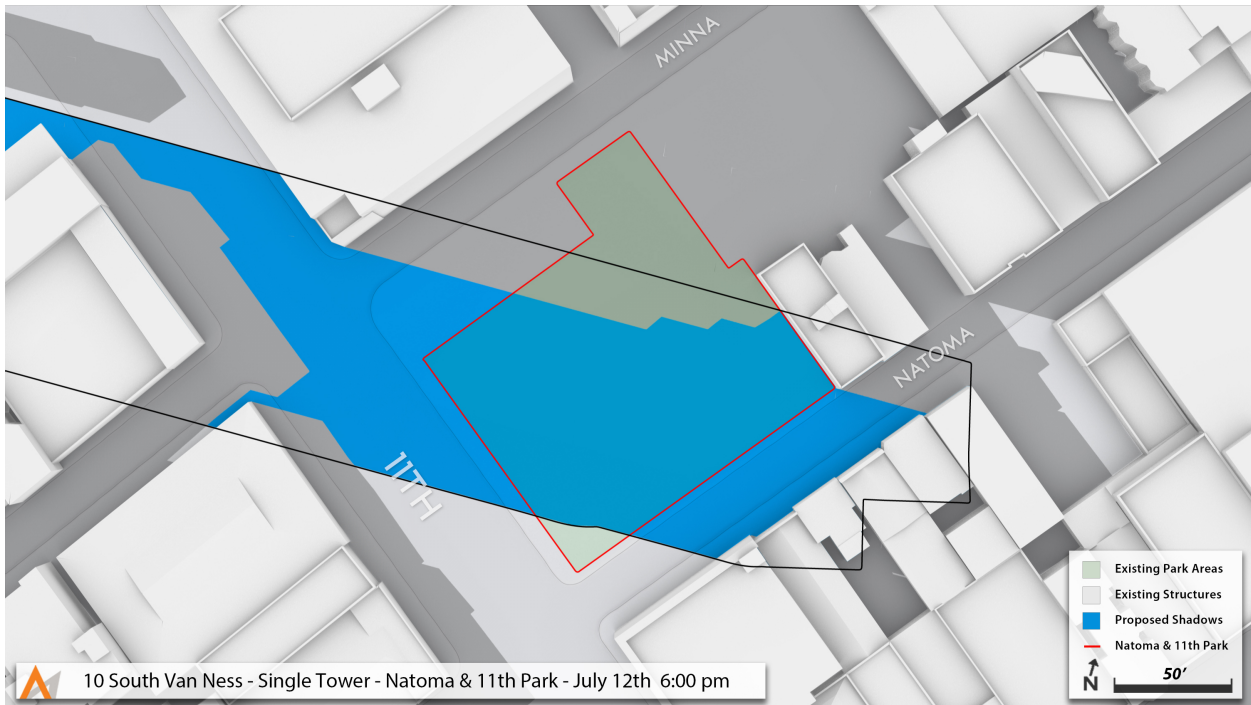
Under the Cumulative Plus Variant Conditions, the single tower project variant contribution to net new shadow impacts would be an addition of 1.290% of TAAS as described above. Full quantitative shadow results are included in Exhibit G.12.

The largest new shadow by area would occur on July 5<sup>th</sup> and June 7<sup>th</sup> at 6:00 p.m. and would cover approximately 11,148 square feet, or 57% of the proposed Natoma & 11<sup>th</sup> Street Park for approximately 15 minutes. The largest shadow caused by the single tower project variant is shown in Figure 11. The shadow on this day would last from approximately 6:00 PM until sunset. Full quantitative shadow results are included in Exhibit G.12.

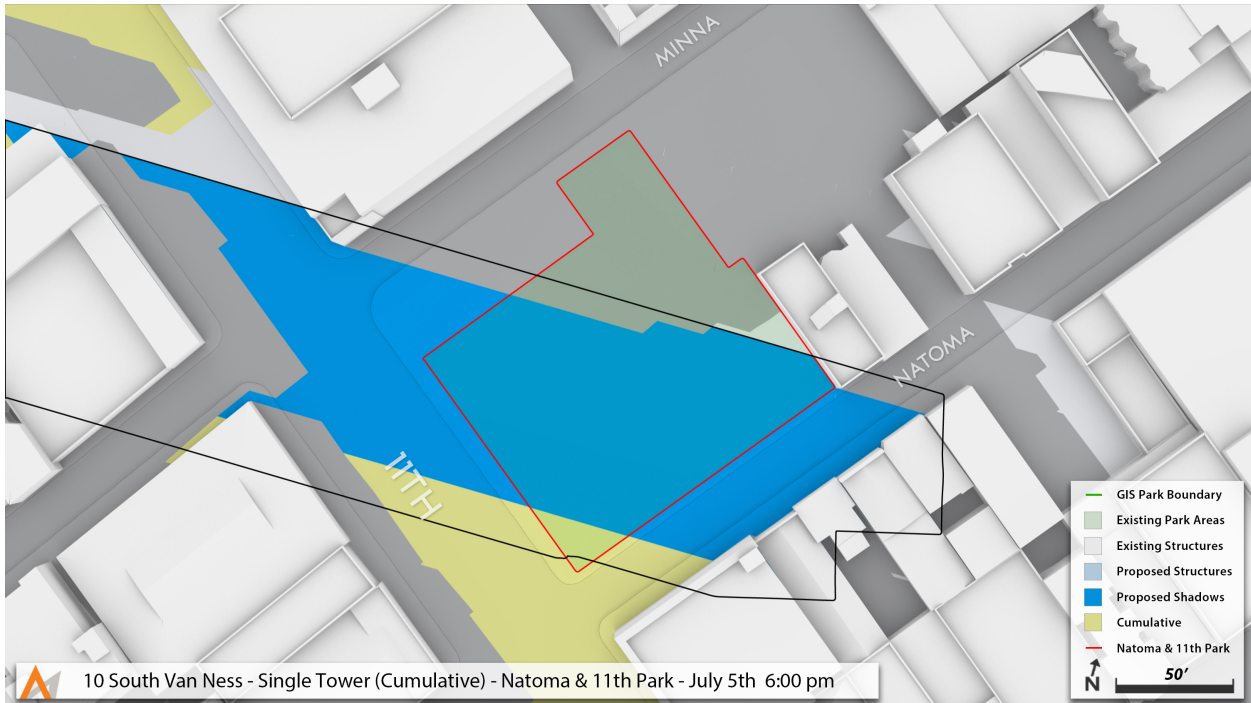
### 5.3.2 Qualitative Analysis

Because the proposed Natoma & 11<sup>th</sup> Street Park does not yet exist, a visual survey of this site was not conducted. Final programming has not yet been determined for the proposed Natoma & 11<sup>th</sup> Street Park; however, the park may include a playground, sports court, and/or active green space, and, as such, a qualitative assessment of the effects of shading on the use and enjoyment of the park would be too speculative at this time.

<b>Table 9: Single Day Shadow Results for Proposed Natoma &amp; 11<sup>th</sup> Street Park</b>				
	<b>Date Range</b>	<b>Mirror Date Range</b>	<b>Duration</b>	<b>Area</b>
Longest shadow Day	26-Jul	17-May	1hr 42min 36 sec	N/A
Average shadow Duration	N/A	N/A	59 min 50 sec	
Largest shadow by Area	12-Jul	31-May	15min	11,679 sq ft
Largest shadow Day (sfh)	26-Jul	17-May	1hr 42min 36 sec	9,916 sfh



**Figure 10: Existing Plus Variant - Largest New Shadow on Proposed Natoma & 11<sup>th</sup> Street Park (July 12, 6:00 PM)**



**Figure 11: Cumulative Plus Variant - Largest New Shadow on Proposed Natoma & 11<sup>th</sup> Street Park July 5, 6:00 PM)**

## 5.4 Hayes Valley Playground

### 5.4.1 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

As shown in Table 10, Hayes Valley Playground has approximately 122,080,743 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 32,458,749 sfh, which means that Hayes Valley Playground is currently 26.588% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 29,168 sfh of net new shadow resulting in a 0.024% increase in annual shadow as a percentage of TAAS, as shown in Table 10. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 32,487,917 sfh. Therefore, under this condition, Hayes Valley Playground would be shaded 26.612% during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.4.

- **Cumulative Conditions (without the Single Tower Project Variant )**

Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Hayes Valley Playground. Under this condition, the annual shadow coverage on the park would be 32,458,749 sfh, which would be unchanged from the existing conditions. Therefore, under Cumulative Conditions, Hayes Valley Playground would be shaded 26.588% during the hours protected by Proposition K.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 29,168 sfh of net new shadow, a 0.024% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 10. The Cumulative Plus Variant Conditions would result in a total of 32,487,917 sfh annual shadow coverage on Hayes Valley Playground. Therefore, the park would be 26.612% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.13.

<b>Table 10: Annualized Shadow Results for Hayes Valley Playground</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 122,080,743 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	32,458,749	32,487,917	32,458,749	32,487,917
<i>Difference</i>		<b>+29,168</b>		<b>+29,168</b>
Annual Shadow as a Percentage of TAAS	26.588%	26.612%	26.588%	26.612%
<i>Difference</i>		<b>+0.024%</b>		<b>+0.024%</b>
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

### Single-Day Shadow Impacts

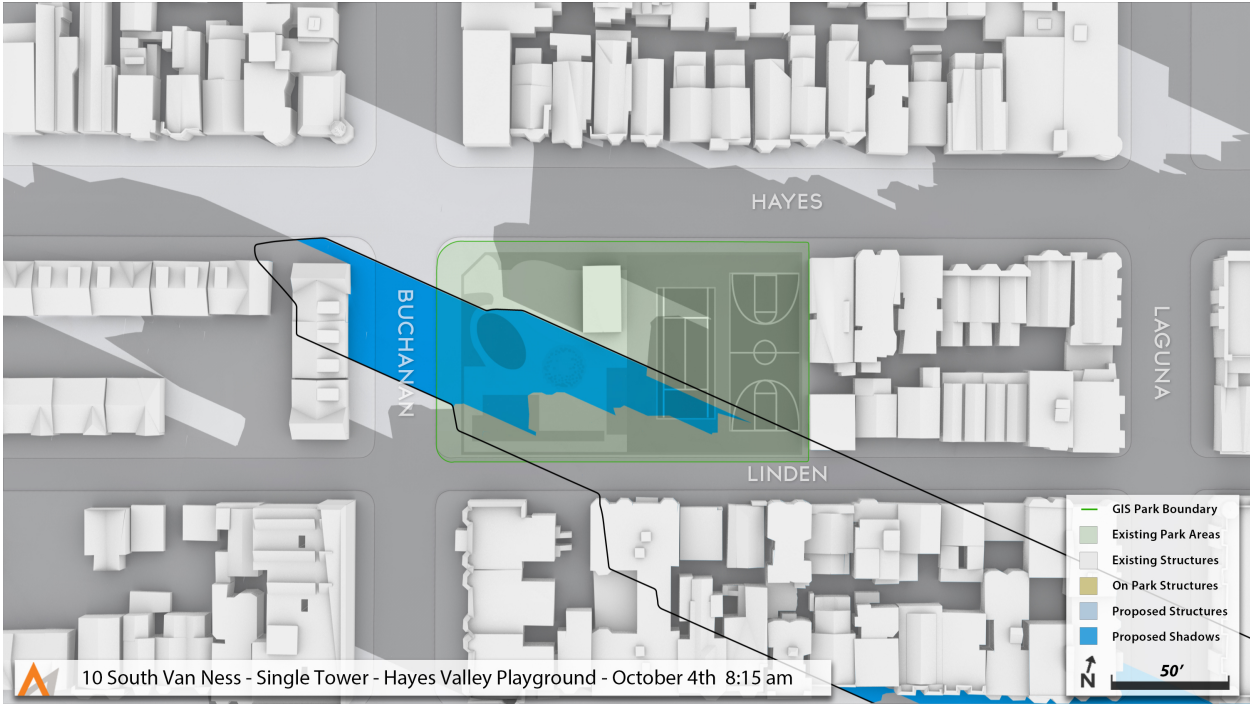
- **Characterization of the Single Tower Project Variant's Net New Shadow**

The single tower project variant would cast new shadow on Hayes Valley Playground between October 4th and October 11th, and again between *March 1<sup>st</sup>* and *March 8<sup>th</sup>*, for a total of 28 days. No new shadow from the single tower project variant would affect Hayes Valley Playground after 8:29 AM on any day of the year. During these periods, the largest new shadow (based on area) would occur on October 4<sup>th</sup> and *March 8<sup>th</sup>* at 8:15 AM, lasting 10 minutes 12 seconds, and would cover an area of approximately 7,762 square feet, or 23.66% of Hayes Valley Playground (see Figure 12).

The average duration of new shadow resulting from the single tower project variant on Hayes Valley Playground would be 9 minutes, 54 seconds. The longest new shadow duration resulting from the single tower project variant would occur on October 4<sup>th</sup> and *March<sup>th</sup>* for 12 minutes, 36 seconds.



Table 11: Single Day Shadow Results at Hayes Valley Playground for Single Tower Project Variant				
	Date Range	Mirror Date Range	Duration/Time of Day	Area
Longest shadow Day	4-Oct	8-Mar	12min 36sec	N/A
Average shadow Duration	N/A	N/A	9 min 54 sec	
Largest shadow by Area	4-Oct	8-Mar	10 min 12 sec	7,762 sq ft
Largest shadow Day (sfh)	4-Oct	8-Mar	12min 36sec	1,382 sfh



**Figure 12: Single Tower Project Variant’s Largest New Shadow Coverage on Hayes Valley Playground (October 4 (March 8), 8:15 AM)**

- **Cumulative Conditions and Cumulative Plus Variant Conditions**

Under the Cumulative Conditions (without the single tower project variant), the shadow would be the same as under Existing Conditions. Therefore, the single tower project variant's shadow impacts under the Cumulative Plus Variant Conditions would be the same as under the Existing Plus Variant Conditions.

## 5.5 Koshland Community Park and Learning Center

### 5.5.1 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

As shown in Table 12, Koshland Community Park has approximately 133,133,539 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 21,611,520 sfh, which means that Koshland Community Park is currently 16.233% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.5.

- **Existing Plus Variant Conditions**

The single tower project variant would add 82,257sfh of net new shadow resulting in a 0.064% increase in annual shadow as a percentage of TAAS, as shown in Table 12. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 21,696,777 sfh. Therefore, under this condition, Koshland Community Park would be shaded 16.297% during the hours protected by Proposition K.

- **Cumulative Conditions (without the Single Tower Project Variant)**

The Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Koshland Community Park. Under this condition, the annual shadow coverage on the park would be 21,611,520 sfh, which would be unchanged from the existing conditions. Therefore, under Cumulative Conditions, Koshland Community Park would be shaded 16.233% during the hours protected by Proposition K.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 82,257 sfh of net new shadow, a 0.064% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 10. The Cumulative Plus Variant Conditions would result in a total of 21,696,777 sfh annual shadow coverage on Hayes Valley Playground. Therefore, the park would be 16.297% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.14.

<b>Table 12: Annualized Shadow Results for Koshland Community Park</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 133,133,539 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	21,611,520	21,696,777	21,611,520	21,696,777
<i>Difference</i>		+82,257		+82,257
Annual Shadow as a Percentage of TAAS	16.233%	16.297%	16.233%	16.297%
<i>Difference</i>		+0.064%		+0.064%
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

### Single-Day Shadow Impacts

- **Characterization of the Single Tower Project Variant's Net New Shadow**

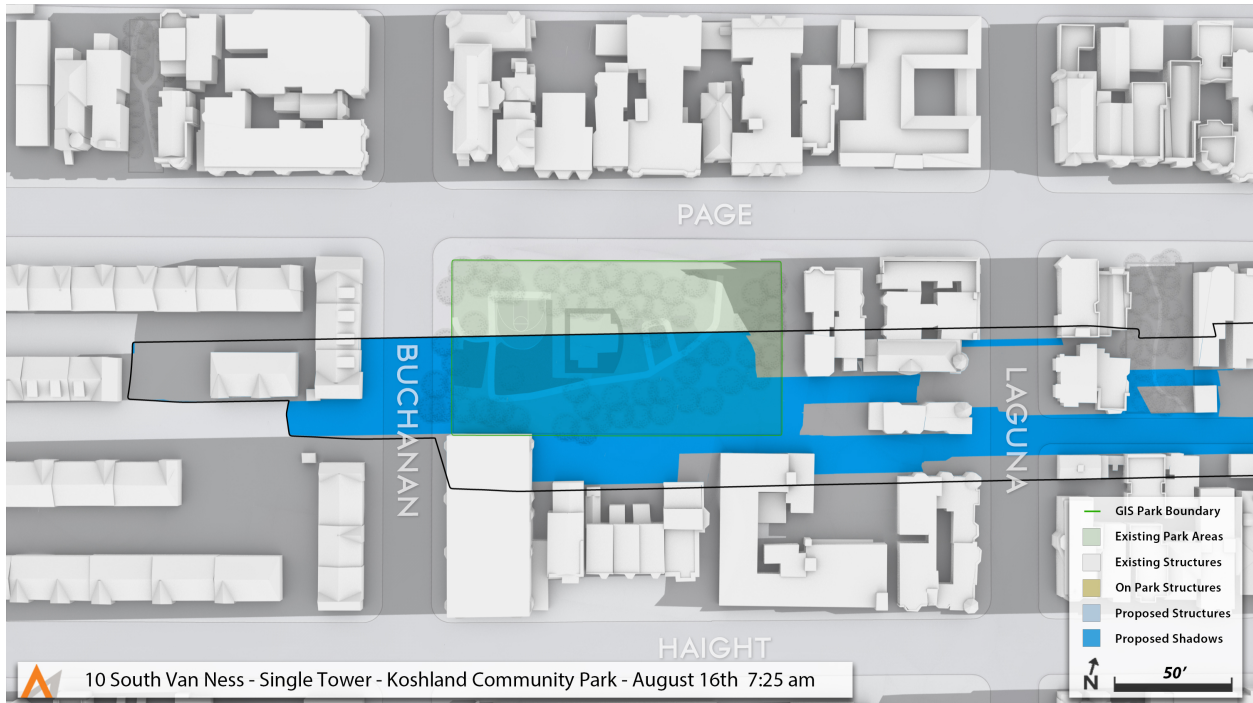
The single tower project variant would cast new shadow on Koshland Park between August 9<sup>th</sup> and August 23<sup>rd</sup>, and again between *April 19<sup>th</sup>* and *May 3<sup>rd</sup>* for a total of 42 days. No new shadow from the single tower project variant would affect Koshland Park after 7:44 AM on any day of the year. During these periods the largest new shadow by area would occur on August 16<sup>th</sup> and *April 26<sup>th</sup>* at 7:25 AM, lasting 2 minutes 24 seconds, and would cover an area of approximately 19,772 square feet, or 55.27% of the park. The maximum shadow coverage on Koshland Park is shown in Figure 14.

As shown in Table 13, the average duration of new shadow resulting from the single tower project variant on Koshland Park would be 10 minutes, 36 seconds. The longest new shadow duration resulting from the single tower project variant would occur on August 9<sup>th</sup> and August 13<sup>th</sup> and again on April 26<sup>th</sup> and May 3<sup>rd</sup> for 12 minutes, 36 seconds.

- **Cumulative Conditions and Cumulative Plus Variant Conditions**

Under the Cumulative Conditions (without the single tower project variant), the shadow would be the same as under Existing Conditions. Therefore, the single tower project variant’s shadow impacts under the Cumulative Plus Variant Conditions would be the same as under the Existing Plus Variant Conditions.

<b>Table 13: Single Day Shadow Results at Koshland Park for Single Tower Project Variant</b>				
	<b>Date Range</b>	<b>Mirror Date Range</b>	<b>Duration</b>	<b>Area</b>
Longest shadow Day	9-Aug and 16-Aug	26-Apr, 3-May	12min 36sec	N/A
Average shadow Duration	N/A	N/A	10min 36sec	
Largest shadow by Area	16-Aug	26-Apr	2min 24sec 7:25 AM	19,772 sq ft
Largest shadow Day (sfh)	16-Aug	26-Apr	12min 36sec	4,085 sfh



**Figure 14: Single Tower Project Variant's Largest New Shadow Coverage on Koshland Park (August 16, 7:25 AM)**



## 5.6 Buchanan Street Mall

### 5.5.2 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

As shown in Table 14, Buchanan Street Mall has approximately 293,711,495 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: *The Sunlight Ordinance*, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 81,866,060sfh, which means that Buchanan Street Mall is currently 27.873% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 9,632 sfh of net new shadow resulting in a 0.003% increase in annual shadow as a percentage of TAAS, as shown in Table 14. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 81,875,692 sfh. Therefore, under this condition, Buchanan Street Mall would be shaded 27.876% during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.6.

- **Cumulative Conditions (without the Single Tower Project Variant )**

The Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Buchanan Street Mall. Under this condition, the annual shadow coverage on the park would be 81,866,060 sfh, which would be unchanged from the existing conditions. Therefore, under Cumulative Conditions, Buchanan Street Mall would be shaded 27.873% during the hours protected by Proposition K.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 9,632 sfh of net new shadow, a 0.003% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 16. The Cumulative Plus Variant Conditions would result in a total of 81,875,692 sfh annual shadow coverage on Buchanan Street Mall. Therefore, the park would be 27.876% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.15.

<b>Table 14: Annualized Shadow Results for Buchanan Street Mall</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 293,711,495 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	81,866,060	81,875,692	81,866,060	81,875,692
<i>Difference</i>		+9,632		+9,632
Annual Shadow as a Percentage of TAAS	27.873%	27.876%	27.873%	27.876%
<i>Difference</i>		+0.003%		+0.003%
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

### Single-Day Shadow Impacts

- **Characterization of the Single Tower Project Variant's Net New Shadow**

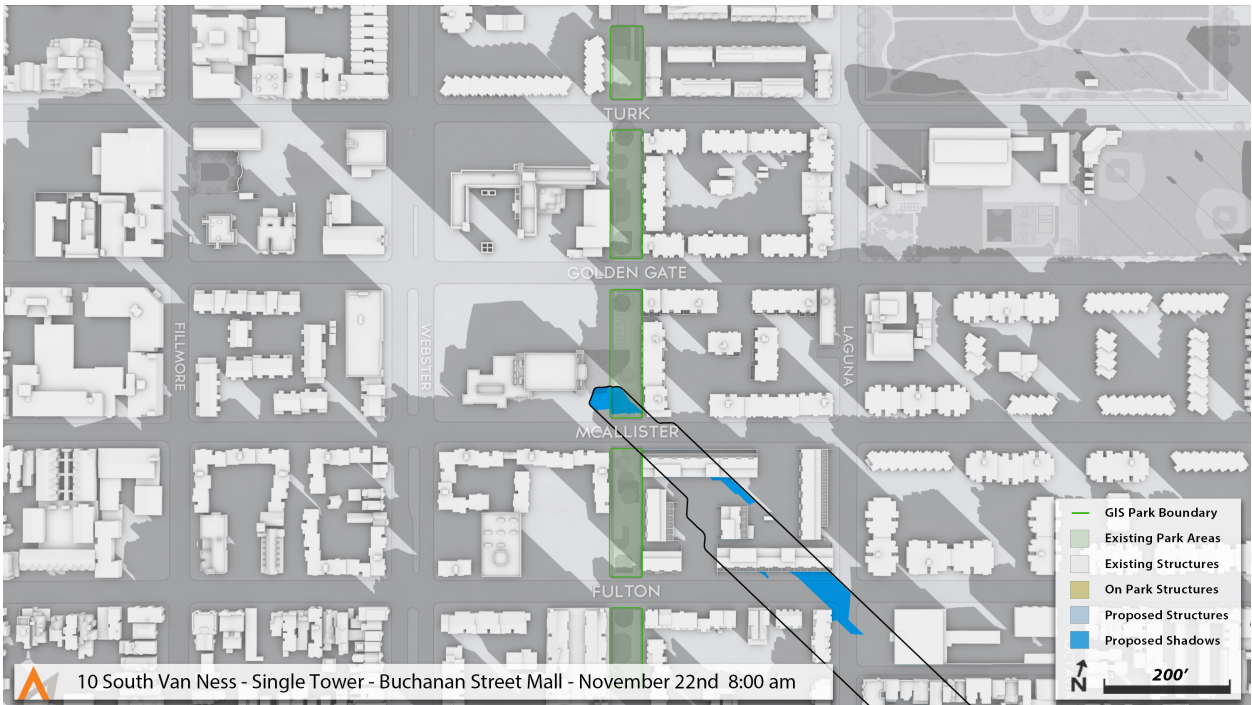
The single tower project variant would cast new shadow on Buchanan Street Mall from sunrise to 8:10 AM between November 1<sup>st</sup> and November 29<sup>th</sup>, and again between *January 11<sup>th</sup>* and *February 8<sup>th</sup>* for a total of 56 days. No new shadow from the single tower project variant would affect Buchanan Street Mall after 8:10 AM on any day of the year. During these periods the largest new shadow by area would occur on November 22<sup>nd</sup> and *January 18<sup>th</sup>* at 8:00 AM, lasting 9 minutes, and would cover an area of approximately 2,475 square feet, or 3.14% of the park. The maximum shadow coverage on Buchanan Street Mall is shown in Figure 16.

As shown in Table 15, the average duration of new shadow resulting from the single tower project variant on Buchanan Street Mall would be 7 minutes, 3 seconds. The longest new shadow duration resulting from the single tower project variant would occur on November 22<sup>nd</sup> and *January 18<sup>th</sup>* for 10 minutes, 12 seconds.

- **Cumulative Conditions and Cumulative Plus Variant Conditions**

Under the Cumulative Conditions (without the single tower project variant), the shadow would be the same as under Existing Conditions. Therefore, the single tower project variant's shadow impacts under the Cumulative Plus Variant Conditions would be the same as under the Existing Plus Variant Conditions. Full quantitative shadow results are included in Exhibit G.15.

Table 15: Single Day Shadow Results at Buchanan Street Mall for Single Tower Project Variant				
	Date Range	Mirror Date Range	Duration/Time of Day	Area
Longest shadow Day	22-Nov	18-Jan	10min 12sec	
Average shadow Duration	N/A	N/A	7min 3sec	N/A
Largest shadow by Area	22-Nov	18-Jan	9min	2,475 sq ft
Largest shadow Day (sfh)	22-Nov	18-Jan	10min 12sec	403 sfh



**Figure 16: Single Tower Project Variant's Largest New Shadow Coverage on Buchanan Street Mall (November 22, 8:00 AM)**

## 5.6 Howard & Langton Mini Park

### 5.6.1 Quantitative Analysis

#### Annualized Shadow Impacts

- **Existing Conditions**

As shown in Table 16, Howard & Langton Mini Park has approximately 38,025,265 sfh of TAAS, which is the amount of theoretically available sunlight on the park, annually, during the hours protected by Proposition K: The Sunlight Ordinance, if there were no shadows from structures, trees or other facilities. The existing annual shadow coverage on the park is 18,575,415 sfh, which means that Howard & Langton Mini Park is currently 48.850% shaded during the hours protected by Proposition K.

- **Existing Plus Variant Conditions**

The single tower project variant would add 812 sfh of net new shadow resulting in a 0.002% increase in annual shadow as a percentage of TAAS, as shown in Table 16. Under Existing Plus Variant Conditions, the total annual shadow coverage on the park would be 18,576,228 sfh. Therefore, under this condition, Howard & Langton Mini Park would be shaded 48.852% during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.7.

- **Cumulative Conditions (without the Single Tower Project Variant )**

Cumulative Conditions reflects the shadow impact of foreseeable future projects, (without the single tower project variant), in addition to the existing shadow on Howard & Langton Mini Park. Under this condition, the annual shadow coverage on the park would be 18,575,415sfh, which would be unchanged from the existing conditions. Therefore, under Cumulative Conditions, Howard & Langton Mini Park would be shaded 48.850% during the hours protected by Proposition K.

- **Cumulative Plus Variant Conditions**

Under the Cumulative Plus Variant Conditions, the single tower project variant would add 812 sfh of net new shadow, a 0.002% increase in annual shadow as a percentage of TAAS, compared to the Cumulative Conditions, as shown in Table 16. The Cumulative Plus Variant Conditions would result in a total of 18,576,228 sfh annual shadow coverage on Buchanan Street Mall. Therefore, the park would be 48.852% shaded during the hours protected by Proposition K. Full quantitative shadow results are included in Exhibit G.16.

<b>Table 16: Annualized Shadow Results for Howard and Langton Mini Park</b>				
	Existing Conditions	Existing Plus Variant Conditions	Cumulative Conditions	Cumulative Plus Variant Conditions
<b>Summary of Results:</b>				
Theoretically Available Annual Sunlight (TAAS) = 38,025,265 sfh <sup>1</sup>				
FASTCAST annualized shadow (sfh)	18,575,415	18,576,228	18,575,415	18,576,228
<i>Difference</i>		+812		+812
Annual Shadow as a Percentage of TAAS	48.850%	48.852%	48.850%	48.852%
<i>Difference</i>		+0.002%		+0.002%
<b>Notes:</b>				
<sup>1</sup> Based on the City's annualized TAAS factor.				

### Single-Day Shadow Impacts

- **Characterization of the Single Tower Project Variant's Net New Shadow**

Shadows from the single tower project variant on Howard & Langton Mini Park would occur for approximately one week around October 18<sup>th</sup>, and *February 22<sup>nd</sup>*. During these periods the largest new shadow by area would occur on November 22<sup>nd</sup> and *January 18<sup>th</sup>* at 5:27 PM, would last 6 minutes, and would cover an area of approximately 602 square feet, or 5.89% of the park. The maximum shadow coverage on Howard & Langton Mini Park is shown in Figure 17.

As shown in Table 17, the average duration of new shadow resulting from the single tower project variant on Howard & Langton Mini Park would be 6 minutes. The longest new shadow duration resulting from the single tower project variant would occur on November 22<sup>nd</sup> and *January 18<sup>th</sup>* for 6 minutes.

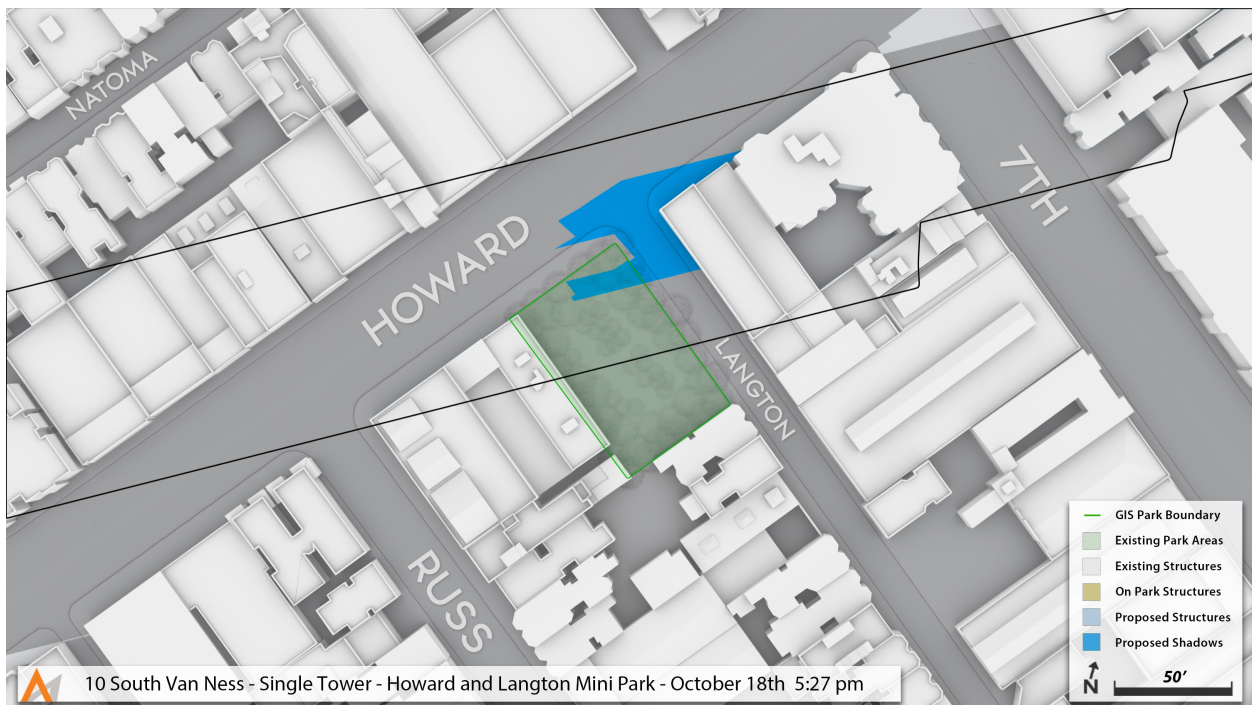
- **Cumulative Conditions and Cumulative Plus Variant Conditions**

Under the Cumulative Conditions (without the single tower project variant), the shadow would be the same as under Existing Conditions. Therefore, the single tower project variant's shadow impacts under the Cumulative Plus Variant Conditions would be the same as under the Existing Plus Variant Conditions.



**Table 17:  
Single Day Shadow Results at Howard & Langton Mini Park for Single Tower Project Variant**

	Date Range	Mirror Date Range	Duration	Area
Longest shadow Day	18-Oct	22-Feb	6min	N/A
Average shadow Duration	N/A	N/A	6min	
Largest shadow by Area	18-Oct	22-Feb	6min	602 sq ft
Largest shadow Day (sfh)	18-Oct	22-Feb	6min	60 sfh



**Figure 17: Single Tower Project Variant's Largest New Shadow Coverage on Howard & Langton Mini Park (October 18, 5:27 PM)**

## **6. Cumulative Plus Variant Shadow Evaluation of Privately-owned public open spaces (POPOS)**

Privately-owned public open spaces (POPOS) are not under the jurisdiction of the RPD, and as such, any additional shadow that would be cast on POPOS by the single tower project variant is not subject to analysis under Section 295. However, shadow analysis has been undertaken to fulfill requirements under the California Environmental Quality Act (CEQA).

### **6.1 77 Van Ness Avenue**

The 77 Van Ness POPOS is located inside the lobby of the seven-story building on the same address. The single tower project variant would cast no shadow on this POPOS because of the location of 77 Van Ness Avenue inside the covered lobby of the building and because of the surrounding building that would subsume any potential shadow from the single tower project variant.

### **6.2 Brady Park (Proposed)**

The single tower project variant would cast new shadow on the proposed Brady Park during the summer, between May and July, in the morning hours. No new shadow from the single tower project variant would affect the proposed Brady Park after 9:00 AM on any day of the year.

Under the Cumulative Conditions (without the single tower project variant), future foreseeable projects surrounding the future Brady Park such as at 1601-1637 Market Street, 1700 Market Street, 53 Colton Street, and 30 Otis Street would shade most of the park (with the exception of the southwestern corner) due to their adjacency to the open space.

Under the Cumulative Plus Variant Conditions, the single tower project variant's net new shadow on the future Brady Park (Proposed) would already be subsumed by the shadow from other cumulative projects nearby. Any shadow cast by the single tower project variant would be cast on a portion of Brady Park that would already be shaded by nearby adjacent buildings.

## **7. Public Outreach**

Pursuant to the California Public Resources Code Section 21083.9 and CEQA Guidelines Section 15206, a 30-day public scoping meeting will be held after publication of a Notice of Preparation of an Environmental Impact Report (EIR) for this project. Information on shadow resulting from the single tower variant project will be presented in an initial study or Draft EIR, which will be available for public review.

## 8. Public Good

Aside from reflecting the general city planning goals for this area, the project will contribute to the public good in the following ways -

- 1) Construct a project at the height and intensity contemplated by the Hub Plan;
- 2) Increase the City's supply of housing in an area designated for high-density residential uses due to its proximity to downtown and accessibility to local and regional transit;
- 3) Include approximately 47,206 square feet of usable open space per Planning Code Section 736.93;
- 4) Include publically-accessible open space in the form of a mid-block pedestrian alleyway;
- 5) Include installation of 33 net new street trees along South Van Ness Avenue, Market Street, and 12th Street;
- 6) Extend the sidewalk along 12th Street from 15 feet to at least 21 feet;
- 7) Provide street furniture and a retail/café-oriented plaza along 12th Street south of Stevenson Street;
- 8) Install 61 Class II bicycle parking spaces along South Van Ness Avenue, Market Street, and 12th Street.
- 9) Provide short-term employment opportunities during the construction phase of the project;
- 10) Increase patronage of local neighborhood-serving businesses due to new residents.

To achieve a zero net new shadow condition on Section 295 parks, the 10 South Van Ness site tower height would need to be no greater than approximately 295 feet. Patricia's Green would start to receive new shadow if the project tower would exceed the 295-foot height limit. To eliminate net new shadow on the proposed Brady Park, the height limit of the proposed project should not exceed approximately 50 feet. This is due to Brady Parks close proximity to southwest boundaries of the 10 South Van Ness project site.

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To: Rachel Schuett  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94102

From: Adam Noble  
FASTCAST  
34 Corte Madera Avenue  
Mill Valley, CA 94941

1.13.2020

## 10 South Van Ness Shadow Report Amendment for Proposed Modified Design Scheme

### Executive Summary

The project sponsor for the proposed the 10 South Van Ness project has requested Fastcast to analyze an alternative design scheme to record and document any material changes to the reported shadow impacts described in the 10 South Van Ness Administrative Draft Variant Shadow Report dated August of 2018. The alternative scheme consists of height changes to the podium. Additional analysis of the project modifications shows no changes and, in some cases, reported a very slight reduction in overall shadow on the parks analyzed. Therefore, it has been determined by Fastcast that the design modifications proposed would not change the conclusions of the 10 South Van Ness Draft Variant shadow report.<sup>1</sup>

### Summary of Changes

- 1) North podium increased to 140' from 139'-6"
- 2) South podium raised from 164'-10" to 170'
- 3) "Bustle" reduced in size and lowered from 285'-10" to 256'-10"
- 4) Sky Gardens redistributed evenly about tower and hollowed out as much as possible.

---

<sup>1</sup> Administrative Draft Report: [https://www.dropbox.com/sh/jpam0lxmpts2f1i/AAA3cc7oSotZ\\_8wL9JXVr6Lca?dl=0](https://www.dropbox.com/sh/jpam0lxmpts2f1i/AAA3cc7oSotZ_8wL9JXVr6Lca?dl=0)

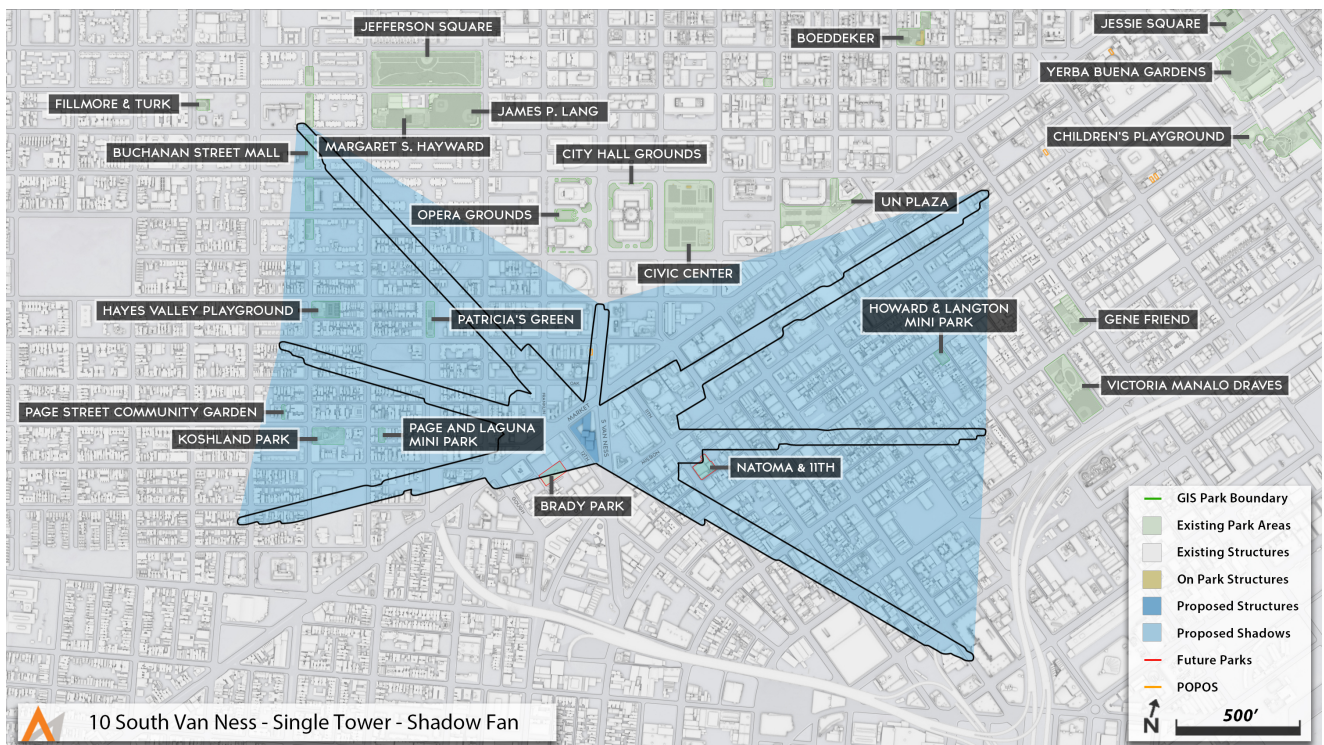




Parks & Shadow Results

The 10 public open spaces listed in Table 1, below, were considered during the analysis. As shown in Figure 2: Shadow Fan, this analysis determined that new shadow from the single tower project variant at 10 South Van Ness would reach seven open spaces protected under *Planning Code* Section 295. These parks are: Patricia’s Green, Page & Laguna Mini Park, Howard & Langton Mini Park, Hayes Valley Playground, Koshland Park, Buchanan Street Mall and the future Natoma & 11<sup>th</sup> Street Park. Shadow from the single tower variant also reaches the proposed Brady Park, which is not subject to Section 295.

The



**Figure 5: Single Tower Project Variant - Shadow Fan**

The proposed building changes do not alter the overall reach of the shadow fan since the overall height of the tower will not change.



## Conclusions

As described in the Draft EIR, the south podium was identified as 164 feet, 10 inches high. As revised, the south podium would be 170 feet high (5 feet, 2 inches taller). The north podium was identified as 139 feet, 6 inches and is increased to 140 feet, high (6 inches taller). Full description of proposed updated design described in submitted file: 10 South Van Ness, Planning Commission Plan Set, Rev 1.3

These changes would not extend the overall reach of project shadow. To the extent that nearby parks could potentially be within the potential reach of variant podium shadow (namely, Brady Park to the southwest, and 11th and Natoma Park to the east), the shadow from the podium would be largely subsumed by shadow from existing intervening buildings. In addition, as these parks are proposed for future construction, shadow attributable to the podium (if any) would not interfere with existing public expectations for sunlight on these open spaces. Impacts related to shadow under the revised variant would be substantially the same as described in Draft EIR Section 4.6, Shadow.

**No new shadows impacts would be created by the alternative project that materially change the results of the Final Shadow Report submitted.** Incremental numeric reduction in shadow are reflected in the tables but would not change the use of any of the open spaces analyzed.

Please forward any questions to Adam Noble through the contact information provided below.

Regards,  
Adam Noble

Fastcast  
415.816.3505  
adam@fastcastcity.com



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# Exhibit E

## Wind Analysis Technical Memorandum

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## 10 SOUTH VAN NESS

SAN FRANCISCO, CA

PEDESTRIAN WIND STUDY

RWDI # 2001217

January 31, 2020

### SUBMITTED TO

**Andrew DeWitt**  
Development Associate  
[ADewitt@crescentheights.com](mailto:ADewitt@crescentheights.com)

**Crescent Heights**  
8 10th Street  
San Francisco, CA 94103  
T: 305.374.5700

### SUBMITTED BY

**Stefan Gopaul, M.A.Sc., EIT**  
Technical Coordinator  
[Stefan.Gopaul@rwdi.com](mailto:Stefan.Gopaul@rwdi.com)

**Raisa Lalui, M.Eng.**  
Project Manager  
[Raisa.Lalui@rwdi.com](mailto:Raisa.Lalui@rwdi.com)

**Frank Kriksic**  
Principal / Microclimate Consultant /  
Senior Project Manager  
[Frank.Kriksic@rwdi.com](mailto:Frank.Kriksic@rwdi.com)

**Hanqing Wu, Ph.D., P.Eng.**  
Senior Technical Director /  
Principal / Microclimate Specialist  
[Hanqin.Wu@rwdi.com](mailto:Hanqin.Wu@rwdi.com)

**RWDI**  
600 Southgate Drive  
Guelph, Ontario, N1G 4P6  
T: 519.823.1311



## EXECUTIVE SUMMARY

RWDI was retained to conduct a pedestrian wind assessment for the proposed 10 South Van Ness project in San Francisco, CA (Image 1). Based on our wind tunnel testing for the proposed development under the Existing, Existing + Variant, Existing + Variant + Wind Reduction Features, and Variant + Wind Reduction Features + Cumulative configurations (Images 2A through 2D), the potential wind comfort and hazard conditions are predicted as shown on site plans in Figures 1A through 2D, while the associated wind comfort and hazard speeds are listed in Tables 1 and 2, respectively. Nearby bike lane test locations are shown in Figure 3 and the associated mean wind speeds for those bike lane locations are listed in Table 3.

This wind study has been prepared at the request of the project sponsor to update the “Wind Microclimate Study” (August 24, 2019) prepared by BMT Fluid Dynamics for the variant. The location and number of wind test points in this study match those shown in the BMT Wind Microclimate Study.

The results can be summarized as follows:

### **Existing**

Existing wind speeds exceed the 11-mph wind comfort criterion at 42 of 60 test locations and do not comply with the wind hazard criterion at 10 of 60 test locations for a total of 407 hours. 346 of the 407 hazard hours occur at the intersection of Tenth Street and Market Street.

### **Existing + Variant**

With the addition of the proposed development to the site, the number of locations where wind speeds exceed the 11-mph wind comfort criterion is expected to increase to 55 of 69 test locations, when compared with the Existing configuration. The number of locations where wind speeds do not comply with the wind hazard criterion is also predicted to increase to 15 of 69 test locations for a total of 645 hours. 346 of the 645 hazard hours occur at the intersection of Tenth Street and Market Street, unchanged from the Existing configuration.

### **Existing + Variant + Wind Reduction Features**

With the addition of wind reduction features to the site, to the proposed building, and along the One South Van Ness building, the number of locations where wind speeds exceed the 11-mph wind comfort criterion is predicted to increase to 50 of 69 test locations, when compared with the Existing configuration. The number of locations where wind speeds do not comply with the wind hazard criterion is expected to reduce to 8 of 69 test locations for a total of 372 hours, a net reduction when compared to the Existing configuration. 346 of the 372 hazard hours occur at the intersection of Tenth Street and Market Street and are unchanged and unaffected by the addition of the proposed development.

### **Variant + Wind Reduction Features + Cumulative**

With the addition of the nearby future buildings, the number of locations where wind speeds exceed the 11-mph wind comfort criterion is predicted to increase to 51 of 69 test locations, when compared with the Existing + Variant + Wind Reduction Features configuration. The number of locations where wind speeds do not comply with the wind hazard criterion is anticipated to increase to 17 of 69 test locations for a total of 890 hours. 392 of the 890 hours occur at the intersection of Tenth Street and Market Street, this location is unaffected by the addition the proposed 10 South Van Ness development.

### **Bike Lane Wind Conditions**

Bike lane wind conditions are provided for informational and reference purposes. The mean wind speeds for the 20 bike lane test locations are 8 mph, 7 mph, 7 mph, and 9 mph for the Existing, Existing + Variant, Existing + Variant + Wind Reduction Features, and Variant + Wind Reduction Features + Cumulative configurations, respectively.



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### **SAN FRANCISCO**

- Appendix A: San Francisco Planning Code Section 148

# 1 INTRODUCTION

Rowan Williams Davies & Irwin Inc. (RWDI) was retained to conduct a pedestrian wind assessment for the proposed 10 South Van Ness project in San Francisco, CA. This report presents the project description, objectives, background and approach, and discusses the results from RWDI's assessment.

## 1.1 Project Description

The project site (shown in Image 1) is located at the southwest corner of Market Street and South Van Ness Avenue. The proposed building consists of a single 56-story tower with a 13-story podium.



Image 1: Aerial View of Existing Site and Surroundings (Photo Courtesy of Google™ Earth)

## 1.2 Objectives

The objective of the study was to assess the effect of the proposed development on local conditions in pedestrian areas on and around the study site and provide recommendations for minimizing adverse effects, if needed. This quantitative assessment was based on wind speed measurements on a scale model of the project and its surroundings in one of RWDI's boundary-layer wind tunnels. These measurements were combined with the local wind records (see Section 2.2 Meteorological Data) and compared to appropriate criteria for gauging wind comfort and hazard conditions in pedestrian areas.



## 2 BACKGROUND AND APPROACH

### 2.1 Wind Tunnel Study Model

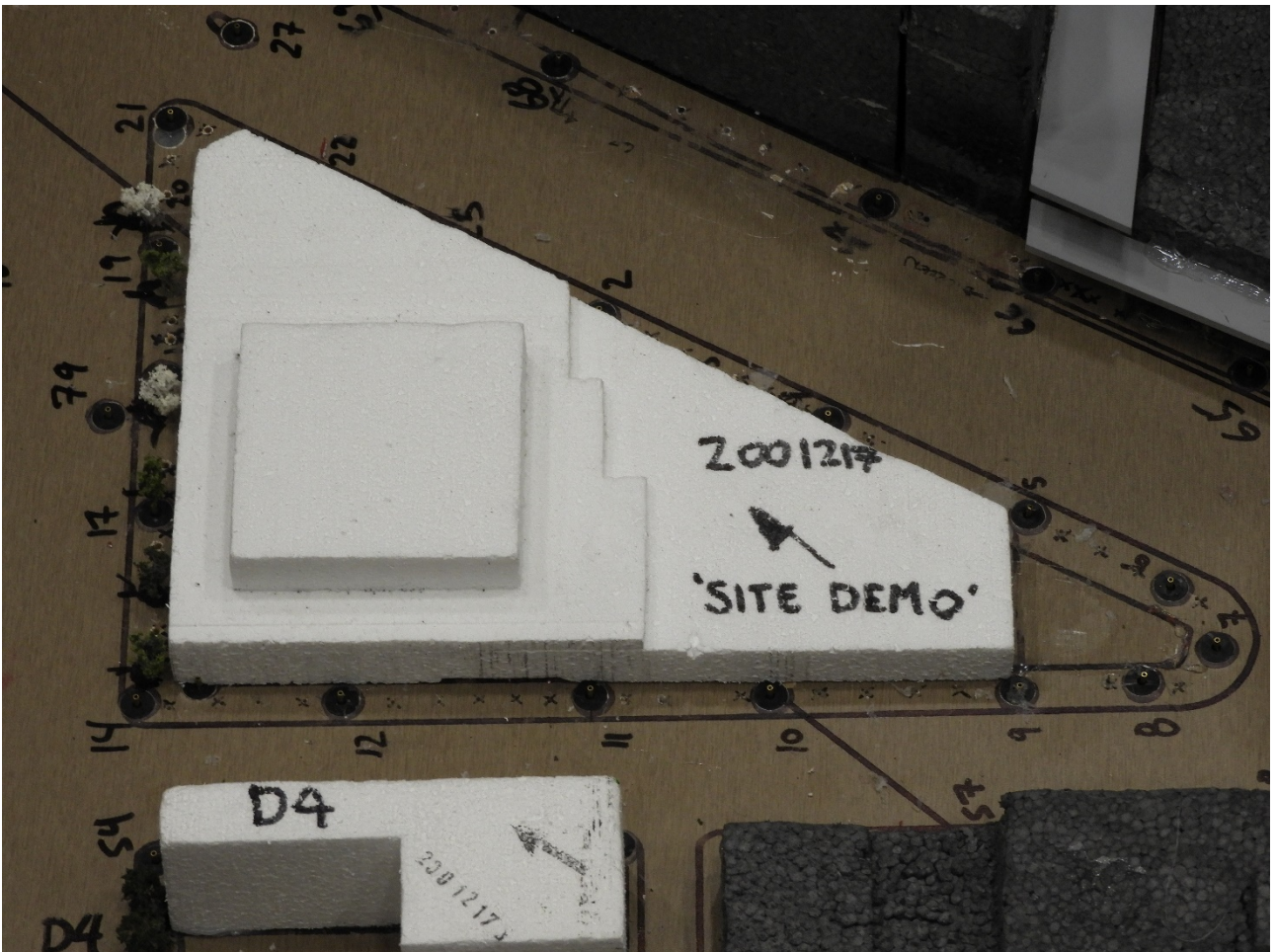
To assess the wind environment around the proposed project, a 1:400 scale model of the project site and surroundings was constructed for the wind tunnel tests of the following configurations:

- |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A – Existing:                                       | Existing site with existing surroundings, including both on-site and off-site existing landscaping and approved wind reduction features along the 1500 Mission Street building (a combination of screens, canopy and street trees) (Image 2A).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| B – Existing + Variant:                             | Proposed project with existing surroundings, including both on-site and off-site existing landscaping and approved wind reduction features along the 1500 Mission Street building (a combination of screens, canopy and street trees) (Image 2B).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| C – Existing + Variant + Wind Reduction Features:   | Proposed project with existing surroundings and existing off-site landscaping and windscreens along 1500 Mission Street (Image 2C), including the following wind reduction features: <ul style="list-style-type: none"><li>• Off-site existing landscaping (with existing on-site landscaping removed);</li><li>• 25-ft tall proposed street trees on the project site;</li><li>• 25-ft tall proposed street trees near One South Van Ness building (along the east side of South Van Ness Avenue);</li><li>• A 20-ft high, 10- to 20-ft deep, 30% porous canopy wrapped around the building perimeter (10 ft deep along west façade and 20 ft deep along the other façades); and,</li><li>• An 8-ft tall, 10-ft wide, 30% porous screen at the south end of the breezeway (at the entryway along the east side of Twelfth Street).</li></ul> |
| D – Variant + Wind Reduction Features + Cumulative: | Proposed project with existing and future surroundings (Image 2D), all wind reduction features included in the Existing + Variant + Wind Reduction Features configuration, as well as the proposed landscaping for the 30 Otis Street project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

The wind tunnel model included all relevant surrounding buildings and topography within an approximate 1600-ft radius of the study site. The wind and turbulence profiles in the atmospheric boundary layer beyond the modelled area were also simulated in RWDI's wind tunnel. The wind tunnel model was instrumented with 89 wind speed sensors (i.e., 69 sensors for the comfort and hazard analyses and 20 sensors for the bike lanes analysis) to measure mean and gust speeds at a full-scale height of approximately 5 ft above local grade in pedestrian areas throughout the study site. Wind speeds were measured for 16 directions in 22.5-degree increments. The measurements at each sensor location were recorded in the form of ratios of local mean and gust speeds to the mean wind speed at a reference height above the model.

**PEDESTRIAN WIND STUDY  
10 SOUTH VAN NESS**

**RWDI #2001217  
January 31, 2020**

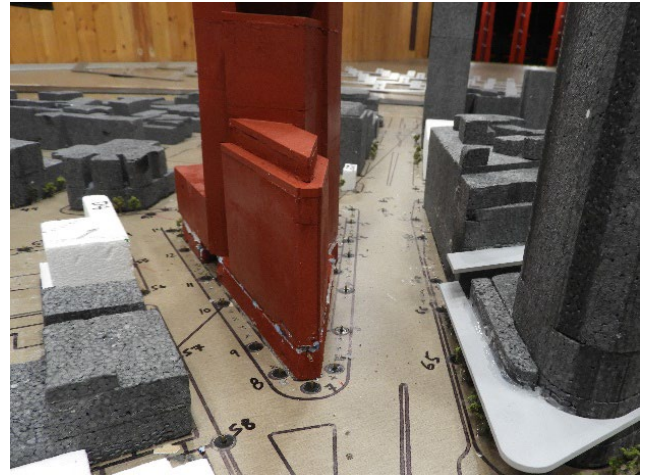


**Image 2A: Wind Tunnel Study Model - Existing Configuration**



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**RWDI #2001217  
January 31, 2020**

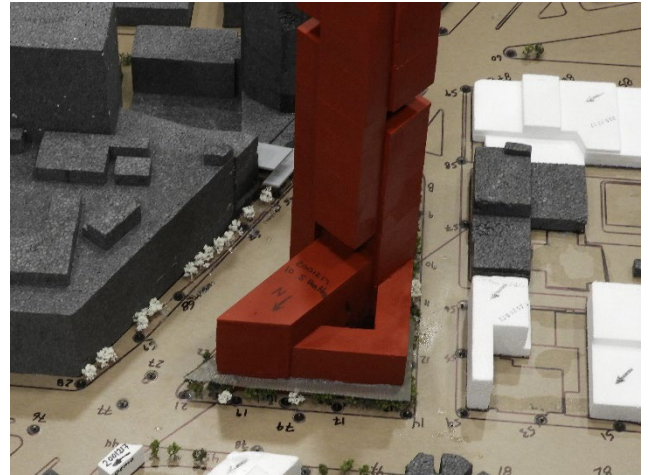


**Image 2B: Wind Tunnel Study Model – Existing + Variant Configuration**



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**Image 2C: Wind Tunnel Study Model – Existing + Variant + Wind Reduction Features Configuration**



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**Image 2D: Wind Tunnel Study Model – Variant + Wind Reduction Features + Cumulative Configuration**





## 2.2 Meteorological Data

Data describing the speed, direction and frequency of occurrence of winds were gathered at the old San Francisco Federal Building at 50 United Nations Plaza (at a height of 132 ft) during the six-year period, 1945 to 1951. Average wind speeds in San Francisco are the highest in the summer and lowest in winter. However, the strongest peak winds occur in winter. Throughout the year the highest wind speeds occur in mid-afternoon and the lowest in the early morning. Westerly to northwesterly winds are the most frequent and strongest winds during all seasons. Of the primary wind directions, four have the greatest frequency of occurrence and make up the majority of the strong winds that occur. These winds include the northwest, west-northwest, west, and west-southwest.

Wind statistics were combined with the wind tunnel data to predict the frequency of occurrence of full-scale wind speeds. The full-scale wind predictions were then compared against the criteria for wind comfort and hazard as stated in the San Francisco Planning Code Section 148 (see *Appendix A*).

## 2.3 Planning Code Requirements

San Francisco Planning Code Section 148, Reduction of Ground-level Wind Currents in Downtown Commercial (C-3) Districts, requires buildings in the C-3 downtown districts to be shaped so as not to cause ground-level wind currents to exceed defined comfort and hazard criteria (*Appendix A*).

The comfort criteria are that wind speeds will not exceed, more than 10% of the time, 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the hazard criterion of the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged from a single full hour of the year. The hazard criterion is based on winds that are measured for one hour and averaged, corresponding to a one-minute average of 36 mph.

The Planning Code defines these wind speeds in terms of equivalent wind speeds, and they are calculated according to the specifications in the San Francisco Planning Code Section 148, whereby the mean hourly wind speed is increased when the turbulence intensity is greater than 15% according to the following formula:

$$EWS = V_m \times (2 \times TI + 0.7)$$

Where: **EWS** = equivalent wind speed

**V<sub>m</sub>** = mean pedestrian – level wind speed

**TI** = turbulence intensity.

## 2.4 Cumulative Buildings

Anticipated future buildings within the study model radius were included in the Variant + Wind Reduction Features + Cumulative configuration. These are shown in Image 3 and listed in the table below.

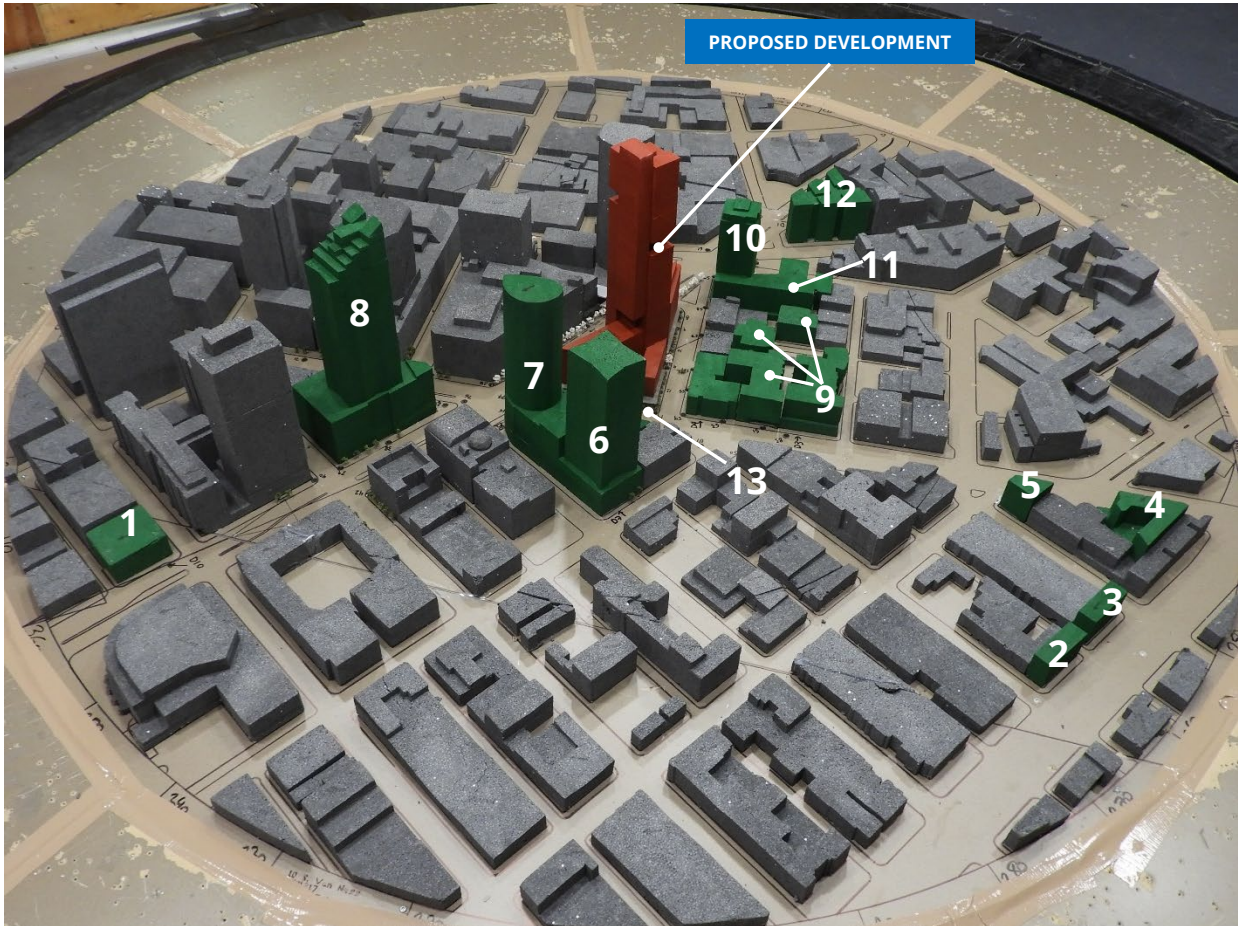


Image 3: Cumulative Buildings

LIST OF CUMULATIVE BUILDINGS & HEIGHTS					
1	200-214 VAN NESS	135 ft	8	30 VAN NESS	516 ft
2	188 OCTAVIA (PARCEL T)	71 ft	9	1629 (1601-1637) MARKET	85 ft
3	78 HAIGHT (PARCEL U)	71 ft	10	30 OTIS	250 ft
4	1740 MARKET	101 ft	11	42 OTIS	63 ft
5	1700 MARKET	100 ft	12	1601 MISSION	140 ft
6	98 FRANKLIN	365 ft	13	1546-1564 MARKET	134 ft
7	ONE OAK	420 ft			

## 3 RESULTS AND DISCUSSION

This section presents the results of the wind tunnel measurements analyzed in terms of equivalent wind speeds as defined by the equation in Section 2.3. The text of the report simply refers to the data as wind speeds.

The comfort and hazard results for the configurations tested are graphically depicted on site plans in Figures 1A through 2D, located in the “*Figures*” sections of this report, where locations have been color-coded according to the applicable comfort and hazard criteria explained in the Planning Code (*Appendix A*). These same data are also numerically depicted in Tables 1 and 2, located in the “*Tables*” section of this report, for the wind comfort and wind hazard results, respectively.

For wind comfort at each measurement point, the measured 10% exceeded (90<sup>th</sup> percentile) equivalent wind speed and the percentage of time that the wind speed exceeds 11 mph are listed. The point is marked as a comfort exceedance if the 11-mph threshold is exceeded. A letter “e” in the last column of each configuration indicates a wind comfort exceedance. For wind hazard, the predicted wind speed to be exceeded one hour per year is listed. The predicted number of hours per year that the Section 148 wind hazard criterion (one-minute wind speed of 36 mph) is exceeded is also provided. A letter “e” in the last column of each configuration indicates a wind hazard exceedance. The bike lane test locations are shown in Figure 3 and the associated 50<sup>th</sup> percentile mean wind speeds for each configuration tested are shown in Table 3. Bike lane wind conditions are provided for reference purposes.

It should be noted that a total of 9 wind test locations are covered by the existing building on the project site in the Existing configuration. These locations feature a “–” in the Tables to represent the absence of data. These test locations include Locations 1, 3, 13, 15, 16, 20, 23, 24, and 26, and are included for the Existing + Variant, Existing + Variant + Wind Reduction Features, and Variant + Wind Reduction Features + Cumulative configurations.

### 3.1 Existing Configuration

Wind speeds at 42 of 60 test locations exceed the comfort criterion of 11 mph (Table 1 and Figure 1A). The average 90<sup>th</sup> percentile wind speed for the 60 test locations is 14 mph exceeding the applicable criterion 23 percent of the time (Table 1).

Existing wind speeds do not comply with the wind hazard criterion at 10 of 60 test locations (Table 2 and Figure 2A). The average wind speed which is exceeded for 1 hour per year is 27 mph occurring for 407 total hours (Table 2). Note that 346 of the 407 hours occur at the intersection of Tenth Street and Market Street.

### 3.2 Existing + Variant Configuration

With the addition of the proposed building to the site in the Existing + Variant configuration, wind speeds at 55 of 69 test locations are predicted to exceed the comfort criterion of 11 mph (Table 1 and Figure 1B). The average 90<sup>th</sup> percentile wind speed for the 69 test locations is predicted to be approximately 16 mph exceeding the applicable criterion 29 percent of the time (Table 1).

Wind speeds at 15 of 69 test locations are not expected to comply with the wind hazard criterion (Table 2 and Figure 2B). The average wind speed exceeded for 1 hour per year is expected to be 31 mph occurring for 645 total hours (Table 2). 346 of the 645 hours occur at the intersection of Tenth Street and Market Street and are unaffected by the addition of the proposed development.



### 3.3 Existing + Variant + Wind Reduction Features Configuration

The addition of the proposed building to the site in the Existing + Variant + Wind Reduction Features configuration, in the presence of the wind reduction features outlined in Section 2.1, is predicted to result in similar or slightly improved average 90<sup>th</sup> percentile wind speeds when compared to the Existing configuration.

Wind speeds at 50 of 69 test locations are expected to exceed the comfort criterion of 11 mph (Table 1 and Figure 1C). The average 90<sup>th</sup> percentile wind speed for the 69 test locations is predicted to be approximately 14 mph exceeding the applicable criterion 24 percent of the time (Table 1), similar to the existing conditions.

The number of locations that do not comply with the wind hazard criterion is anticipated to reduce to 8 test locations (Table 2 and Figure 2C), from 10 for the Existing configuration. The average wind speed exceeded for 1 hour per year is predicted to be 28 mph occurring for 372 total hours (Table 2), i.e., a net reduction of 35 hours from the Existing configuration. 346 of the 372 hours occur at the intersection of Tenth Street and Market Street and are unaffected by the addition of the proposed development.

### 3.4 Variant + Wind Reduction Features + Cumulative Configuration

The addition of the surrounding future buildings in the Variant + Wind Reduction Features + Cumulative configuration is predicted to result in increased wind activity on and around the project site when compared with the Existing + Variant + Wind Reduction Features configuration.

Wind speeds at 51 of 69 test locations are expected to exceed the comfort criterion of 11 mph (Table 1 and Figure 1D). The average 90<sup>th</sup> percentile wind speed for the 69 test locations is predicted to be approximately 15 mph exceeding the applicable criterion 27 percent of the time (Table 1).

Wind speeds at 17 of 69 test locations are not predicted to comply with the wind hazard criterion (Table 2 and Figure 2D). The average wind speed exceeded for 1 hour per year is predicted to be 30 mph occurring for 890 total hours (Table 2). 392 of the 890 hours occur at the intersection of Tenth Street and Market Street and are unaffected by the addition of the proposed development.

### 3.5 Bike Lane Wind Conditions (Locations 70 to 89)

Bike lane wind conditions are provided for informational and reference purposes. The mean wind speed for the 20 bike lane test locations (Figure 3) is 8 mph for the Existing configuration (Table 3). A reduction in wind speeds to 7 mph for the 20 test locations are anticipated in the Existing + Variant configuration. The mean wind speed for the 20 bike lane test locations is expected to remain at 7 mph in the Existing + Variant + Wind Reduction Features configuration and predicted to increase to 9 mph in the Variant + Wind Reduction Features + Cumulative configuration.

## 4 APPLICABILITY OF RESULTS

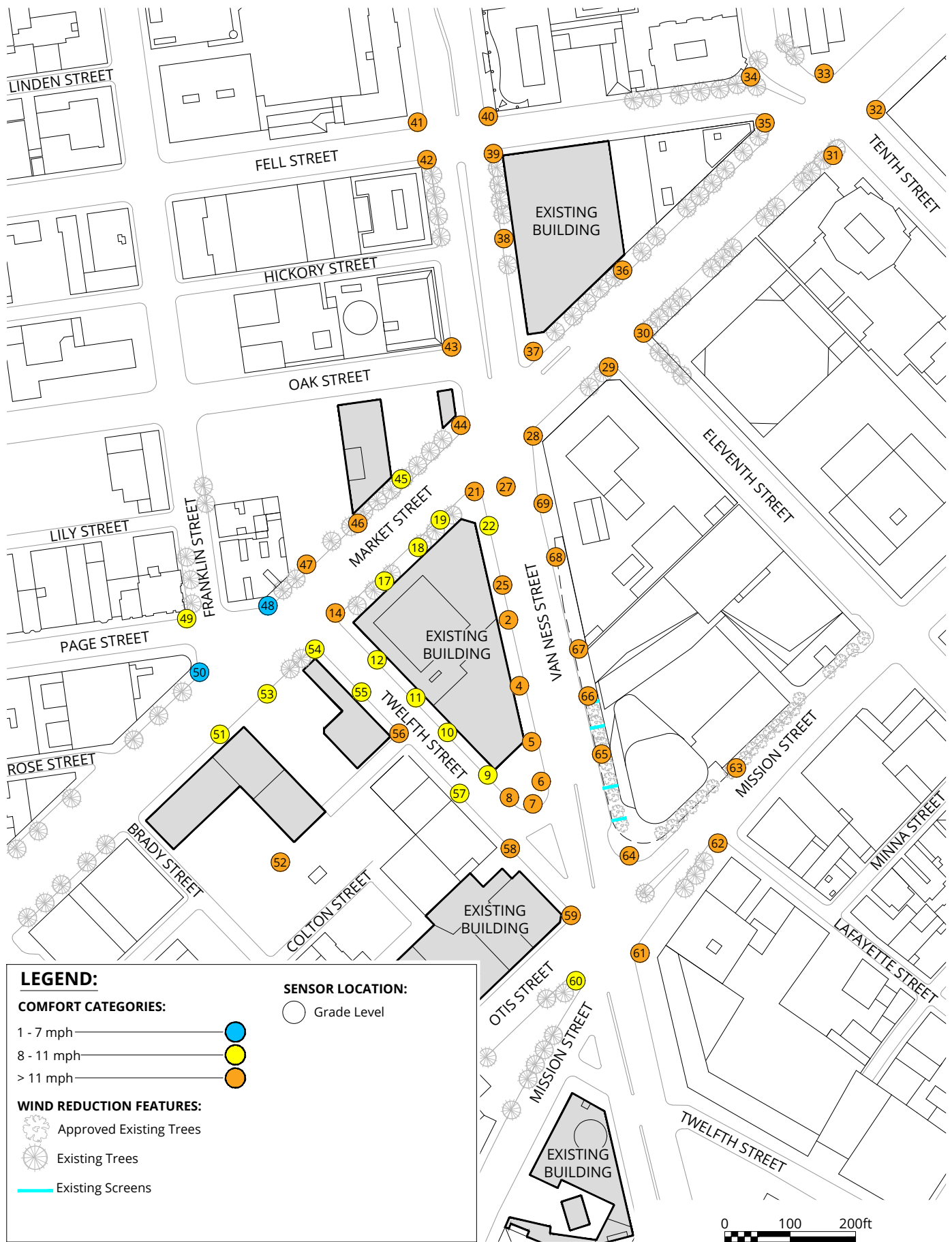
The wind conditions presented in this report pertain to the model of the 10 South Van Ness project constructed using the drawings and information listed below. Should there be any design changes that deviate from this list of drawings, the predicted wind condition presented may change. Therefore, if changes in the design are made, it is recommended that RWDI be contacted and requested to review their potential effects on wind conditions.

File Name	File Type	Date Received (dd/mm/yyyy)
10 SVN Elevations w podium heights.pdf	Adobe PDF	07/11/2019
10 SVN Massing Model.3dm	Rhinoceros	07/11/2019
10 SVN Plan Set.pdf	Adobe PDF	07/11/2019

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# FIGURES





### Pedestrian Wind Comfort Conditions

Existing  
Annual

10 South Van Ness - San Francisco, CA

True North



Project #2001217

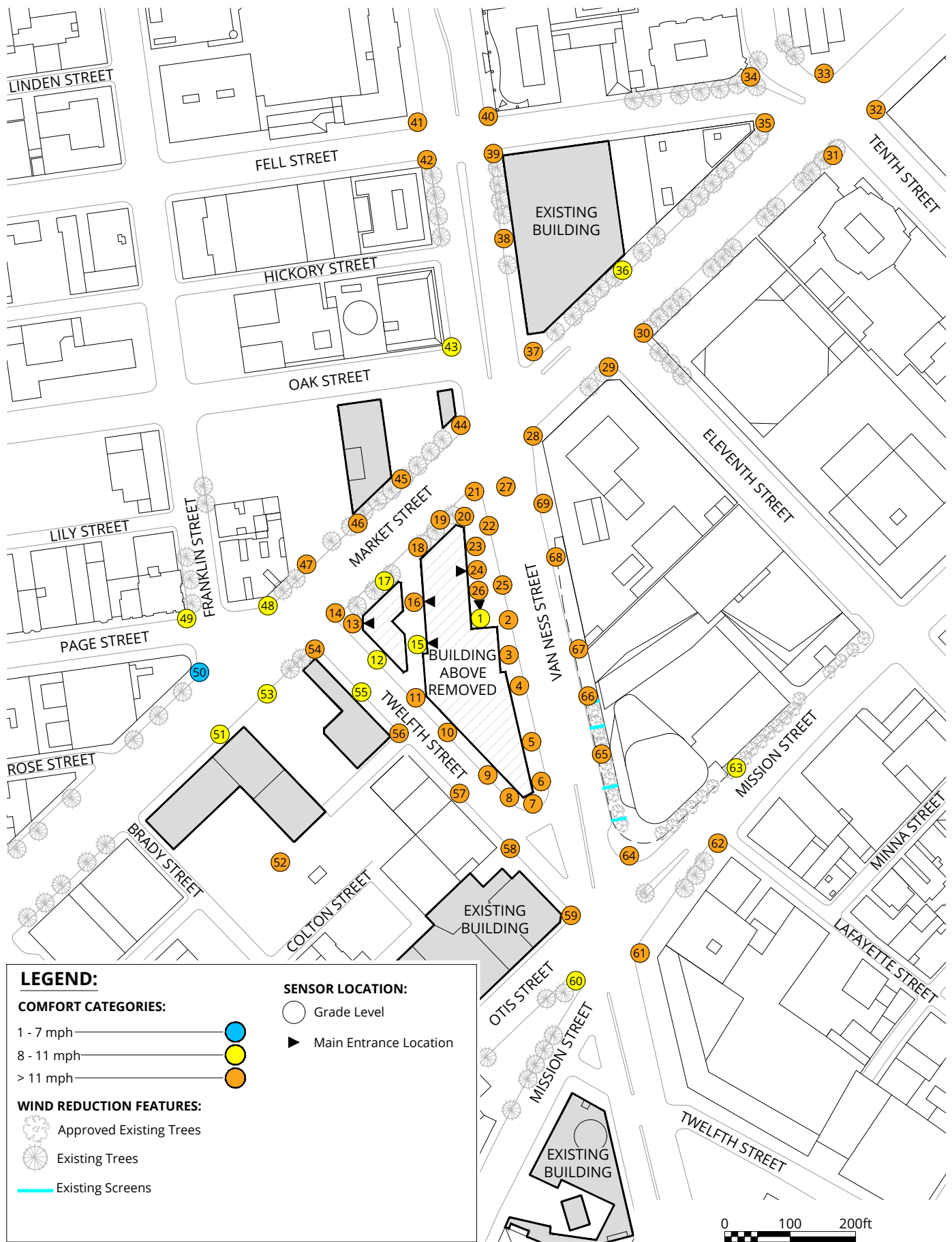
Drawn by: DF

Figure: 1A

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020





**Pedestrian Wind Comfort Conditions**  
Existing + Variant  
Annual

10 South Van Ness - San Francisco, CA

True North



Project #2001217

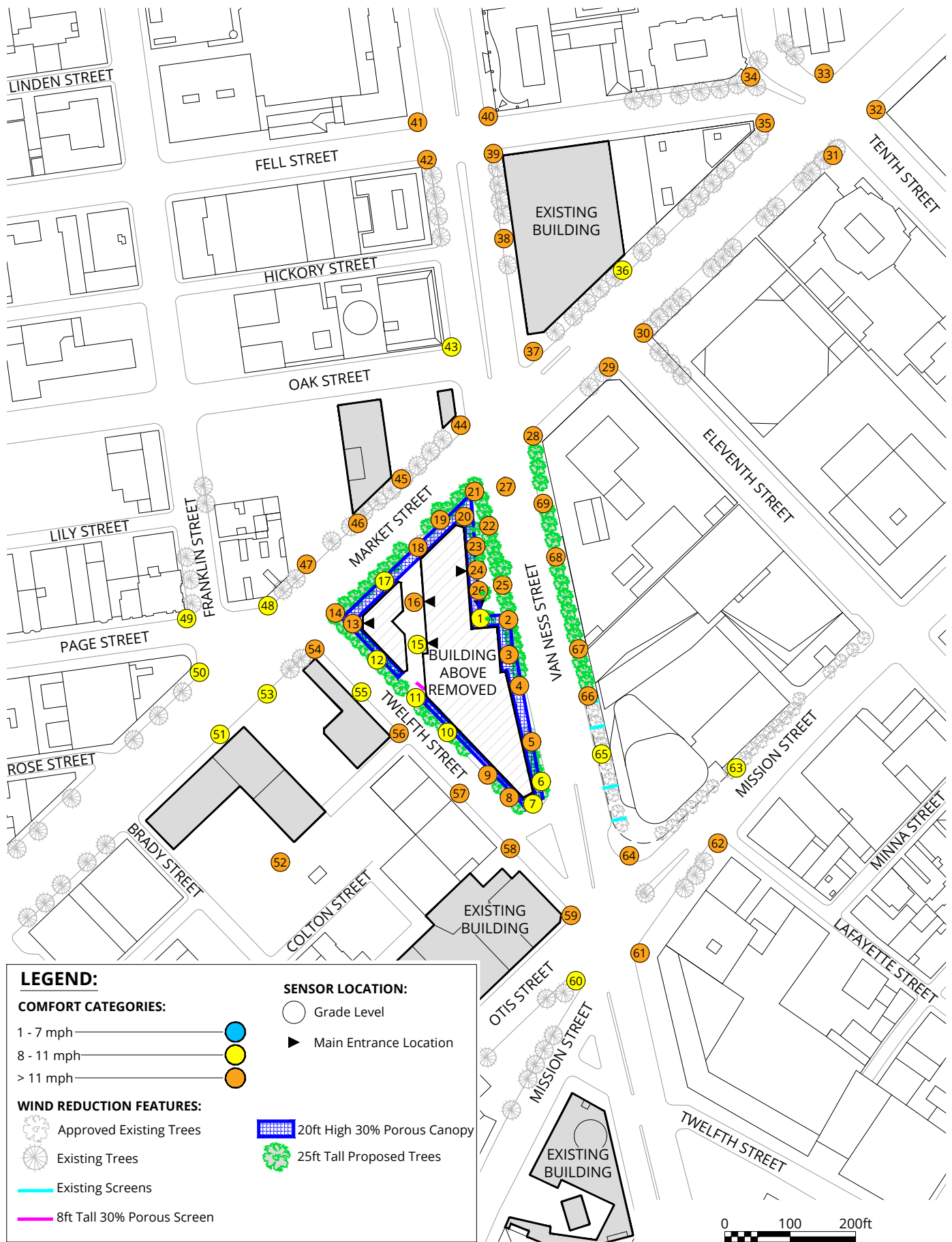
Drawn by: DF

Figure: 1B

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020





**LEGEND:**

**COMFORT CATEGORIES:**

- 1 - 7 mph ●
- 8 - 11 mph ●
- > 11 mph ●

**WIND REDUCTION FEATURES:**

- Approved Existing Trees
- Existing Trees
- Existing Screens
- 8ft Tall 30% Porous Screen
- 20ft High 30% Porous Canopy
- 25ft Tall Proposed Trees

**SENSOR LOCATION:**

- Grade Level
- Main Entrance Location

**Pedestrian Wind Comfort Conditions**  
Existing + Variant + Wind Reduction Features  
Annual

10 South Van Ness - San Francisco, CA

True North



Project #2001217

Drawn by: DF

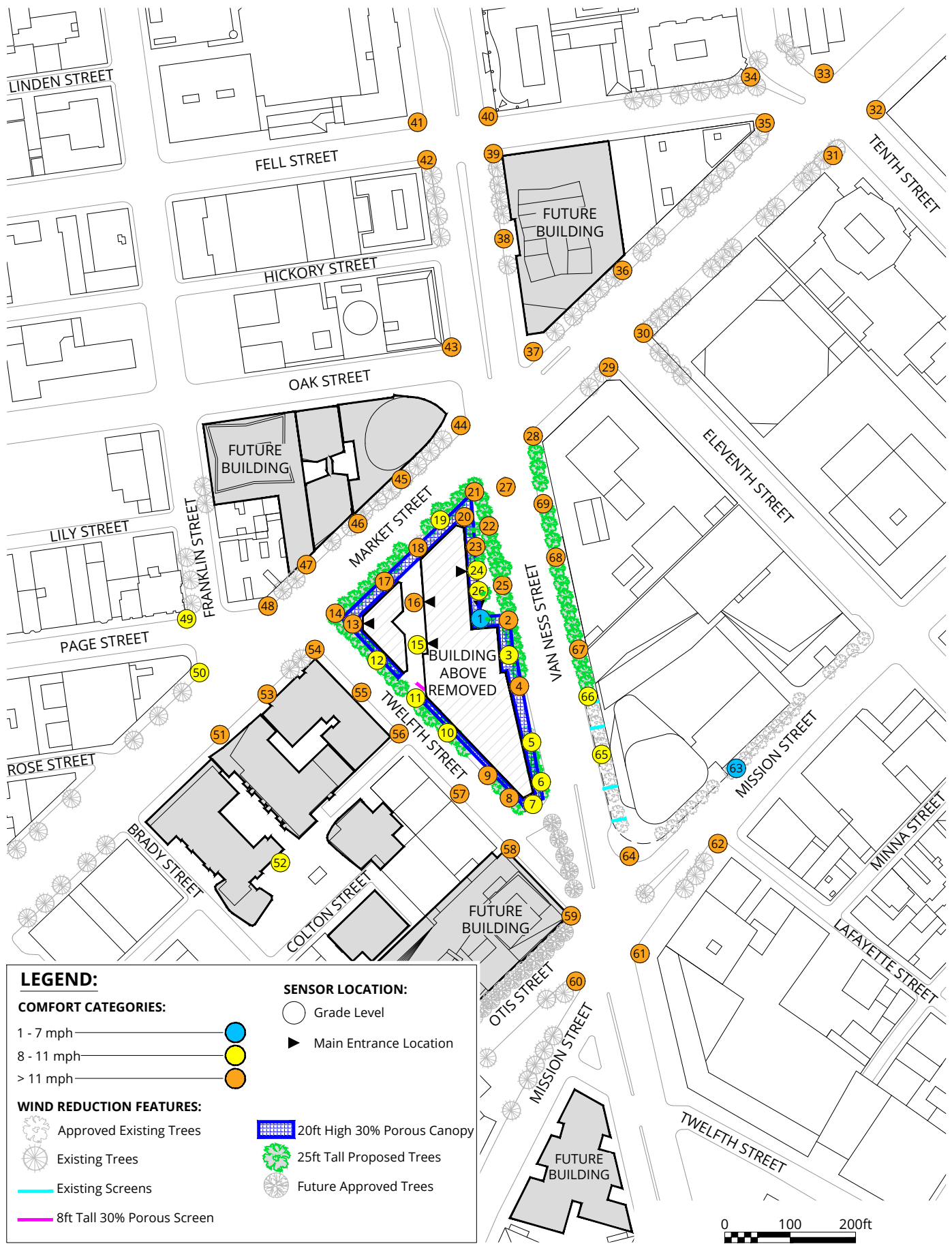
Figure: 1C

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020







**LEGEND:**

**COMFORT CATEGORIES:**

- 1 - 7 mph ●
- 8 - 11 mph ●
- > 11 mph ●

**WIND REDUCTION FEATURES:**

- Approved Existing Trees
- Existing Trees
- Existing Screens
- 8ft Tall 30% Porous Screen
- 20ft High 30% Porous Canopy
- 25ft Tall Proposed Trees
- Future Approved Trees

**SENSOR LOCATION:**

- Grade Level
- Main Entrance Location

**Pedestrian Wind Comfort Conditions**  
 Variant + Wind Reduction Features + Cumulative  
 Annual

10 South Van Ness - San Francisco, CA

True North



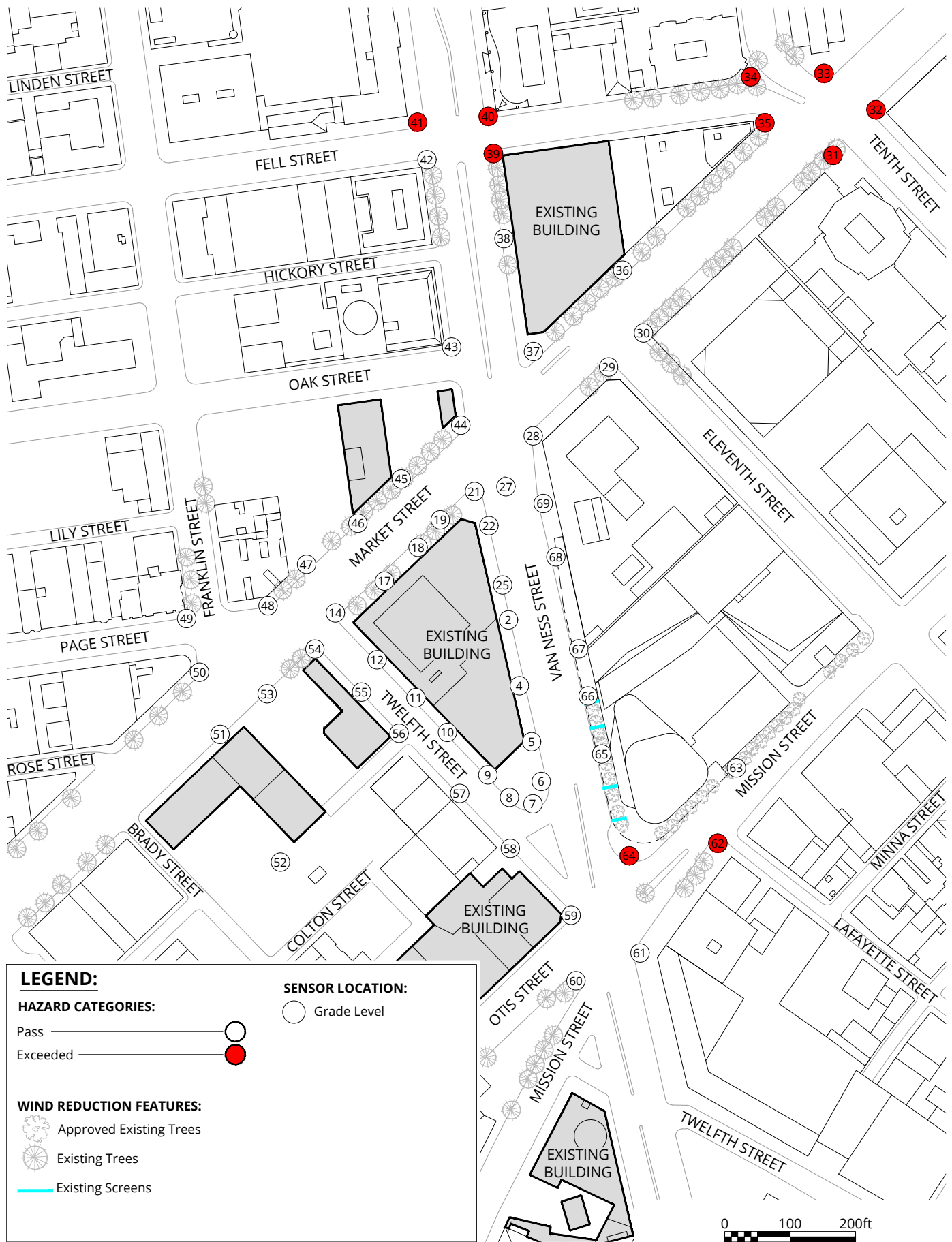
Project #2001217

Drawn by: DF Figure: 1D

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020





### Pedestrian Wind Hazard Conditions

Existing  
Annual

10 South Van Ness - San Francisco, CA

True North



Project #2001217

Drawn by: DF

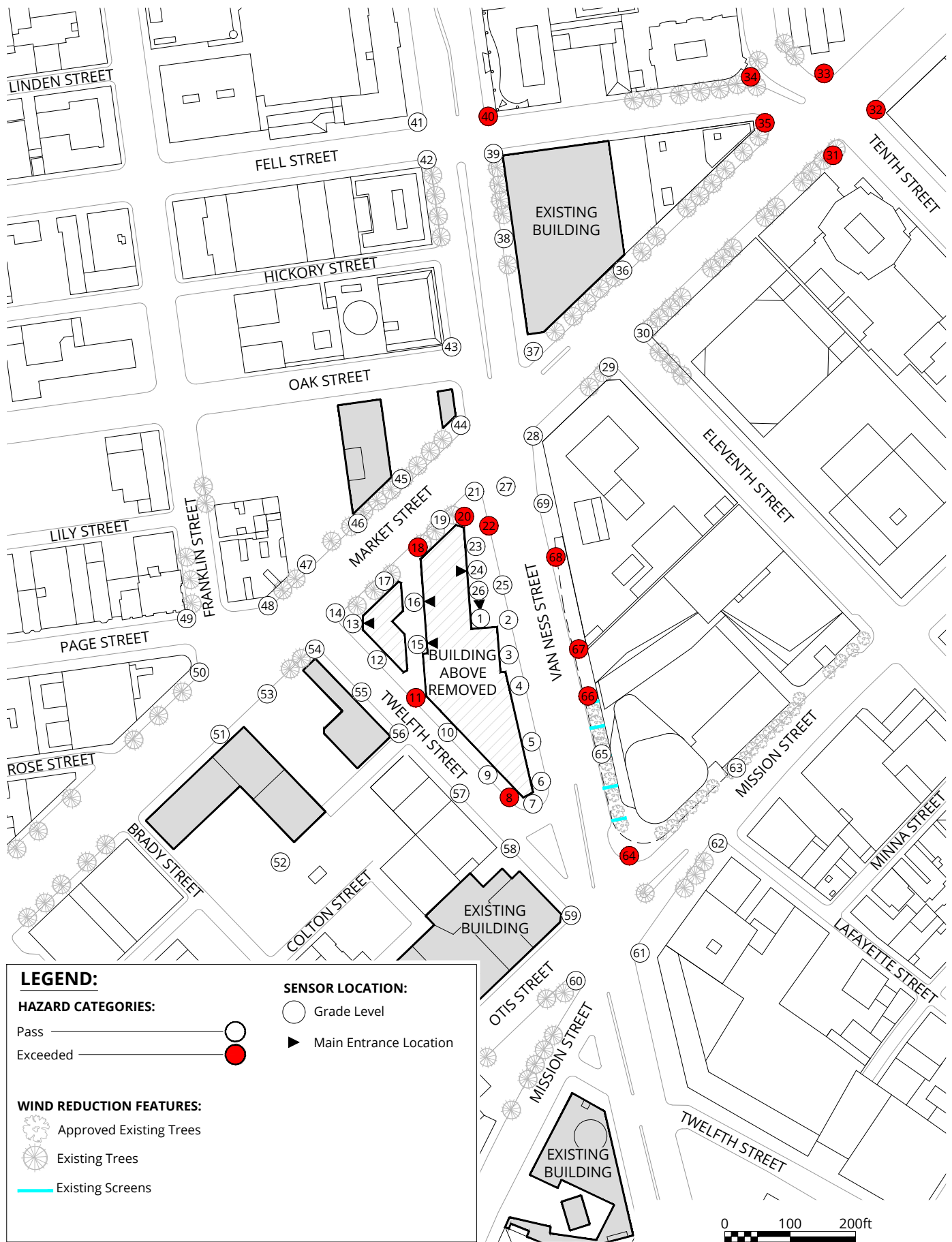
Figure: 2A

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020







**Pedestrian Wind Hazard Conditions**  
 Existing + Variant  
 Annual

10 South Van Ness - San Francisco, CA

True North



Project #2001217

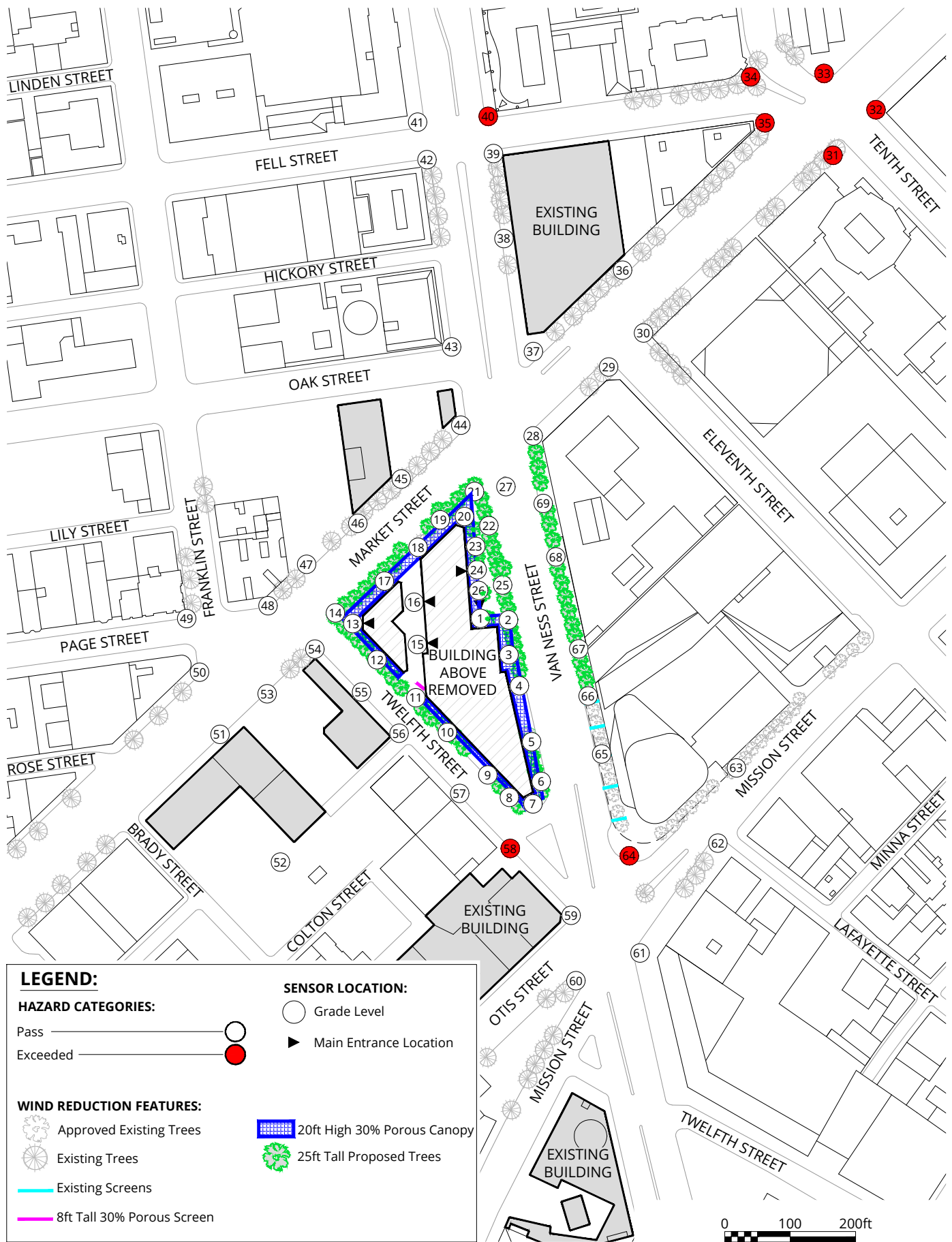
Drawn by: DF

Figure: 2B

Approx. Scale: 1"=200'

Date Revised: Jan. 29, 2020





**Pedestrian Wind Hazard Conditions**  
 Existing + Variant + Wind Reduction Features  
 Annual

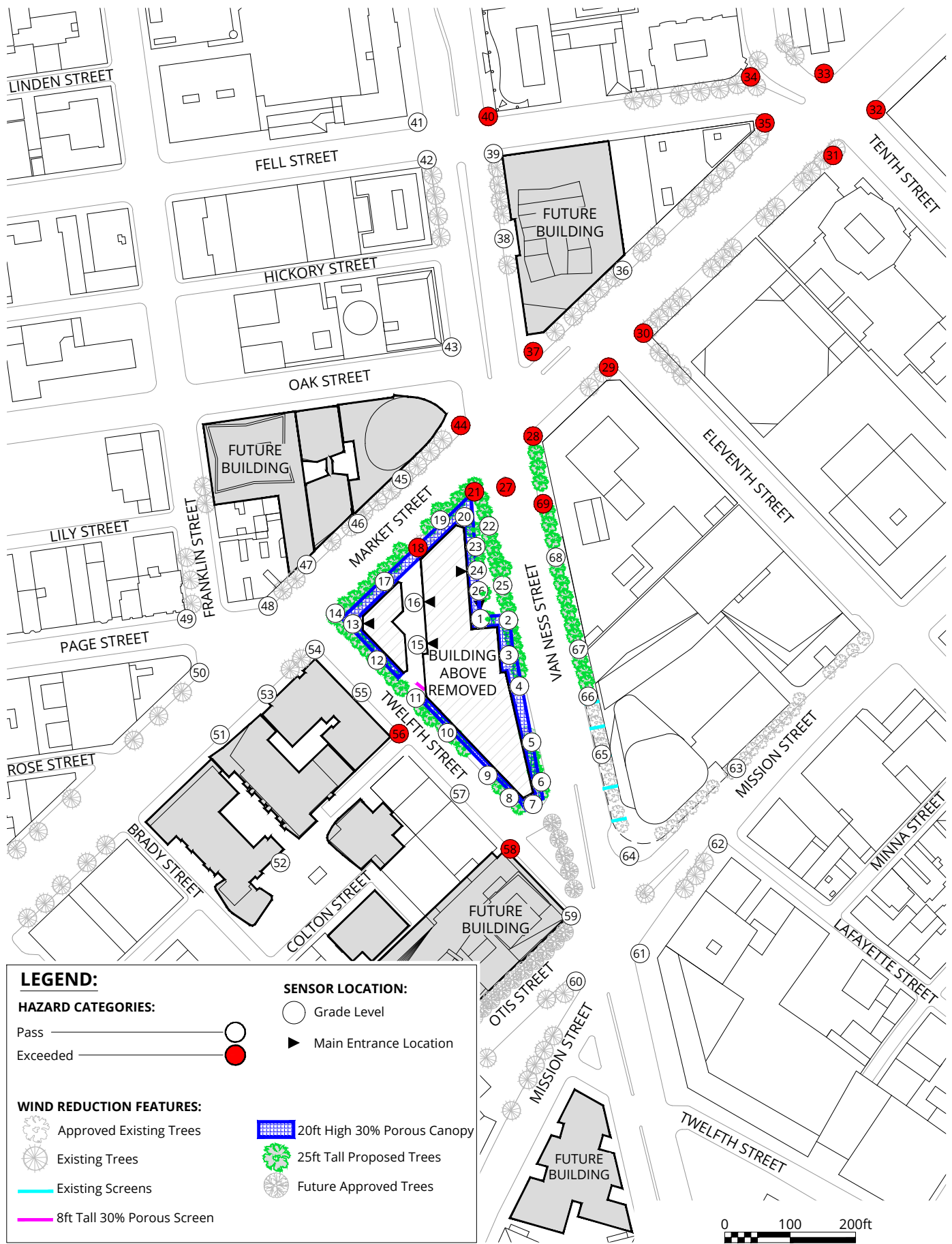
10 South Van Ness - San Francisco, CA



Project #2001217

Drawn by: DF	Figure: 2C
Approx. Scale: 1"=200'	
Date Revised: Jan. 29, 2020	





**LEGEND:**

**HAZARD CATEGORIES:**

- Pass
- Exceeded

**SENSOR LOCATION:**

- Grade Level
- Main Entrance Location

**WIND REDUCTION FEATURES:**

- Approved Existing Trees
- Existing Trees
- Existing Screens
- 8ft Tall 30% Porous Screen
- 20ft High 30% Porous Canopy
- 25ft Tall Proposed Trees
- Future Approved Trees

**Pedestrian Wind Hazard Conditions**  
 Variant + Wind Reduction Features + Cumulative Annual

10 South Van Ness - San Francisco, CA

True North




Project #2001217

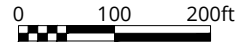
Drawn by: DF	Figure: 2D
Approx. Scale: 1"=200'	
Date Revised: Jan. 29, 2020	







**LEGEND:**  
**SENSOR LOCATION:**  
 Bike Lanes



**Bike Lane Test Locations**

10 South Van Ness - San Francisco, CA



Project #2001217

Drawn by: DF	Figure: PSP
Approx. Scale: 1"=200'	
Date Revised: Dec. 20, 2019	



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# TABLES





**Table 1: Wind Comfort Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds
1	-	-	-	10	6	-		8	1	-		6	0	-	
2	13	21	e	19	44	6	e	18	42	5	e	17	35	4	e
3	-	-	-	14	23	-	e	13	19	-	e	8	1	-	
4	15	27	e	19	43	4	e	18	40	3	e	14	23	-1	e
5	16	29	e	15	29	-1	e	14	22	-2	e	10	7	-6	
6	15	27	e	12	14	-3	e	10	7	-5		9	3	-6	
7	14	22	e	12	13	-2	e	10	4	-4		10	7	-4	
8	13	19	e	21	49	8	e	15	27	2	e	15	27	2	e
9	10	6		19	43	9	e	13	20	3	e	12	17	2	e
10	8	2		14	24	6	e	10	7	2		9	4	1	
11	8	2		19	39	11	e	8	2	0		11	10	3	
12	8	3		10	8	2		8	2	0		11	10	3	
13	-	-	-	13	19	-	e	12	13	-	e	14	18	-	e
14	14	21	e	15	28	1	e	13	17	-1	e	15	25	1	e
15	-	-	-	10	7	-		10	6	-		10	8	-	
16	-	-	-	12	17	-	e	13	20	-	e	16	29	-	e
17	10	5		11	10	1		8	2	-2		14	20	4	e
18	10	7		21	43	11	e	20	41	10	e	22	50	12	e
19	11	10		16	27	5	e	12	12	1	e	9	3	-2	
20	-	-	-	21	49	-	e	20	47	-	e	16	32	-	e
21	16	32	e	16	30	0	e	17	35	1	e	21	49	5	e
22	11	10		24	54	13	e	14	24	3	e	15	29	4	e
23	-	-	-	18	36	-	e	13	17	-	e	13	18	-	e
24	-	-	-	18	43	-	e	15	27	-	e	10	7	-	
25	12	15	e	19	42	7	e	18	39	6	e	14	20	2	e
26	-	-	-	14	23	-	e	12	14	-	e	9	2	-	
27	18	41	e	16	32	-2	e	16	30	-2	e	22	49	4	e
28	16	31	e	15	28	-1	e	14	23	-2	e	22	50	6	e
29	14	23	e	13	20	-1	e	13	21	-1	e	25	57	11	e
30	14	22	e	12	14	-2	e	12	15	-2	e	21	46	7	e
31	23	53	e	23	53	0	e	23	53	0	e	26	56	3	e



**Table 1: Wind Comfort Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds
32	24	54	e	24	54	0	e	24	54	0	e	23	52	-1	e
33	26	56	e	26	56	0	e	26	56	0	e	26	56	3	e
34	26	56	e	26	56	0	e	26	56	0	e	25	56	-1	e
35	18	32	e	18	32	0	e	18	32	0	e	22	49	4	e
36	12	13	e	10	6	-2		10	7	-2		17	33	5	e
37	17	36	e	14	24	-3	e	14	24	-3	e	29	66	12	e
38	17	34	e	15	27	-2	e	15	27	-2	e	12	12	-5	e
39	21	50	e	19	46	-2	e	19	45	-2	e	19	45	-2	e
40	24	55	e	22	51	-2	e	21	50	-3	e	24	55	0	e
41	20	47	e	18	39	-2	e	18	39	-2	e	20	45	0	e
42	16	29	e	14	23	-2	e	14	23	-2	e	15	28	-1	e
43	12	13	e	10	7	-2		11	10	-1		16	32	4	e
44	15	25	e	17	32	2	e	16	27	1	e	20	42	5	e
45	9	3		17	36	8	e	17	32	8	e	16	31	7	e
46	14	22	e	14	21	0	e	13	20	-1	e	12	16	-2	e
47	14	21	e	13	19	-1	e	13	15	-1	e	13	20	-1	e
48	7	0		10	8	3		10	8	3		13	18	6	e
49	9	3		9	3	0		9	2	0		8	1	-1	
50	6	0		7	1	1		8	2	2		9	3	3	
51	11	10		10	5	-1		10	5	-1		13	15	2	e
52	13	20	e	13	18	0	e	13	18	0	e	8	1	-5	
53	10	8		10	7	0		10	7	0		15	24	5	e
54	9	5		16	33	7	e	15	29	6	e	14	19	5	e
55	11	10		11	10	0		11	10	0		12	13	1	e
56	12	11	e	17	33	5	e	17	33	5	e	16	29	4	e
57	11	10		16	31	5	e	16	32	5	e	15	28	4	e
58	13	21	e	18	41	5	e	20	44	7	e	21	48	8	e
59	14	24	e	17	36	3	e	17	35	3	e	14	24	0	e
60	10	7		11	10	1		11	10	1		17	35	7	e
61	17	32	e	16	32	-1	e	17	36	0	e	14	23	-3	e
62	19	44	e	18	37	-1	e	21	50	2	e	12	13	-7	e

**Table 1: Wind Comfort Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed Exceeded 10% of Time (mph)	% of Time Wind Speed Exceeds 11 mph (%)	Speed Change Relative to Existing (mph)	Exceeds
<b>63</b>	14	23	e	8	2	-6		9	3	-5		7	0	-7	
<b>64</b>	22	52	e	23	52	1	e	22	51	0	e	20	44	-2	e
<b>65</b>	14	23	e	13	18	-1	e	10	7	-4		9	3	-5	
<b>66</b>	21	47	e	26	58	5	e	12	14	-9	e	10	6	-11	
<b>67</b>	21	45	e	27	61	6	e	16	28	-5	e	21	42	0	e
<b>68</b>	14	22	e	19	46	5	e	17	37	3	e	20	48	6	e
<b>69</b>	13	18	e	15	29	2	e	14	21	1	e	19	42	6	e

Summary	Average (mph)	Average (%)	Total	Average (mph)	Average (%)	Speed Change (mph)	Total	Average (mph)	Average (%)	Speed Change (mph)	Total	Average (mph)	Average (%)	Speed Change (mph)	Total
		14	23	42 --- 60	16	29	2	55 --- 69	14	24	0	50 --- 69	15	27	1



**Table 2: Wind Hazard Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds
1	-	-	-	18	0	-		14	0	-		12	0	-	
2	23	0		34	0	0		33	0	0		31	0	0	
3	-	-	-	25	0	-		23	0	-		16	0	-	
4	26	0		35	0	0		34	0	0		26	0	0	
5	27	0		29	0	0		26	0	0		19	0	0	
6	27	0		24	0	0		20	0	0		17	0	0	
7	26	0		27	0	0		22	0	0		19	0	0	
8	26	0		41	6	6	e	28	0	0		27	0	0	
9	20	0		35	0	0		25	0	0		23	0	0	
10	16	0		25	0	0		21	0	0		18	0	0	
11	17	0		41	12	12	e	18	0	0		25	0	0	
12	18	0		23	0	0		18	0	0		26	0	0	
13	-	-	-	32	0	-		28	0	-		29	0	-	
14	28	0		31	0	0		27	0	0		33	0	0	
15	-	-	-	23	0	-		21	0	-		20	0	-	
16	-	-	-	24	0	-		28	0	-		28	0	-	
17	19	0		22	0	0		17	0	0		30	0	0	
18	21	0		36	3	3	e	34	0	0		39	4	4	e
19	21	0		29	0	0		23	0	0		17	0	0	
20	-	-	-	41	12	-	e	35	0	0		29	0	-	
21	28	0		30	0	0		31	0	0		37	3	3	e
22	21	0		46	44	44	e	27	0	0		26	0	0	
23	-	-	-	35	0	-		24	0	-		24	0	-	
24	-	-	-	34	0	-		29	0	-		20	0	-	
25	20	0		33	0	0		33	0	0		26	0	0	
26	-	-	-	25	0	-		22	0	-		17	0	-	
27	32	0		30	0	0		30	0	0		45	38	38	e
28	30	0		28	0	0		26	0	0		44	29	29	e
29	24	0		24	0	0		24	0	0		49	85	85	e
30	28	0		22	0	0		22	0	0		44	26	26	e
31	51	94	e	51	94	0	e	51	94	0	e	51	109	15	e



**Table 2: Wind Hazard Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds
32	48	64	e	48	64	0	e	48	64	0	e	47	57	-7	e
33	51	94	e	51	94	0	e	51	94	0	e	51	109	15	e
34	49	90	e	49	90	0	e	49	90	0	e	47	67	-23	e
35	39	4	e	39	4	0	e	39	4	0	e	47	50	46	e
36	22	0		20	0	0		20	0	0		32	0	0	
37	30	0		28	0	0		28	0	0		54	259	259	e
38	34	0		30	0	0		31	0	0		23	0	0	
39	39	5	e	35	0	-5		35	0	-5		35	0	-5	
40	44	35	e	41	12	-23	e	41	11	-24	e	45	38	3	e
41	38	2	e	34	0	-2		34	0	-2		35	0	-2	
42	29	0		27	0	0		26	0	0		27	0	0	
43	27	0		21	0	0		21	0	0		29	0	0	
44	27	0		30	0	0		29	0	0		41	11	11	e
45	18	0		33	0	0		32	0	0		28	0	0	
46	24	0		26	0	0		25	0	0		22	0	0	
47	26	0		26	0	0		26	0	0		28	0	0	
48	14	0		22	0	0		22	0	0		28	0	0	
49	17	0		16	0	0		16	0	0		14	0	0	
50	12	0		16	0	0		17	0	0		16	0	0	
51	20	0		18	0	0		19	0	0		26	0	0	
52	24	0		24	0	0		24	0	0		15	0	0	
53	22	0		19	0	0		19	0	0		28	0	0	
54	20	0		32	0	0		19	0	0		28	0	0	
55	22	0		23	0	0		25	0	0		27	0	0	
56	25	0		32	0	0		34	0	0		36	1	1	e
57	21	0		32	0	0		33	0	0		31	0	0	
58	25	0		34	0	0		37	1	1	e	38	2	2	e
59	26	0		32	0	0		32	0	0		28	0	0	
60	21	0		24	0	0		24	0	0		34	0	0	
61	34	0		30	0	0		30	0	0		26	0	0	
62	38	3	e	32	0	-3		32	0	-3		23	0	-3	





**Table 2: Wind Hazard Conditions**

Location	Existing			Existing + Variant				Existing + Variant + Wind Reduction Features				Variant + Wind Reduction Features + Cumulative			
	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1hr/year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds
<b>63</b>	28	0		16	0	0		17	0	0		14	0	0	
<b>64</b>	41	16	e	40	17	1	e	39	14	-2	e	35	0	-16	
<b>65</b>	25	0		29	0	0		30	0	0		20	0	0	
<b>66</b>	35	0		47	95	95	e	25	0	0		18	0	0	
<b>67</b>	35	0		48	97	97	e	27	0	0		35	0	0	
<b>68</b>	25	0		36	1	1	e	31	0	0		35	0	0	
<b>69</b>	25	0		29	0	0		25	0	0		38	2	2	e

Summary	Average (mph)	Total Hours	Total	Average (mph)	Total Hours	Hours Change	Total	Average (mph)	Total Hours	Hours Change	Total	Average (mph)	Total Hours	Hours Change	Total
		27	407	10 --- 60	31	645	238	15 --- 69	28	372	-35	8 --- 69	30	890	483



**Table 3: Bike Lane Wind Conditions - Informational**

	Existing	Existing + Variant	Existing + Variant + Wind Reduction Features	Variant + Wind Reduction Features + Cumulative
Location	Mean Wind Speed (mph)	Mean Wind Speed (mph)	Mean Wind Speed (mph)	Mean Wind Speed (mph)
70	9	8	8	7
71	9	8	8	8
72	8	8	8	9
73	8	7	7	10
74	7	7	7	10
75	9	8	8	10
76	11	8	8	12
77	10	8	8	11
78	5	10	9	10
79	5	8	8	10
80	6	7	7	9
81	6	5	5	11
82	4	4	4	5
83	6	5	5	6
84	7	8	7	9
85	7	8	7	8
86	7	7	6	7
87	4	4	4	8
88	12	9	9	8
89	11	5	6	5
SUMMARY	Average (mph)	Average (mph)	Average (mph)	Average (mph)
	8	7	7	9

The page features a decorative background with a large, light gray circular shape on the right side and a blue triangular shape on the top left. A white curved line separates the two shapes.

# APPENDIX A

## APPENDIX A:

### San Francisco Planning Code Section 148

#### Reduction of Ground-Level Wind Currents In C-3 Districts

- a) Requirement and Exception. 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 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas.

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

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

- b) Definition. The term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.
- c) Guidelines. Procedures and Methodologies for implementing this section shall be specified by the Office of Environmental Review of the Department of City Planning. (added by Ord. 414-85, App. 9/17/85)



600 Southgate Drive  
Guelph ON Canada  
N1G 4P6

Tel: +1.519.823.1311  
Fax: +1.519.823.1316

April 23, 2020

**Andrew DeWitt**

Development Associate  
[ADewitt@crescentheights.com](mailto:ADewitt@crescentheights.com)

**Crescent Heights**

8 10th Street  
San Francisco, CA 94103  
T: 305.374.5700

**Re: Pedestrian Wind Study  
10 South Van Ness  
RWDI Reference No. 2001217**

Dear Andrew,

Rowan Williams Davies & Irwin Inc. (RWDI) was retained by Crescent Heights to conduct a pedestrian wind study for the proposed 10 South Van Ness project in San Francisco, CA. The wind tunnel testing results were presented in the Pedestrian Wind Study report issued by RWDI on February 6, 2020.

The wind tunnel testing identified that the addition of the proposed project in the presence of wind reduction features (i.e., the "Existing + Variant + Wind Reduction Features" configuration in the report) would reduce the number of wind hazard locations by two when compared to existing.

It is our understanding, based on correspondence from Crescent Heights, that four of the street trees included in the "Existing + Variant + Wind Reduction Features" configuration clash with the loading zone and may not be feasible upon review of building permits for the project (see red box in Image 1). In addition, as per the April 4, 2020 SDAT comments to the 10 South Van Ness Project Team, the northern and southern-most trees on Market Street (see Image 2) and several trees opposite the intersection with Stevenson Street (see Image 3) may also not be feasible upon review of building permits for the project.

## Wind Hazard

Winds near the loading zone along South Van Ness are mostly blocked from the building massing to the east, but those that are present are travelling from north to south. Therefore, these trees are upwind of test locations to the south along Van Ness (Locations 2-6 and 25, see locations within the red box in Image 4) where there was no exceedance in the wind hazard criterion both with and without street trees (i.e., for both the "Existing + Variant" and "Existing + Variant + Wind Reduction Features" configurations). As such, although wind speeds are expected to increase slightly immediately downwind with the removal of these four trees, wind speeds that comply with the wind hazard criterion are still anticipated.

Winds near the south side of Market Street (at the west corner of the proposed project) are also expected to increase slightly with the removal of the tree at that location; however, wind speeds in that area comply with the wind hazard criterion in the "Existing + Variant" configuration (Locations 13 and 14 in Image 4) and so are





anticipated to continue to comply with the removal of that tree. Wind speeds near the north side of Market Street (at the north corner of the proposed project) exceed the wind hazard criterion in the “Existing + Variant” configuration (Location 20 in Image 4) but comply with wind hazard criterion in the “Existing + Variant + Wind Reduction Features” configuration. The remaining trees along Market Street are predicted to be sufficient wind reduction features and, as such, no additional wind hazard exceedances are expected with the removal of the tree in that area.

Winds opposite the intersection with Stevenson Street (along the southwest façade of the proposed project) are expected to increase slightly close to where the trees are to be removed; however, the test points in that area (Locations 10 and 11 in Image 4) comply with the wind hazard criterion in the “Existing + Variant” configuration, are sufficiently downwind of remaining wind reduction features (i.e. trees) along that street, and are therefore expected to continue to comply with the wind hazard criterion with the removal of the trees in that area.

## Wind Comfort

Given that wind speeds are expected to increase slightly and that most of the aforementioned test points were predicted to exceed the 11-mph wind comfort threshold in all configurations tested, the test points are predicted to continue to exceed the 11-mph wind comfort threshold with the removal of the trees in the respective areas. Exceptions occur for test points 10 and 11 (along the southwest façade of the proposed project), which exceed the 11-mph wind comfort threshold in the “Existing + Variant” configuration but comply with the comfort threshold in the “Existing + Variant + Wind Reduction Features” configuration. Similar to previously mentioned for wind hazard, these test points are anticipated to continue to comply with the 11-mph wind comfort threshold with the remaining wind reduction features (i.e. trees) along that street.

## Additional Consideration

While we understand that the precise location of street trees is subject to modification as the project goes through the building permit process, it is our expectation that the removal of the trees discussed herein will continue to result in wind speeds that comply with the wind hazard criterion.

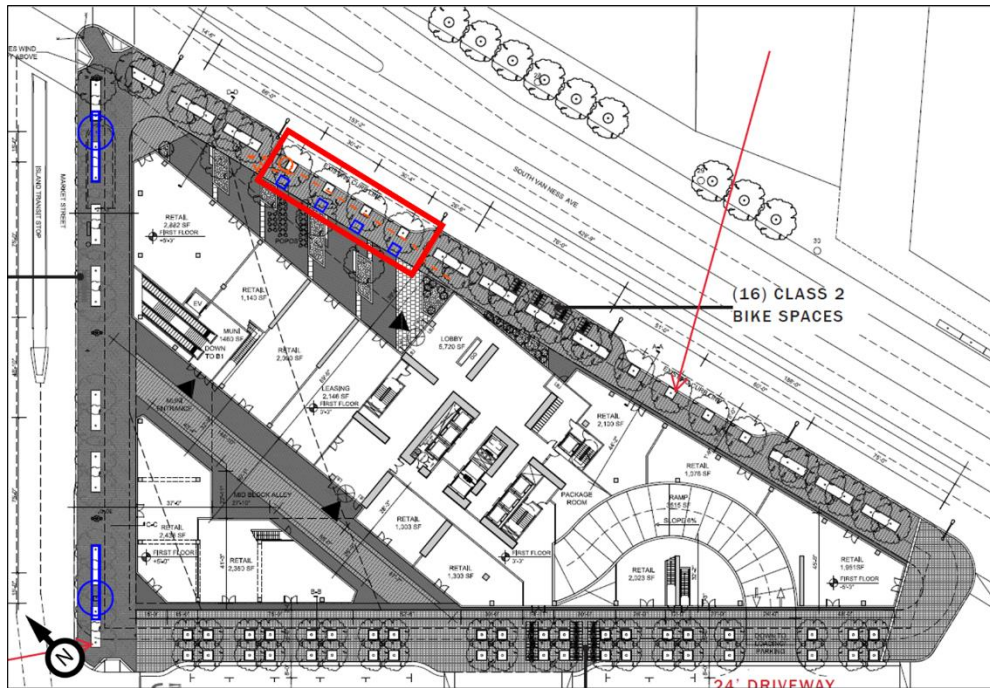


Image 1: Street Trees to Be Removed – Adjacent to North Accessible Passenger Loading Zone

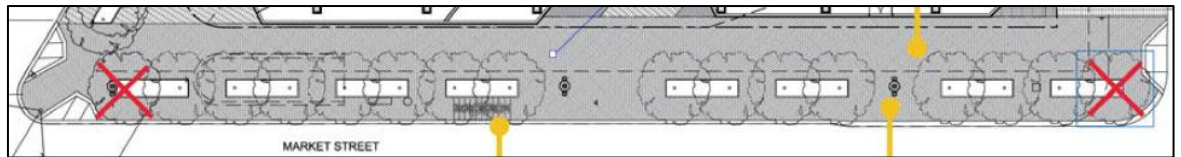


Image 2: Street Trees to Be Removed – Northern and Southern-most Trees on Market Street

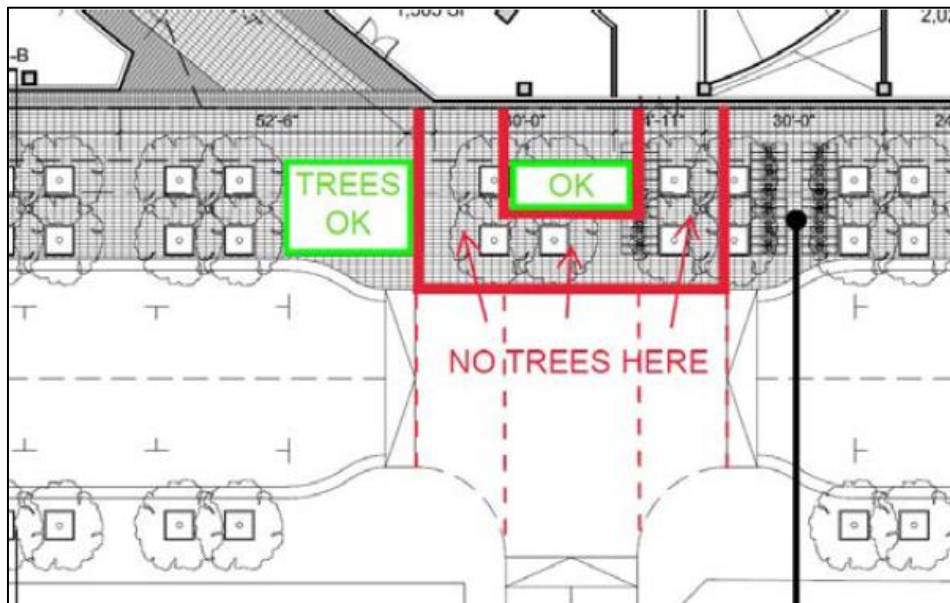
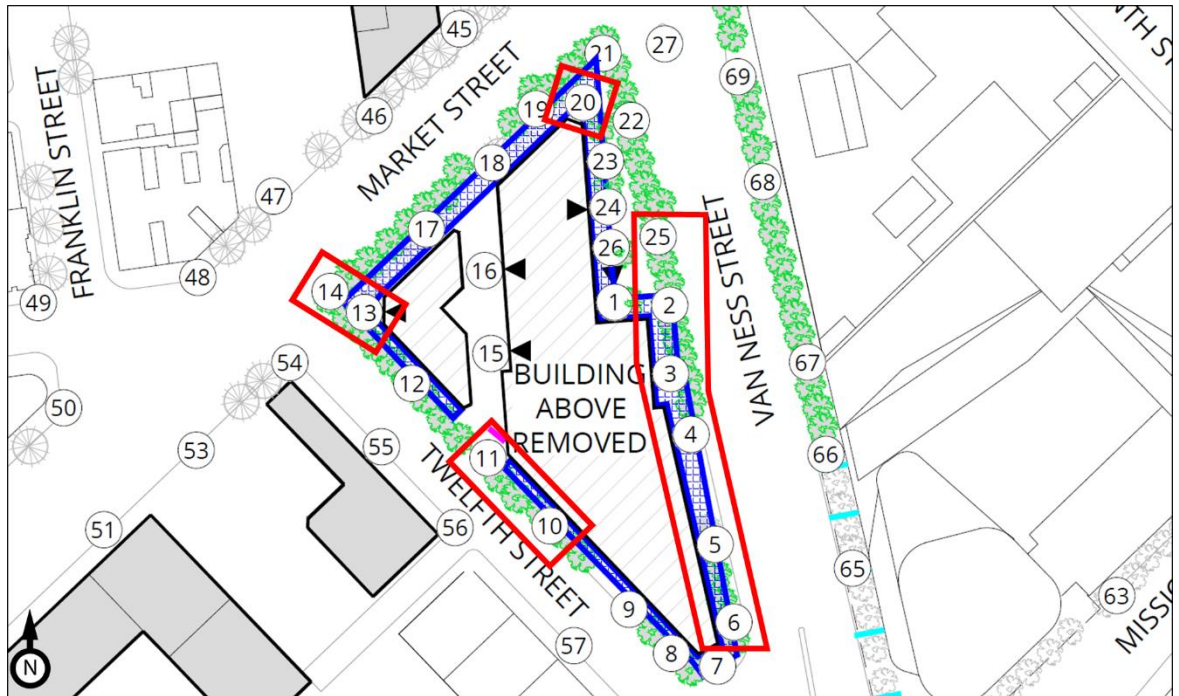


Image 3: Street Trees to Be Removed – Opposite the Intersection with Stevenson Street



**Image 4: Locations of Affected Test Points (2-6, 10, 11, 13, 14, 20, and 25; “Existing + Variant + Wind Reduction Features” Configuration Shown)**

## Closing

We trust that the above assessment satisfies your requirements at this time. Should you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

**RWDI**

**Stefan Gopaul, M.A.Sc., EIT**  
Technical Coordinator

**Raisa Lalui, M.Eng.**  
Project Manager



# SAN FRANCISCO PLANNING DEPARTMENT

## Exhibit F – Land Use Information

PROJECT ADDRESS: 10 SOUTH VAN NESS AVE  
RECORD NO.: 2015-004568PRJ

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	0	99,150	99,150
Residential GSF	0	910,973	910,973
Retail/Commercial GSF	91,088	29,433	-(61,655)
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, &amp; Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	42,540	42,540
Public Open Space	0	4,560	4,560
Other ( )			
	<b>EXISTING</b>	<b>NET NEW</b>	<b>TOTALS</b>
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	966	966
Dwelling Units - Total	0	966	966
Hotel Rooms	0	0	0
Number of Buildings	1	1	1
Number of Stories	2	55	55
Parking Spaces	0	255	255
Loading Spaces	0	6	6
Bicycle Spaces	0	382	382
Car Share Spaces	0	6	6
Other ( )			

	EXISTING	PROPOSED	NET NEW
<b>LAND USE - RESIDENTIAL</b>			
Studio Units	0	347	347
One Bedroom Units	0	433	433
Two Bedroom Units	0	165	165
Three Bedroom (or +) Units	0	21	21
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0



# Exhibit G – Maps and Context Photos

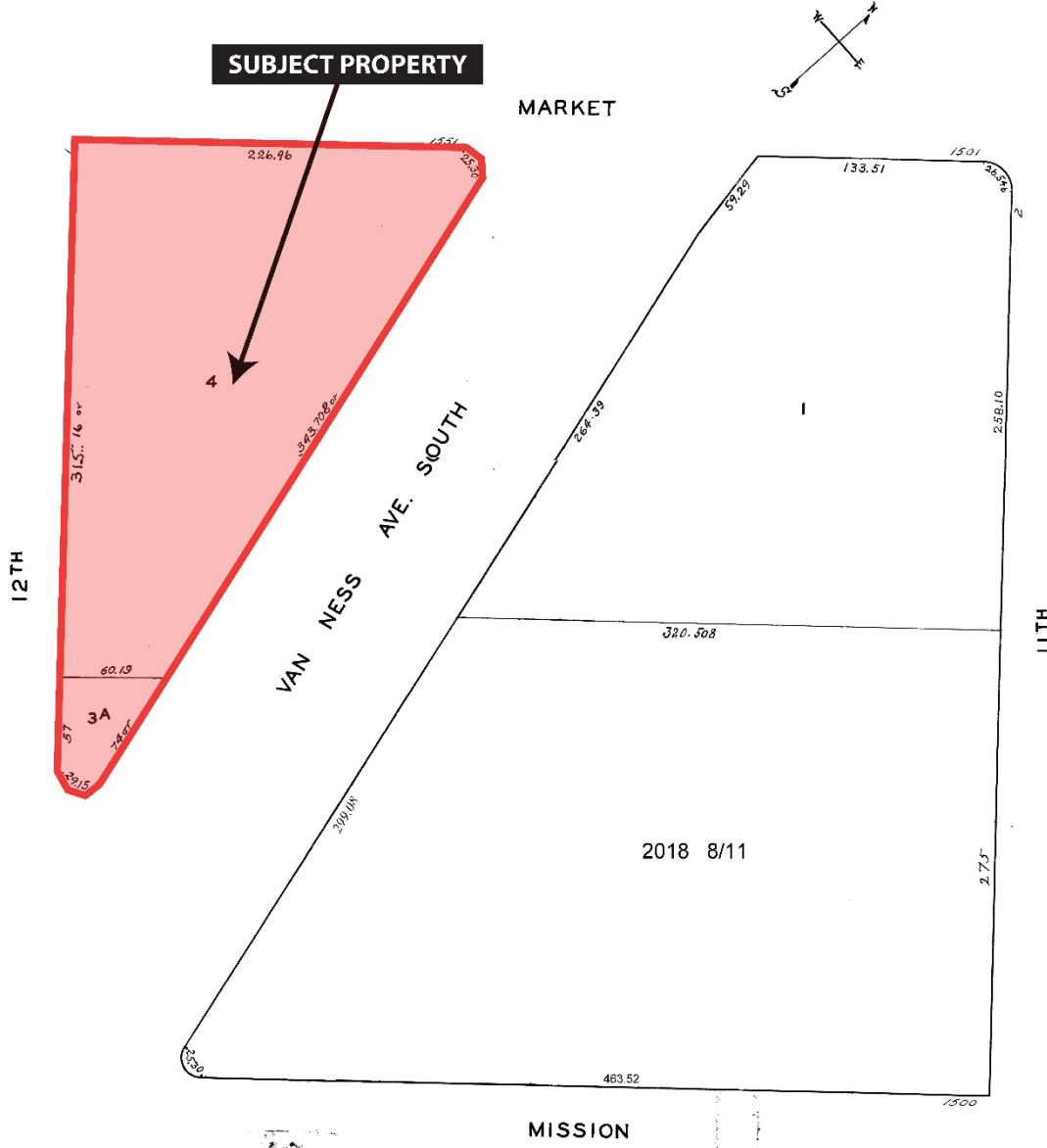
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# Block Book Map

© COPYRIGHT SAN FRANCISCO  
CITY & COUNTY ASSESSOR 1995

Lot 4 merged into Lot 4-43"  
Lot 5 merged into lot 1-44  
Lots 2 & 3 into lots 6 & 7 for 2009 roll  
Lots 6 & 7 into lots 8 to 11 for 2018 roll

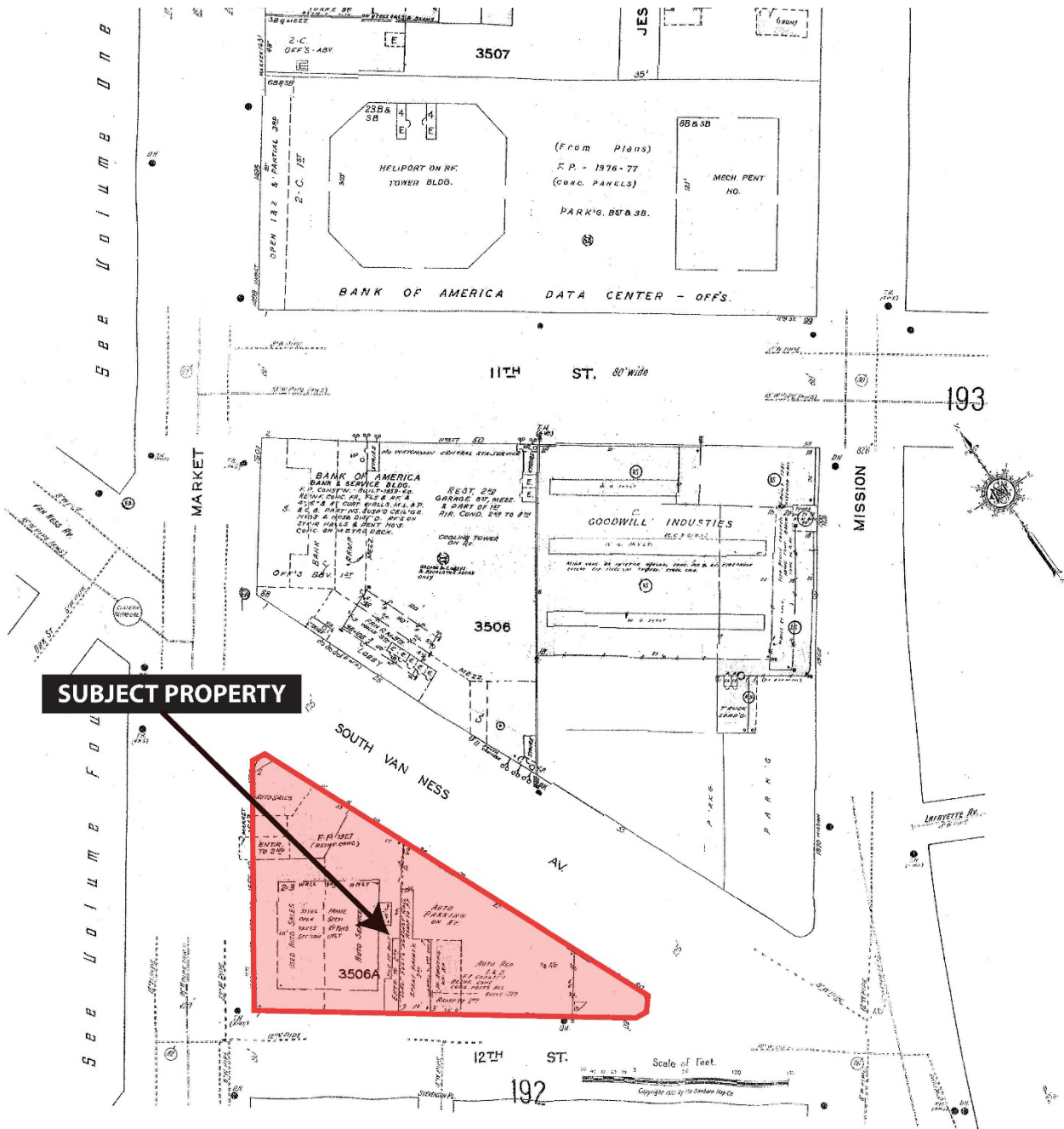
3506  
MISSION TER. BLK. 12  
REVISED 2009  
REVISED 2018



SAN FRANCISCO  
PLANNING DEPARTMENT

Downtown Project Authorization  
Case Number 2015-004568PRJ  
10 South Van Ness Avenue  
Block 3506 Lots 003A & 004

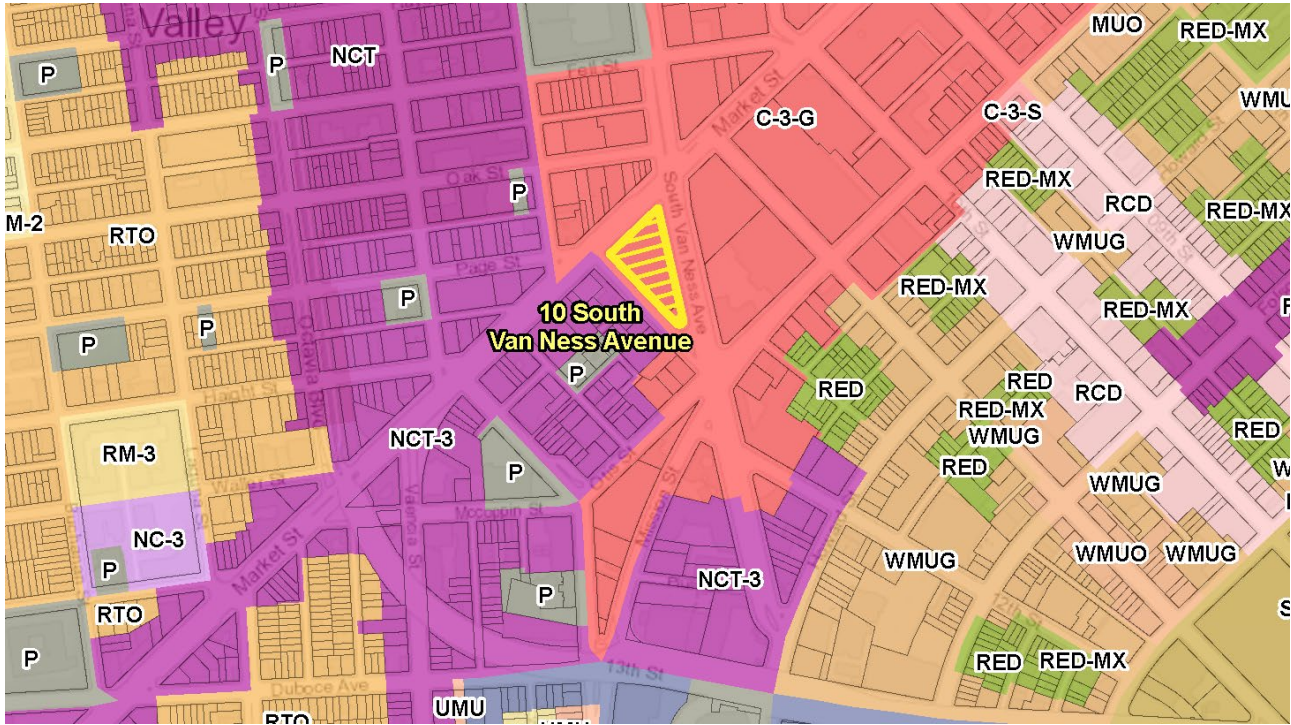
# Sanborn Map\*



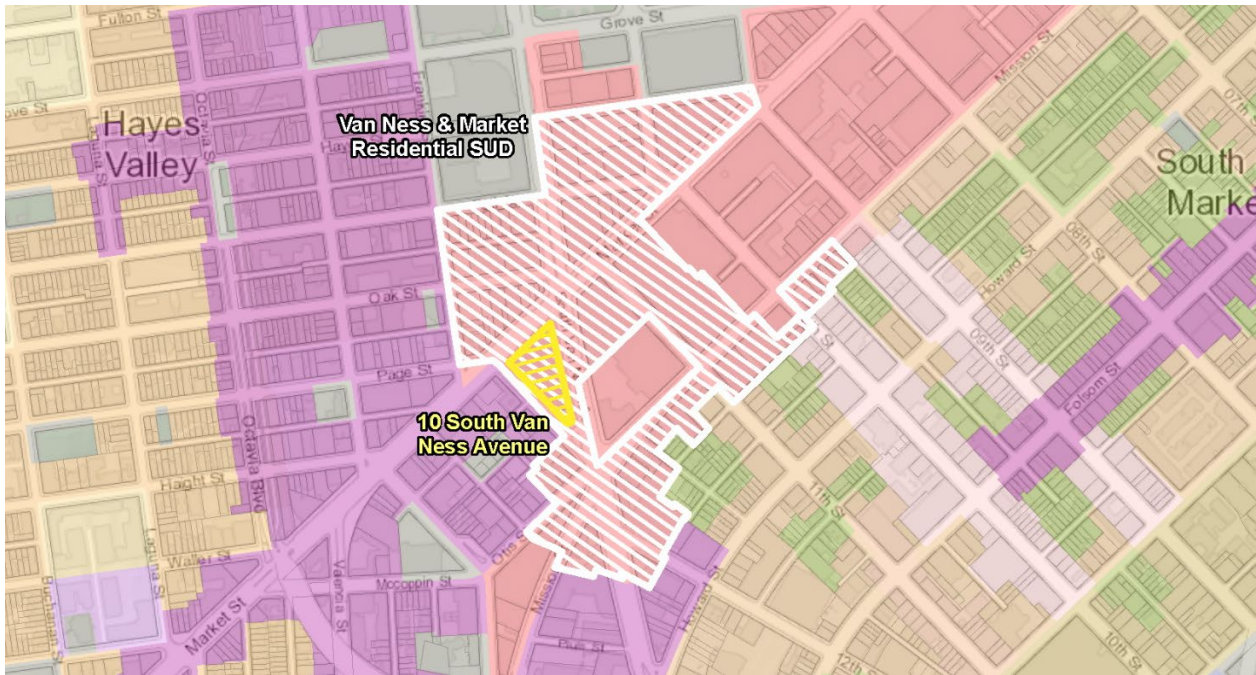
\* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



# Zoning Maps (existing)

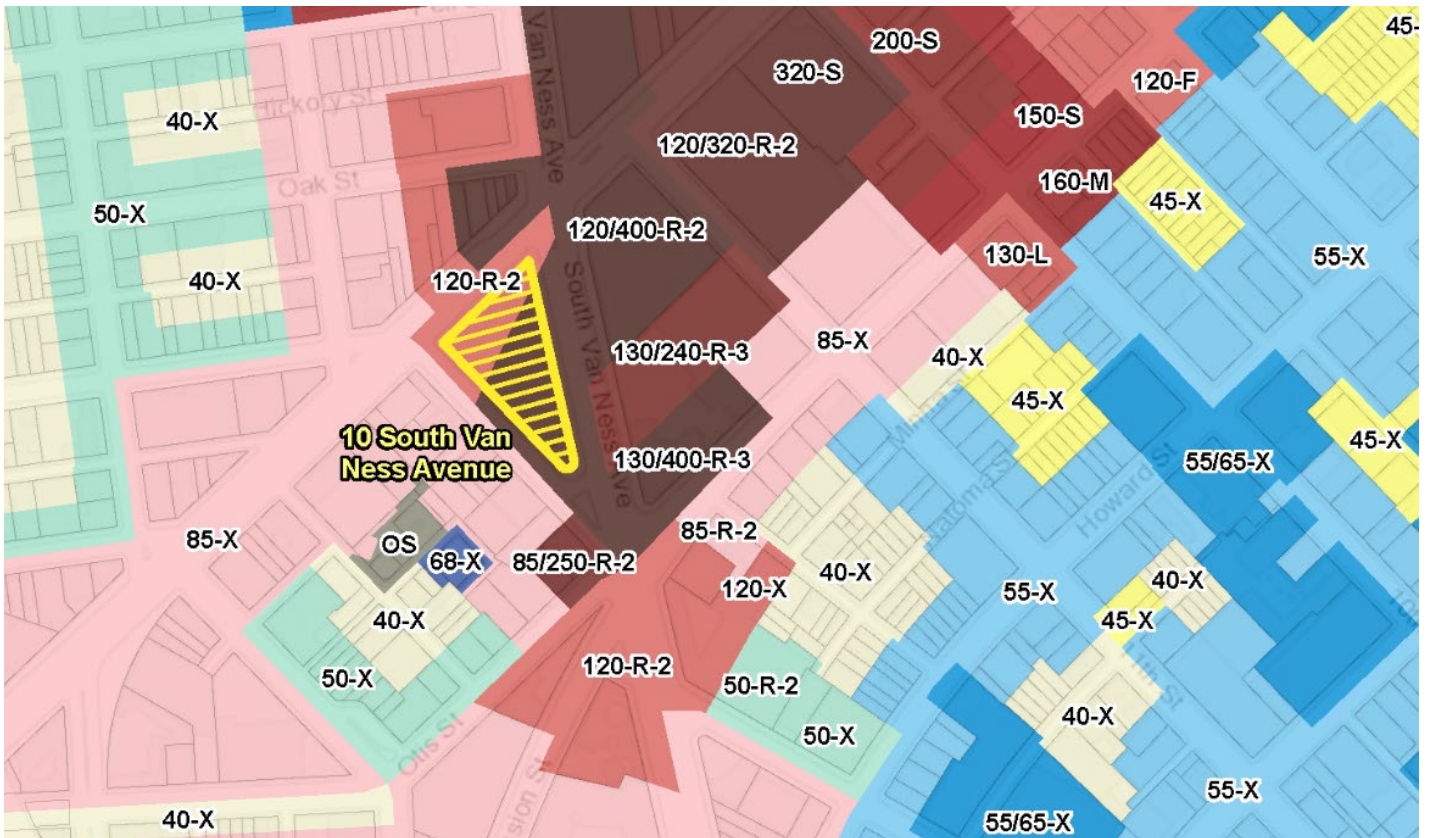


## Van Ness & Market Residential SUD

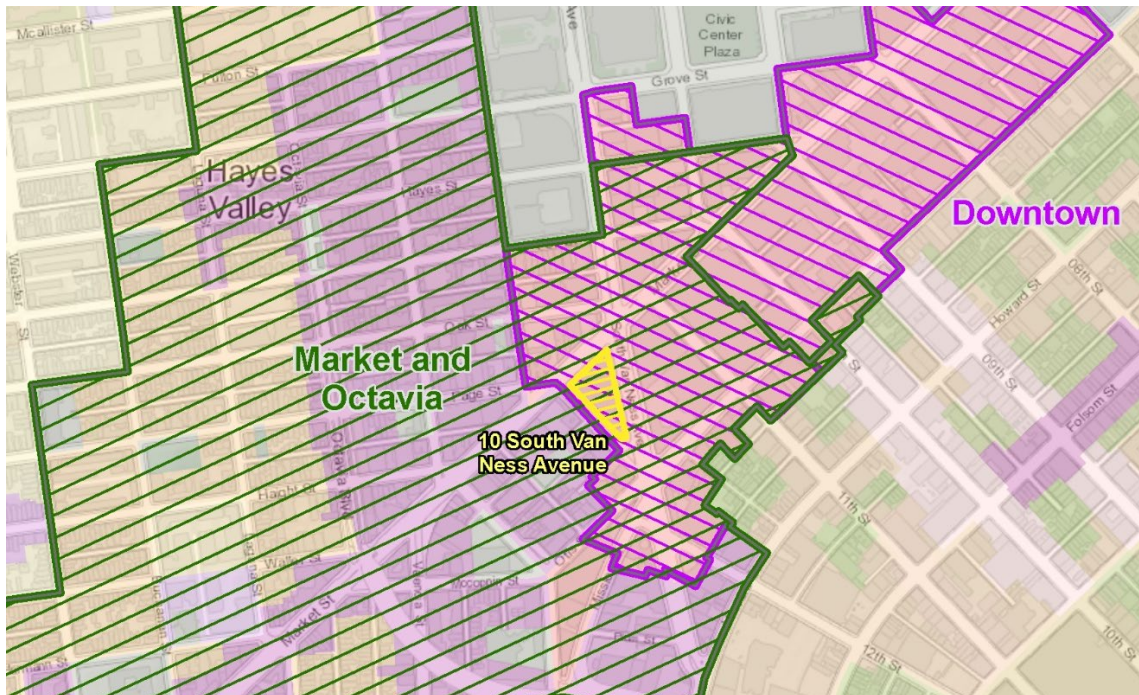
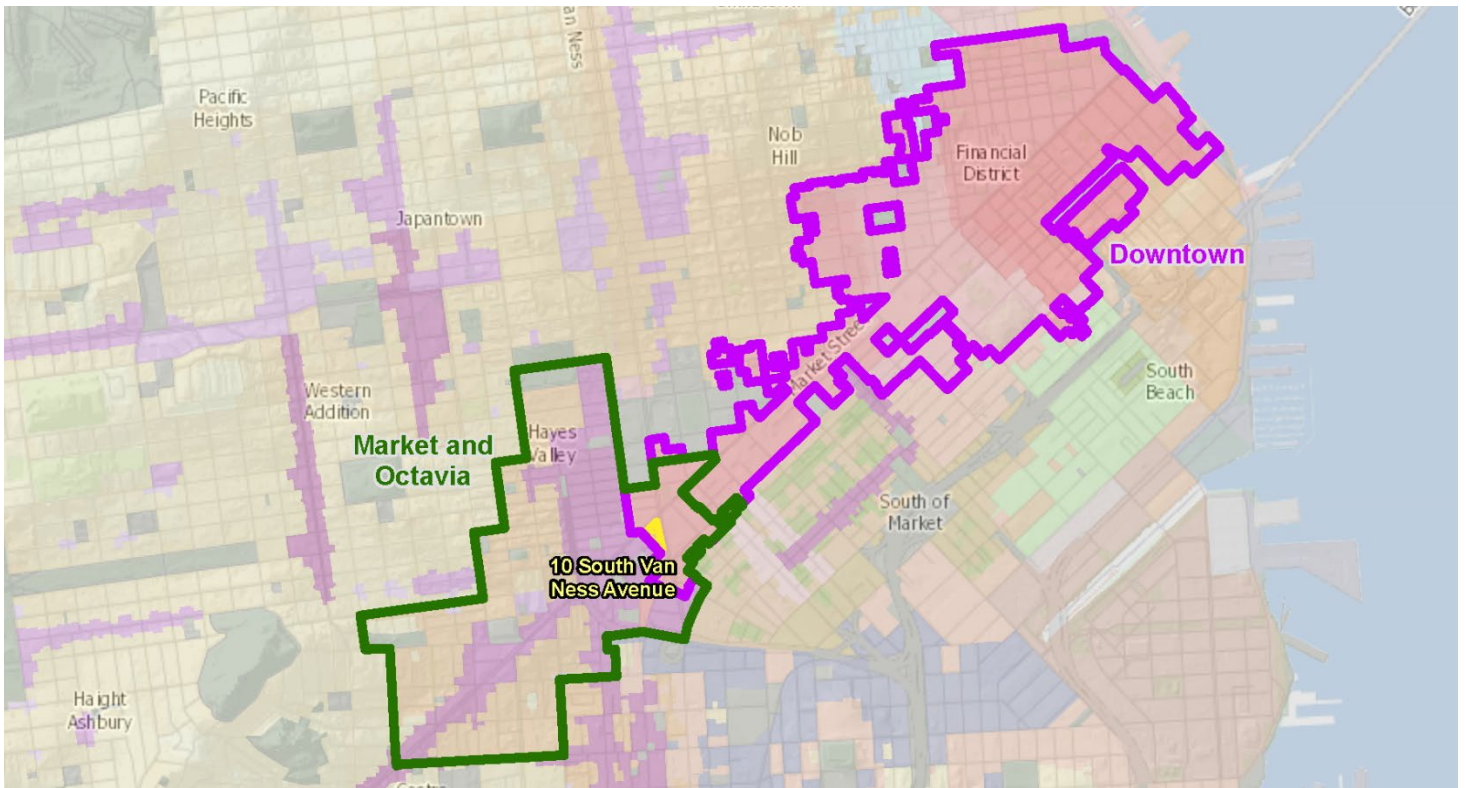




# Height and Bulk Map (existing)

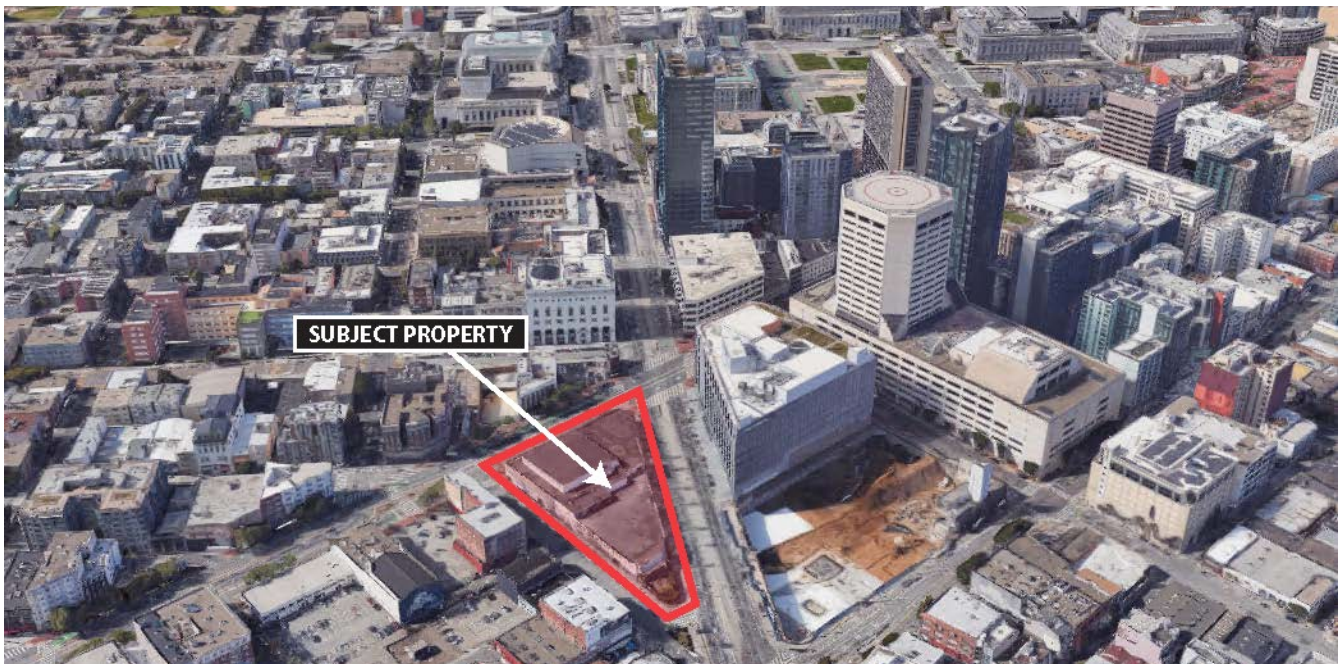


# Plan Area Maps





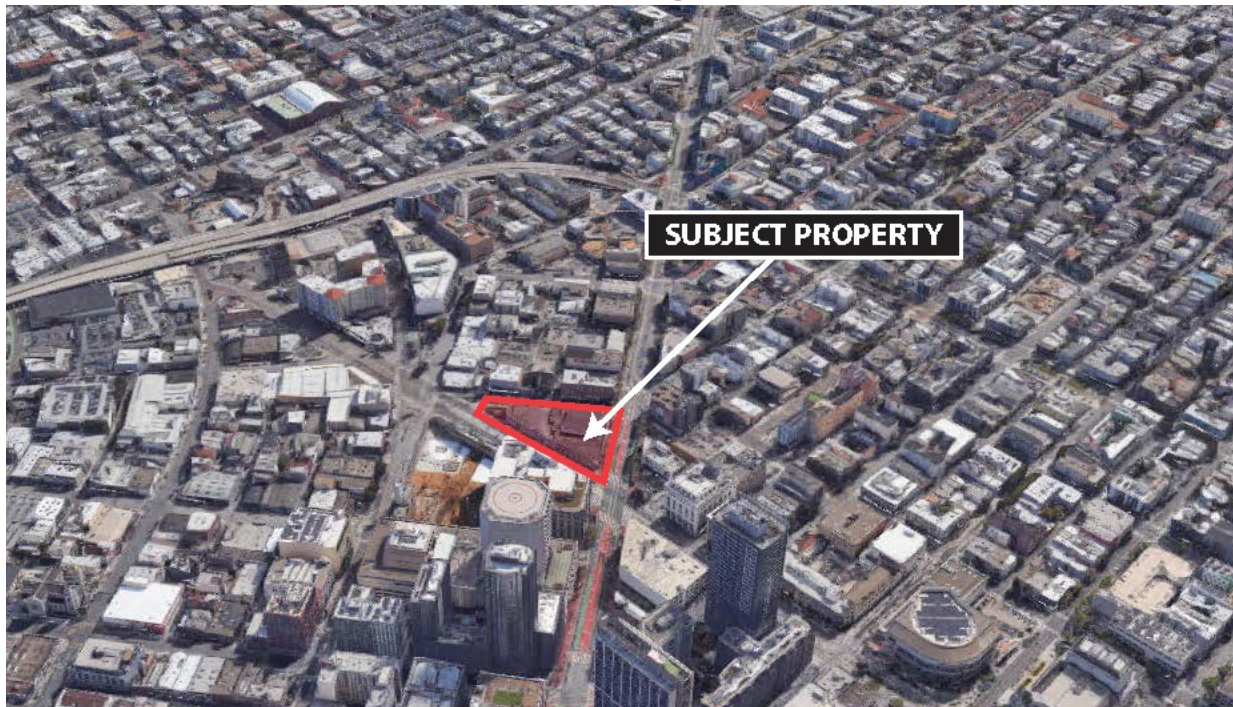
# Aerial Photos (oriented north)





# Aerial Photos

(oriented southwest along Market Street axis)



(oriented east toward Downtown and SoMa)





# Context Photos

(Market & Van Ness intersection, looking south toward Project Site)



(Market & Van Ness intersection, looking northeast away from Project Site)





# Context Photos

(S. Van Ness Ave., looking northwest toward Project Site)



(Mission & Van Ness intersection, looking north toward Project Site)



# Context Photos

(12<sup>th</sup> Street, looking south away from Project Site)



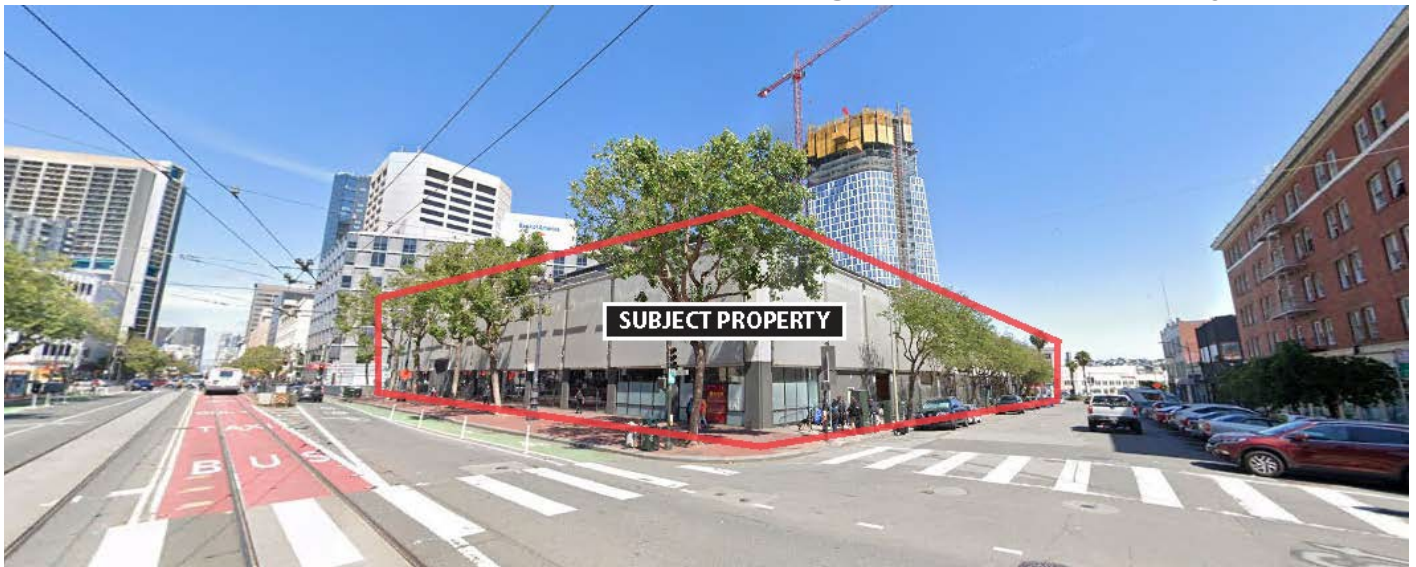
(12<sup>th</sup> Street, looking north toward Project Site)





# Context Photos

(Market & 12<sup>th</sup> Street intersection, looking south toward Project Site)



(Market & 12<sup>th</sup> Street intersection, looking west up Market Street)



# Context Photos

(Market Street, looking east down Market Street)



# Exhibit H

## Public Correspondence



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August 23, 2018

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

**RE: 10 South Van Ness Development by Crescent Heights**

Dear Planning Commissioners:

Developer Crescent Heights has presented its proposed development at 10 South Van Ness to the Board of Directors of the Civic Center Community Benefit District (CCCBD). This parcel is located within CCCBD District boundaries.

The aspects of this development that directly support the mission of the CCCBD and serve to enhance neighborhood cleaning, safety, beautification and activation efforts include their plans to implement:

- ✓ Transparent storefronts and retail use at ground level
- ✓ Widened sidewalks along South Van Ness and 12<sup>th</sup> Street
- ✓ Arcade providing a mid-block connection to Market Street from 12<sup>th</sup> Street
- ✓ Pedestrian scale lighting along sidewalks
- ✓ Exterior security cameras and 24-hour building security
- ✓ Exterior building maintenance
- ✓ Landscaping appropriate for the area with an on-going landscape maintenance plan
- ✓ New public open space

In addition, during construction and leasing Crescent Heights will provide:

- ✓ Secure and visually appealing construction fencing
- ✓ Professionally designed and installed wayfinding signage to direct pedestrians
- ✓ Site lighting and security
- ✓ Professionally designed and installed FOR LEASE and COMING SOON signage on retail facades

Furthermore, the project will increase foot traffic to the area due to its 984 residential units and about 30,350sf of retail space.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tracy Everwine', written over a horizontal line.

Tracy Everwine  
Executive Director

---

(415) 658-7979  
info@sfciviccenter.org

[www.sfciviccenter.org](http://www.sfciviccenter.org)

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**Project Address:** 10 South Van Ness Avenue, San Francisco, CA 94103

**Project Sponsor:** Crescent Heights

**Date of SFHAC Review:** 11/14/2018

### Grading Scale

★ = The project meets the high standard set by local jurisdiction and/or SFHAC

★★ = The project exceeds SFHAC standards

★★★ = The project far exceeds SFHAC's standards and exhibits creativity in its proposed solutions

### Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee
2. The Project must score a minimum of ★ on any given guideline

<i>Guideline</i>	<i>Comments</i>	<i>Score</i>
<b>Summary</b>	Overall, the Project Review Committee has decided to support the team's proposed project at 10 South Van Ness without reservation. While there are two iterations of the project, the Committee prefers the single-tower iteration.	★★
<b>Land Use</b>	The proposed project at 10 South Van Ness is replacing a car dealership with 984 new, badly-needed homes, which is an excellent use of land given the current housing shortage. The site is also extremely well-located at the hub of transit stops and two main thoroughways. Given this context, the project team's proposed mix of uses are especially appropriate.	★★
<b>Density</b>	On top of offering appropriate density at the site within the city's proposed Hub Plan, the proposal shows the team's initiative to anchor the Hub with their single tower plan. It offers the same number of new homes (984) as the two-tower plan, while utilizing ground floor space to greater effect. The Committee applauds this inspired innovative design effort.	★★★
<b>Affordability</b>	While the inclusionary proposal has not been finalized, a code compliant project would have to meet San Francisco's high standard for inclusionary percentage.	★

<p><b>Parking &amp; Alternative Transportation</b></p>	<p>The project is exceptionally well-located to take advantage of the intersection of transit options. There are 16 transit lines within walking distance of the project, which are complimented and enhanced by the project's inclusion of 397 bike spaces. Additionally, in response to community input, the project's originally proposed parking ratio of 0.4 has been reduced to 0.25. The team's proposal implements a comprehensive transportation demand management plan that will incorporate bike and carshare services, 100% contribution toward transit passes, and ride share shuttle to transit. These measures will help maximize the area's potential for mobility.</p>	<p>★★</p>
<p><b>Preservation</b></p>	<p>The project's ground floor retail space will include a commemoration of the Fillmore West, and will fund a historical study to document the venue's rock and roll history.</p>	<p>★</p>
<p><b>Urban Design</b></p>	<p>The proposal makes major improvements to the corner's urban design. In line with the Hub Plan's guiding principles, 10 South Van Ness creates a significantly more pedestrian-friendly environment. A standout improvement is the creation of pedestrian-friendly walkways on 12th by augmenting each of the 15 foot sidewalks to 40 feet and 18 feet, respectively. Additionally, these improved walk ways will feature street trees and curb cuts to improve the urban form and helps ensure pedestrian safety. Lastly, the team's proposal includes new public plazas and a mid-block passage that will enhance the urban experience and help drive the neighborhood-serving retail.</p>	<p>★★</p>
<p><b>Environmental Features</b></p>	<p>The proposed project has been certified by the Governor of California as an Environmental Leadership Development Project, which requires that its design meet a minimum LEED Gold standard and attain carbon-neutrality. Given this certified design, the proposal would be the first carbon-neutral high rise residential project in San Francisco. This is a fantastic opportunity for San Francisco to feature a model environmental project at the heart of a burgeoning area.</p>	<p>★★</p>
<p><b>Community Benefits</b></p>	<p>The proposal includes a myriad of community benefits. As mentioned above, significant urban design improvements will create pedestrian-friendly open space in conjunction with neighborhood-serving retail. It will also feature the arts in its ground floor programming and in the mid-block passage. In addition, the plan includes investments in transit connectivity. These all promote the goals of the city's proposed Hub Plan. Additionally, the project will utilize union labor to put local residents to work. Lastly, the proposal includes payment of a number of fees including the following: Van Ness and Market Inclusionary Affordable Housing Fee, the Van Ness and Market Neighborhood Infrastructure Fee, the Market and Octavia Inclusionary Housing Fee and the Market and Octavia Community Infrastructure Fee. It should be noted that the single-tower project iteration delivers more robust community benefits, especially along 12th street and in a stronger mid-block passage.</p>	<p>★★</p>



<b>Community Input</b>	The project team demonstrated a good-faith effort to engage with the community, and found positive support for the project. In addition, their interactions with the community led to material changes in the project, such as the reduction of the parking ratio from 0.4 to 0.25.	★★
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# Exhibit I

## Project Sponsor Brief

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## CRESCENT HEIGHTS

President Joel Koppel  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear President Koppel and Planning Commissioners:

Crescent Heights is pleased to present the 10 South Van Ness project (the “Project”) for your consideration, and respectfully request that you approve the Project. The Project is a 590-foot-tall mixed-use building, containing 966 new dwelling units and approximately 30,000 square feet of ground floor commercial and community space.

The Project is anticipated to generate an annual average of approximately 350 construction jobs during construction and, upon completion, approximately 50 net new permanent on-site jobs. In addition, the Project is expected to generate an approximately \$5 million net annual increase in general fund revenues to the City, and a minimum of approximately \$40 million in one-time fees.

The Project plans to satisfy its affordable housing requirements through a land dedication to the Mayor’s Office of Housing and Community Development. The Project will dedicate a to-be-determined property in the Mission District, which will accommodate an amount of affordable housing units equivalent to at least 35% of the units in the Project. This would result in 338 units of new affordable housing in the Mission district.

The Project would create a new, approximately 5,000 square foot public plaza at the corner of Market and Van Ness Avenue, fronted by active ground floor uses. The plaza would be shielded by the building from oncoming wind. Recessing the building to create this plaza will significantly improve this corner, which is currently a pedestrian pinch point. The Project would also help to connect pedestrians on Market Street to new development at the plumber’s union site by constructing a mid-block passageway that will be open to the public 24 hours a day.

In response to community requests, the Project has also agreed to reserve about 9,000 square feet of space on the second floor of the building for neighborhood serving retail or institutional community uses.

We are working with the Planning Department, SFMTA, and DPW on a complete redesign of the Muni entrance on the southwest corner of Market and Van Ness. If certain conditions are met, the existing staircase in the public right-of-way will be removed and the entire entrance, including a new escalator and elevator, will be relocated within the Project’s ground floor retail space.

Respectfully submitted,





CRESCENT HEIGHTS

*Adam Tartakovsky*

Adam Tartakovsky  
Vice President  
Crescent Heights

# Exhibit J

## Inclusionary Affordable Housing Affidavit

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**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



## San Francisco Planning

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

May 5, 2020

Date

I, Adam Tartakovsky,  
do hereby declare as follows:

**A** The subject property is located at (address and block/lot):

10 South Van Ness

Address

3506 / 004 and 003a

Block / Lot

The subject property is located within the following Zoning District:

C-3-G

Zoning District

120/400 R-2

Height and Bulk District

Van Ness and Market Residential SUD

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

Yes  No

**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:

2015-004568DNX

Planning Case Number

N/A

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- Zoning Administrator approval (e.g. Variance)
- This project is principally permitted.

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

Andrew Perry

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

April 8, 2015

Date

The project contains 966 total dwelling units and/or group housing rooms.

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

- This project is 100% affordable.
- This project is 100% student housing.

Is this project in an UMU Zoning District within the Eastern Neighborhoods Plan Area?

Yes  No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

Yes  No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

Yes  No

**C** Please indicate the tenure of the project.

- Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.
- Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

**D** 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)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

**35%**

*On-site, off-site or fee rate as a percentage*

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

*Residential Gross Floor Area*

**E** The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

**F** The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and Community Development 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.

**G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

**I** For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

**J** For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

**K** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the 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.



## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

<b>TOTAL UNITS:</b> 966	SRO / Group Housing:	Studios: 347	One-Bedroom Units: 433	Two-Bedroom Units: 165	Three (or more) Bedroom Units: 21
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If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

**On-site Affordable Housing Alternative** (Planning Code Section 415.6, 419.3, or 206.4):  % of the unit total.

### Number of Affordable Units to be Located ON-SITE:

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
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LOW-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MODERATE-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MIDDLE-INCOME	Number of Affordable Units	% of Total Units	AMI Level

**Off-site Affordable Housing Alternative** (Planning Code Section 415.7 or 419.3):  % of the unit total.

### Number of Affordable Units to be Located OFF-SITE:

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
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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:

AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

**UNIT MIX TABLES: CONTINUED**

**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. On-Site  % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

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:

2. 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:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee  % of affordable housing requirement.

**Is this Project a State Density Bonus Project?**  Yes  No  
 If yes, please indicate the bonus percentage, up to 35% \_\_\_\_\_, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) \_\_\_\_\_

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- On-site Affordable Housing Alternative
- Payment of the Affordable Housing Fee prior to the first construction document issuance
- Off-site Affordable Housing Alternative (Section 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)

**Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT**

Crescent Heights

*Company Name*

Adam Tartakovsky

*Name (Print) of Contact Person*

8 10th Street

*Address*

San Francisco, CA, 94103

*City, State, Zip*

305-374-5700 Ext. 1317

*Phone / Fax*

atartakovsky@crescentheights.com

*Email*

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. 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:*

Adam Tartakovsky, Vice President

Executed on this day in:

*Location:*

San Francisco, CA

*Date:*

May 5, 2020

**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:*

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# Exhibit K

## Anti-Discriminatory Housing Affidavit



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# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: 10 SVN, LLC	
PROPERTY OWNER'S ADDRESS: 8 10th Street San Francisco, CA 94103 c/o Adam Tartakovsky	TELEPHONE: ( 305 ) 374-5700 Ext. 1317 EMAIL: atartakovsky@crescentheights.com

APPLICANT'S NAME: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: (   ) EMAIL:

CONTACT FOR PROJECT INFORMATION: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
ADDRESS:	TELEPHONE: (   ) EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
ADDRESS:	TELEPHONE: (   ) EMAIL:

## 2. Location and Project Description

STREET ADDRESS OF PROJECT: 10 South Van Ness Avenue		ZIP CODE: 94103
CROSS STREETS: Market Street and Van Ness Avenue		
ASSESSORS BLOCK/LOT: 3506 / 004 and 003a	ZONING DISTRICT: C-3-G/ Van and Ness and Market Resi SUD	HEIGHT/BULK DISTRICT: 120/400 R-2

PROJECT TYPE: (Please check all that apply) <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	EXISTING DWELLING UNITS: None	PROPOSED DWELLING UNITS: 966 units	NET INCREASE: 966 units
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# 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? CA, IL, MA, WA, FLA, D.C.

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- 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  
**[hrc.info@sfgov.org](mailto:hrc.info@sfgov.org) or (415)252-2500**

## 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: Adam Tartakovsky

Date: 05/01/2020

Print name, and indicate whether owner, or authorized agent:

Adam Tartakovsky

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:
<input type="checkbox"/> Emailed to: _____	

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## **Diversity**

CH Employment Services, LLC is committed to fostering, cultivating and preserving a culture of diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and company's achievement as well.

We embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique.

The Company diversity initiatives are applicable—but not limited—to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of the Company have a responsibility to treat others with dignity and respect at all times. Employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action. Employees who believe they have been subjected to any kind of discrimination that conflicts with the company's diversity policy and initiatives should seek assistance from their direct supervisor or an HR representative.

## **Anti-Harassment and Anti-Discrimination Policy**

*Note: Some employees may be subject to a policy that is specific to their work location. Please refer to your state supplement to determine if there is a separate policy applicable to you.*

CH Employment Services, LLC does not tolerate harassment or discrimination of our job applicants or employees by another employee, vendor, or customer. Harassing or discriminatory conduct is unacceptable in the workplace, including while on Company premises and while representing the Company in any work-related settings such as business trips and business related social functions. The offender may be someone's supervisor, co-worker, client, customer, vendor, or other third party.

Similarly, harassment and/or discrimination of third parties by our employees also is prohibited. Any form of harassment/discrimination on the basis of race, religious creed, color, age, sex, national origin, ancestry, citizenship status, religion, disability, pregnancy, marital status, sexual orientation, gender identity or expression (including transgender status), military or veteran status, genetic information, and any other classification protected by federal, state, or local laws and ordinances (“protected characteristics”) is a violation of this policy and will be treated as a disciplinary matter. CH Employment Services, LLC has a zero tolerance for harassment/discrimination and is committed to providing a workplace free of any harassment/discrimination.

### **Harassment Defined**

Harassment is generally defined as unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile work environment that interferes with work performance. Examples of harassment include verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone’s way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic. Such conduct constitutes harassment when it: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions as well as other unwelcome conduct such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially or unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive environment. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual advances, flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movement;
- Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
- Obscene or vulgar gestures, posters or comments of a sexual nature;
- Sexual jokes or comments about a person’s body, sexual prowess or sexual deficiencies;
- Propositions, suggestive or insulting comments of a sexual nature;
- Visual harassment such as derogatory cartoons, posters and drawings;
- Sexually explicit e-mail, or voice mail;
- Uninvited touching of a sexual nature;
- Unwelcome sexually related comments;
- Conversation about one’s own or someone else’s sex life;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual;

- Teasing or other conduct directed toward a person because of his or her sex or gender;

### Discrimination Defined

Discrimination can include, but is not limited to, differential and adverse treatment on the basis of any protected characteristic. Discrimination may include stereotypical assumptions about members of the protected class, slurs, epithets and other forms of hostile conduct based on a person's protected characteristic(s).

### Reporting Requirements

Employees who believe they have been subjected to harassment/discrimination promptly must report any such incident to your local Human Resources Representative or email HRDepartment@crescentheights.com.

Employees who observe or have reason to believe another co-worker or third party (such as a client, customer, or vendor) has been subjected to harassment/discrimination by another (including third parties) promptly must report any such conduct to your local Human Resources Representative and/or the Director of Human Resources by calling (305) 374-5700 or via e-mail at HRDepartment@crescentheights.com. An employee who is not comfortable raising an issue of perceived harassment/discrimination with a Human Resources Representative or the Director of Human Resources or who has not received a satisfactory response within five (5) business days after reporting any incident of perceived harassment/discrimination should contact the Director of Human Resources.

### Investigation

Every report of perceived harassment/discrimination will be investigated and corrective action will be taken where appropriate. The Company (through the Director of Human Resources and Human Resources Department) will make every effort to ensure that an investigation is conducted. Employees are expected to cooperate in all investigations conducted pursuant to this policy. During an investigation, the Company will generally:

- Interview the complainant and the alleged harasser/discriminator;
- Conduct further interviews as necessary;
- Document the Company's findings regarding the complaint;
- Document recommended follow-up actions and remedies, if warranted; and/or
- Inform the complainant of the Company's findings and, where appropriate, of the remedial action that will be taken.

The Company will attempt to keep the investigation confidential to the extent possible and to the permitted by law. However, confidentiality cannot be guaranteed in every situation

### Discipline

If the Company determines that this policy has been violated, it may impose discipline upon the offender or offenders. The appropriate discipline may include written or oral warnings, probation, suspension, reassignment, demotion, or discharge. If the harassing/discriminatory conduct is the act of a non-employee, the Company will attempt to ensure that such conduct is not repeated.

### No Retaliation

CH Employment Services, LLC prohibits any form of retaliation against individuals who report unwelcome conduct or who cooperate in the investigation of such reports. In accordance with this policy the company will take appropriate disciplinary action for any such retaliation, up to and including discharge.

## **ACKNOWLEDGMENT OF RECEIPT OF ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY**

*Note: Some employees may be subject to a policy that is specific to their work location. Please refer to your state supplement to determine if there is a separate policy applicable to you.*

CH Employment Services, LLC does not tolerate harassment or discrimination of our job applicants or employees by another employee, vendor, or customer. Harassing or discriminatory conduct is unacceptable in the workplace, including while on Company premises and while representing the Company in any work-related settings such as business trips and business related social functions. The offender may be someone's supervisor, co-worker, client, customer, vendor, or other third party.

Similarly, harassment and/or discrimination of third parties by our employees also are prohibited. Any form of harassment/discrimination on the basis of race, religious creed, color, age, sex, national origin, ancestry, citizenship status, religion, disability, pregnancy, marital status, sexual orientation, gender identity or expression (including transgender status), military or veteran status, genetic information, and any other classification protected by federal, state, or local laws and ordinances ("protected characteristics") is a violation of this policy and will be treated as a disciplinary matter. CH Employment Services, LLC has a zero tolerance for harassment/discrimination and is committed to a workplace free of any harassment/discrimination.

### Harassment Defined

Harassment is generally defined as unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile work environment that interferes with work performance. Examples of harassment include verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic. Such conduct constitutes harassment when it: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3)

otherwise adversely affects an individual's employment opportunities.

#### Sexual Harassment Defined

Sexual harassment can include all of the above actions as well as other unwelcome conduct such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and (3) such conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual advances, flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movement;
- Requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
- Obscene or vulgar gestures, posters or comments of a sexual nature;
- Sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
- Propositions, suggestive or insulting comments of a sexual nature;
- Visual harassment such as derogatory cartoons, posters and drawings;
- Sexually explicit e-mail, or voice mail;
- Uninvited touching of a sexual nature;
- Unwelcome sexually related comments;
- Conversation about one's own or someone else's sex life;
- Conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- Teasing or other conduct directed toward a person because of his or her sex or gender;

#### Discrimination Defined

Discrimination can include, but is not limited to, differential and adverse treatment on the basis of any protected characteristic. Discrimination may include stereotypical assumptions about members of the protected class, slurs, epithets and other forms of hostile conduct based on a person's protected characteristic(s).

#### Reporting Requirements

Employees who believe they have been subjected to harassment/discrimination promptly must report any such incident to your local Human Resources Representative or email [HRMiami@crescentheights.com](mailto:HRMiami@crescentheights.com).

Employees who observe or have reason to believe another co-worker or third party (such as a client, customer, or vendor) has been subjected to harassment/discrimination by another (including third parties) promptly must report any such conduct to your local Human Resources Representative and/or the Director of Human Resources by calling (305) 374-5700 or via e-mail at [HRMiami@crescentheights.com](mailto:HRMiami@crescentheights.com). An employee who is not comfortable raising an issue of perceived harassment/discrimination with a Human Resources Representative or the Director of Human Resources or who has not received a satisfactory response within five (5) business days after reporting any incident of perceived harassment/discrimination should contact the Director of Human Resources.



Investigation

Every report of perceived harassment/discrimination will be investigated and corrective action will be taken where appropriate. The Company (through the Director of Human Resources and Human Resources Department) will ensure that an investigation is conducted. Employees are required to cooperate in all investigations conducted pursuant to this policy. During the investigation, the Company will generally:

- Interview the complainant and the alleged harasser/discriminator
- Conduct further interviews as necessary
- Document the Company's findings regarding the complaint
- Document recommended follow-up actions and remedies, if warranted
- Inform the complainant of the Company's findings and, where appropriate, of the remedial action that will be taken.

The Company will attempt to keep the investigation confidential to the extent permitted by law.

Discipline

If the Company determines that this policy has been violated, it may impose discipline upon the offender or offenders. The appropriate discipline may include written or oral warnings, probation, suspension, reassignment, demotion, or discharge. If the harassing/discriminatory conduct is the act of a non-employee, the Company will attempt to ensure that such conduct is not repeated.

No Retaliation

CH Employment Services, LLC prohibits any form of retaliation against individuals who report unwelcome conduct or who cooperate in the investigation of such reports. In accordance with this policy the Company will take appropriate disciplinary action for any such retaliation, up to and including discharge.

**I HAVE READ AND UNDERSTAND THE COMPANY'S ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY.**

\_\_\_\_\_  
PRINT FULL NAME

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
DATE



**THE INFORMATION BELOW SUPPLEMENTS THE NATIONAL POLICIES CONTAINED IN THE EMPLOYEE HANDBOOK FOR EMPLOYEES WHO WORK IN THE RELEVANT STATES**

This document contains mandatory and best practice policies for inclusion in the state supplements. Policies not accompanied by explanatory comments indicating that they are optional for purposes of a handbook in some cases are mandatory for purposes of a handbook, but note that in addition to the handbook policy, additional posting and/or notice requirements may exist. Best practice handbook policies that otherwise could be covered through a posting and/or standalone policy or notice, or that do not technically require any notice to employees, are also included with comments noted. The explanatory comments do not conclusively address posting requirements except to the extent that a posting satisfies the employee notification requirement (in lieu of inclusion in the handbook or providing other written notice).



## THE INFORMATION BELOW SUPPLEMENTS THE NATIONAL POLICIES CONTAINED IN THE EMPLOYEE HANDBOOK FOR EMPLOYEES WHO WORK IN THE RELEVANT STATES

### CALIFORNIA SUPPLEMENT

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#### Discrimination, Harassment, and Retaliation Prevention Policy

This policy supersedes the policy in the general handbook for California employees.

The Company does not tolerate and prohibits discrimination, harassment or retaliation of or against our job applicants, contractors, interns, volunteers, or employees by another employee, supervisor, vendor, customer, or any third party on the basis of race, religious creed, color, age, sex, sexual orientation, gender, gender identity, gender expression, national origin, ancestry, marital status, medical condition as defined by state law (cancer or genetic characteristics), disability, military service and veteran status, pregnancy, childbirth and related medical conditions, or any other characteristic protected by applicable federal, state, or local laws and ordinances. The Company is committed to a workplace free of discrimination, harassment and retaliation.

Our management team is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, and general treatment during employment.

**Discrimination Defined.** Discrimination under this policy means treating differently or denying or granting a benefit to an individual because of the individual's protected characteristic.

**Harassment Defined.** Harassment is defined in this policy is unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile work environment that interferes with work performance. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic. Such conduct violates this policy, even if it is not unlawful. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a professional and respectful manner.

**Sexual Harassment Defined.** Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual



## **THE INFORMATION BELOW SUPPLEMENTS THE NATIONAL POLICIES CONTAINED IN THE EMPLOYEE HANDBOOK FOR EMPLOYEES WHO WORK IN THE RELEVANT STATES**

advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature.

Examples of conduct that violates this policy include:

- unwelcome sexual advances, flirtations, advances, leering, whistling, touching, pinching, assault, blocking normal movement
- requests for sexual favors or demands for sexual favors in exchange for favorable treatment
- obscene or vulgar gestures, posters, or comments
- sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies
- propositions, or suggestive or insulting comments of a sexual nature
- derogatory cartoons, posters, and drawings
- sexually-explicit e-mails or voicemails
- uninvited touching of a sexual nature
- unwelcome sexually-related comments
- conversation about one's own or someone else's sex life
- conduct or comments consistently targeted at only one gender, even if the content is not sexual
- teasing or other conduct directed toward a person because of the person's gender

**Retaliation Defined.** Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to: shunning and avoiding an individual who reports harassment, discrimination or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; and denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process described below.

**ALL DISCRIMINATION, HARASSMENT AND RETALIATION IS UNACCEPTABLE IN THE WORKPLACE AND IN ANY WORK-RELATED SETTINGS SUCH AS BUSINESS TRIPS AND BUSINESS-RELATED SOCIAL FUNCTIONS, REGARDLESS OF WHETHER THE CONDUCT IS ENGAGED IN BY A SUPERVISOR, CO-WORKER, CLIENT, CUSTOMER, VENDOR, OR OTHER THIRD PARTY.**

**Reporting Procedures.** The following steps have been put into place to ensure the work environment at the Company is respectful, professional, and free of discrimination, harassment and retaliation. If an employee believes someone has



**THE INFORMATION BELOW SUPPLEMENTS THE NATIONAL POLICIES CONTAINED IN THE EMPLOYEE HANDBOOK FOR EMPLOYEES WHO WORK IN THE RELEVANT STATES**

violated this policy or our Equal Employment Opportunity Policy, the employee should promptly bring the matter to the immediate attention his/her local Human Resources Representative or via e-mail at HRMiami@crescentheights.com. If either of these individuals is the person toward whom the complaint is directed you should contact any higher level manager in your reporting chain. If the employee makes a complaint under this policy and has not received a satisfactory response within five (5) business days, he or she should contact the Director of Human Resources by calling (305) 374-5700 x7266 immediately.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally, must immediately report the issues raised to the Human Resources Department by calling (305) 374-5700 x7266 or via e-mail at HRMiami@crescentheights.com.

**Investigation Procedures.** Upon receiving a complaint, the Company will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy or our Equal Employment Opportunity policy. To the extent possible, the Company will endeavor to keep the reporting employee's concerns confidential. However, complete confidentiality may not be possible in all circumstances.

During the investigation, the Company generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. Upon completion of the investigation, the Company shall determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The Company will inform the Complainant and the accused of the results of the investigation.

The Company will take corrective measures against any person who it finds to have engaged in conduct in violation of this policy, if the Company determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, whom the Company determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.

\* \* \* \*

Remember, we cannot remedy claimed discrimination, harassment or retaliation unless you bring these claims to the attention of management. Please report any conduct which you believe violates this policy.





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This document contains mandatory and best practice policies for inclusion in the state supplements. Policies not accompanied by explanatory comments indicating that they are optional for purposes of a handbook in some cases are mandatory for purposes of a handbook, but note that in addition to the handbook policy, additional posting and/or notice requirements may exist. Best practice handbook policies that otherwise could be covered through a posting and/or standalone policy or notice, or that do not technically require any notice to employees, are also included with comments noted. The explanatory comments do not conclusively address posting requirements except to the extent that a posting satisfies the employee notification requirement (in lieu of inclusion in the handbook or providing other written notice).



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## **NEW YORK SUPPLEMENT**

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### **New York City Supplemental Gender Discrimination Policy**

In accordance with New York City law, the Company prohibits unlawful discrimination in employment on the basis of gender. For purposes of this policy, gender is an individual's actual or perceived sex, including gender identity, self-image, appearance,

behavior, or expression, regardless of whether the individual's gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that individual at birth. The Company is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, accommodation requests, access to programs and facilities, employee activities, and general treatment during employment.

In furtherance of this policy:

- The Company gives employees the option of indicating their preferred gender pronoun. The Company's systems allow employees to self-identify their names and genders and do not limit such identifications to male and female only.
- All employees and other individuals have access to single-sex facilities consistent with their gender identity or expression. To the extent possible, the Company provides single-occupancy restrooms and provides multi-user facilities for individuals with privacy concerns, but will not require use of a single-occupancy bathroom because an individual is transgender or gender non-conforming.
- The Company's dress code and grooming standards are gender neutral, and therefore do not differentiate or impose restrictions or requirements based on gender or sex.
- The Company evaluates all requests for accommodations (including requests for medical leaves) in a fair and non-discriminatory manner.
- Employees who engage with the public as part of their job duties are required to do so in a respectful, non-discriminatory manner by respecting gender diversity and ensuring that members of the public are not subject to discrimination (including discrimination with respect to single-sex programs and facilities).



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Employees with issues or concerns regarding gender discrimination or who feel they have been subjected to such discrimination can contact the Human Resources Department. The Company prohibits and does not tolerate retaliation against employees who report issues or concerns of gender discrimination pursuant to this policy in good faith.

Enforcement & Retaliation. Employees have the right to request and use paid sick time and may file a complaint for alleged violations of this policy with the New York City Department of Consumer Affairs. The Company prohibits retaliation or the threat of retaliation against an employee for exercising or attempting to exercise any right provided in this policy, or interference with any investigation, proceeding or hearing related to or arising out of employee's rights pursuant to this policy and applicable law.

Employees with questions concerning this policy should contact the Human Resources Department.

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# Exhibit L

## First-Source Hiring Affidavit



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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)	
10 South Van Ness		3506/ 004 and 003a	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
N/A	2015-004568DNX		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
10 SVN, LLC	Adam Tartavkovsy	305-374-5700 Ext. 1317	
ADDRESS			
8 10th Street			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA 94103		atartakovsky@crescentheights.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
966	29,443 square feet	590 feet tall	\$510,000,000.00
ANTICIPATED START DATE			
as soon as feasible			

#### 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"> <li>If you checked <b>C</b>, 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.</li> <li>If you checked <b>A</b> or <b>B</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.</li> <li>For questions, please contact OEWD's CityBuild program at <a href="mailto:CityBuild@sfgov.org">CityBuild@sfgov.org</a> or (415) 701-4848. For more information about the First Source Hiring Program visit <a href="http://www.workforcedevelopmentsf.org">www.workforcedevelopmentsf.org</a></li> <li>If 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.</li> </ul>	

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		1	4	Laborer		5	20
Boilermaker				Operating Engineer		1	6
Bricklayer		1	4	Painter		1	5
Carpenter		4	29	Pile Driver			
Cement Mason		2	10	Plasterer		1	4
Drywaller/Latherer		2	8	Plumber and Pipefitter		5	25
Electrician		5	30	Roofer/Water proofer		1	6
Elevator Constructor		1	6	Sheet Metal Worker		3	15
Floor Coverer		1	5	Sprinkler Fitter		1	4
Glazier		1	5	Taper		1	5
Heat & Frost Insulator			2	Tile Layer/ Finisher		2	6
Ironworker		3	10	Other:			
			<b>TOTAL:</b>				<b>TOTAL:</b>

\*The developer is unable to anticipate journeyman wages at this time, at a minimum, however, all wages will be consistent with area prevailing wage at the time of construction.

- YES  NO
1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?
  2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California’s Department of Industrial Relations?  NA
  3. Will hiring and retention goals for apprentices be established?  NA
  4. What is the estimated number of local residents to be hired? NA

### Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Adam Tartakovsky	ataartakovsky@crescentheights.com	305-374-5700
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.		
<i>Adam Tartakovsky</i> (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		4/28/2020 (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](mailto: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](http://www.workforcedevelopmentsf.org) **Email:** [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org)