



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment, Downtown Project & Conditional Use Authorizations Hearing Date: April 25, 2019 CONTINUED FROM: MARCH 14, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2016-007303PCADNXCUA  
*Project Address:* 5 Third Street  
*Zoning:* C-3-O (Downtown-Office) Zoning District  
120-X Height and Bulk District  
*Block/Lot:* 3707/057  
*Project Sponsor:* Caroline Guibert Chase  
Coblentz Patch Duffy & Bass LLP  
1 Montgomery Street, Suite 3000  
San Francisco, CA 94104  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The Project is a rehabilitation of the existing 13-story 161,108 square foot building and conversion of approximately 119,237 square feet of office use to a 170-room hotel on the second through twelfth floors as well as the creation of 964 square feet of net new floor area. Approximately 5,920 square feet of office use will remain on the second and third floors, with approximately 11,393 square feet of retail space maintained on the basement and ground floors. The historic lobby will be retained and a new hotel entrance will be created on Stevenson Street. The Project includes a lightwell infill on the seventh and eighth floors (not visible from the public right-of-way), as well as interior alterations. While the building envelope will not change on the southern structure (17-29 Third Street), interior alterations would create a two-story lobby entrance that connects to the rest of the Project Site. Portions of the existing penthouse structures on the 13<sup>th</sup> floor would be demolished, while new mechanical and elevator penthouses are proposed at a lower height, bringing the building into closer conformity with the existing 120-foot height limit. In addition, a roof deck and event space that are fully screened by the existing parapet are proposed. The Project includes a Planning Code Text Amendment of Section 188(g) to allow for the terrace infill to create new floor area above the height limit at this location. The Ordinance would allow for the Terrace Infill at this location providing greater public access to the Hearst Building and the surrounding Montgomery-Mission-Second Street Conservation District as a whole. The Hearst Building is designated as a Significant Building: Category 1 under Article 11.

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization to establish hotel use, pursuant to Planning Code Sections 210.2 and 303.

The Commission must also grant a Downtown Project Authorization, pursuant to Planning Code Section 309, with an exception to Off-Street Loading per Planning Code Section 161(e) for off-street loading.

The Commission must also approve the Planning Code Text Amendment to Section 188(g) that would allow new floor area on an existing noncomplying structure at this location.

## ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** To date, the Department has not received any public correspondence. However, the Department is aware of concerns regarding the partial demolition of the penthouse structure and impacts to the owner of the adjacent parking structure.
- **Historic Preservation Commission.** In its review of the Permit to Alter, the Historic Preservation approved the project with conditions to include an interpretative plan for the property. This interpretative plan is to be reviewed and approved by Staff and implemented in the completed project.
- **Hotel Use.** The Project proposes a 170-room hotel situated in the Financial District neighborhood, while maintaining basement and ground floor retail. The Project is necessary and desirable use at this location due to its proximity to several public transportation options as well as tourist and business destinations such as Union Square and the Moscone Center.

## ENVIRONMENTAL REVIEW

On August 22, 2018 the Planning Department issued a Notice of Availability and Intent to Adopt a Mitigated Negative Declaration and published a Preliminary Mitigated Negative Declaration (PMND) for the project that included a Mitigation Monitoring and Reporting Program (MMRP) which is included as a Condition of Approval for the project and Exhibit C. The comment period for the PMND expired on September 11, 2018, and two appeals were filed. On February 14, 2019, the Planning Commission found the Mitigated Negative Declaration (MND) reflected the independent analysis and judgment of the Planning Department and affirmed the decision to issue an MND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Final Mitigated Negative Declaration was issued on March 5, 2019 and is available online at <https://sfplanning.org/environmental-review-documents>. The Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2016-007303ENV, at 1650 Mission Street, San Francisco, California.

## BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Downtown Area Plan and the Objectives and Policies of the General Plan. The Project would adaptively reuse the historic Hearst Building with hotel use. The Project would also provide greater public access to the historic building through its rehabilitation and expansion of retail use. The Department also finds the project to be necessary, desirable,



and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

**ATTACHMENTS:**

Draft Resolution – Planning Code Text Amendment  
Draft Ordinance – Planning Code Text Amendment  
Draft Motion – Downtown Authorization with Conditions of Approval  
Draft Motion – Conditional Use Authorization with Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination and Mitigation Monitoring and Reporting Program  
Exhibit D – Maps and Context Photos  
Exhibit E – First Source Hiring Affidavit



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution HEARING DATE APRIL 25, 2019

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

Reception:  
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Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Amendments Relating to Terrace Infill on Noncomplying Structures  
*Case Number:* 2016-007303PCA [Board File No. TBD]  
*Initiated by:* Todd Chapman, Bespoke Hospitality, LLC  
c/o JMA Ventures, LLC  
460 Bush Street  
San Francisco, CA 94108  
*Staff Contact:* Seema Adina, Current Planning  
Seema.adina@sfgov.org, 415-575-8722  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

**RESOLUTION RECOMMENDING APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PERMIT NEW FLOOR AREA OR BUILDING VOLUME ON THE ROOFTOP OF A NONCOMPLYING STRUCTURE THAT IS DESIGNATED AS A SIGNIFICANT BUILDING UNDER PLANNING CODE ARTICLE 11 AND LOCATED ON ASSESSOR'S BLOCK NO. 3707, PROVIDED THAT THE ROOFTOP HAS AN EXISTING PARAPET AT LEAST 17 FEET IN HEIGHT ALONG THE PRIMARY BUILDING FRONTAGE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on April 5, 2018 the Project Sponsor submitted a proposed Ordinance under which would amend Section 188(g) of the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure that is designated as a Significant Building under Planning Code Article 11 and located on Assessor's Block No. 3707, provided that the rooftop has an existing parapet at least 17 feet in height along the primary building frontage;

WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review on August 22, 2018; and

WHEREAS, the Draft IS/MND was available for public comment until September 11, 2018; and

WHEREAS, on September 11, 2018, two separate appellants, Rachel Mansfield-Howlett of Provencher & Flatt, LLP, on behalf of Friends of Hearst Building, and Yasin Salma, filed letters appealing the determination to issue a MND. Both appellants provided supplemental appeal letters. The supplemental letter and material from friends of Hearst Building was received November 15, 2018. Accordingly, the

Department requested a continuance in order to assess the information and prepare a supplemental response, which the Planning Commission granted; and

WHEREAS, on February 14, 2019, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

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

WHEREAS, the Planning Department, Jonas Ionin, is the custodian of records, located in File No. 2016-007303, at 1650 Mission Street, Fourth Floor, San Francisco, California; and

WHEREAS, the Planning Department prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action; now therefore, be it

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 20, 2019, and recommended approval to the Planning Commission and Board of Supervisors; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 25, 2019; and,

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

WHEREAS, the Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Commission hereby recommends **approval** of the proposed ordinance.

## FINDINGS

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

1. The Commission finds that the Ordinance fosters the preservation of a historic structure, ensures the work will not be visible from a primary façade, and will be done in accordance with the Secretary of Interior's Standards.
2. The Commission finds that the Ordinance will help facilitate the rehabilitation and reuse of a historic resource and would increase the public access of the historic building and the New Montgomery-Mission-2nd Street Conservation District as a whole.
3. **General Plan Compliance.** The proposed Ordinance and the Commission is consistent with the following Objectives and Policies of the General Plan:

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 1

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

#### Policy 1.1

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

*The proposed Ordinance will facilitate the establishment of a retail hotel use that provides net benefits in the form of tourism to the city and commercial activity associated with visiting guests to San Francisco. A rooftop lounge and event space will be open to the general public, allowing both local residents and visitors to enjoy the rehabilitated historic building and its amenities. Any potential undesirable consequences may be addressed through existing regulatory controls.*

### OBJECTIVE 2

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

#### Policy 2.1

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

#### Policy 2.3

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

*The proposed Ordinance allows new commercial activity along the Market Street corridor in the form of visiting guests for both work and pleasure, who create activity downtown both during and outside of regular business hours. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it brings more people into the area to work, shop, dine and recreate. The*

*project will preserve and rehabilitate a historic resource identified as a Significant Building, which adds to the cultural environment of the city. This enhances San Francisco as a location for firms.*

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 2

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

#### Policy 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

#### Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

## THE DOWNTOWN PLAN

### OBJECTIVE 12

CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

#### Policy 12.1

Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

#### Policy 12.2

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

*Because of its limited scope and strong review requirements, the proposed Ordinance is consistent with the above Objectives and Policies in the Urban Design Element and the Downtown Plan; it will allow for a change to a Significant Building per Article 11 of the Planning Code, while ensuring the preservation of its historic features and not weakening its original character.*

4. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
  1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

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

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

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

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

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

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The loading area will be on a secondary street with little traffic and hotel guests arriving by car can take advantage of valet service.*

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

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

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

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

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings. The project proposes rehabilitation of the subject property according to both local and national standards.*

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

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



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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 25, 2019.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: April 25, 2019

[Planning Code - New Rooftop Floor Area or Building Volume on Noncomplying Structure Designated as a Significant Building on Assessor's Block Number 3707]

**Ordinance amending the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure that is designated as a Significant Building under Planning Code Article 11 and located on Assessor's Block No. 3707, provided that the rooftop has an existing parapet at least 17 feet in height along the primary building frontage; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this determination.

1 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
5 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board finds that these Planning Code  
7 amendments will serve the public necessity, convenience, and welfare for the reasons set  
8 forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board incorporates such reasons  
9 herein by reference, as though fully set forth herein. A copy of Planning Commission  
10 Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.  
11

12 Section 2. The Planning Code is hereby amended by revising Section 188, to read as  
13 follows:

14 **Section. 188. Noncomplying Structures: Enlargements, Alterations, and**  
15 **Reconstruction.**

16 (a) Within the limitations of this Article 1.7, and especially Sections 172 and 180  
17 hereof, a noncomplying structure as defined in Section 180 may be enlarged, altered or  
18 relocated, or undergo a change or intensification of use in conformity with the use limitations  
19 of this Code, provided that with respect to such structure there is no increase in any  
20 discrepancy, or any new discrepancy, at any level of the structure, between existing  
21 conditions on the lot and the required standards for new construction set forth in this Code,  
22 and provided the remaining requirements of this Code are met.

23 \* \* \* \*

24 (g) Notwithstanding subsection (a) of this Section 188, Terrace Infill, defined as new  
25 floor area or building volume located within an existing terrace ~~that is already framed by no less~~

1 ~~than one wall,~~ may be permitted ~~to be enclosed~~ on a noncomplying structure, as defined in  
2 Planning Code Section 180, that is designated as a Significant Building under Article 11 of this  
3 Code, notwithstanding otherwise applicable height, floor area ratio and bulk limits, ~~where the~~  
4 ~~noncomplying structure is designated as a Significant Building under Article 11 of this Code~~ as follows:  
5 on Assessor's Block 0316, Terrace Infill may be permitted to be enclosed within an existing terrace that  
6 is already framed by no less than one wall; and is located on Assessor's Block 03163707, Terrace  
7 Infill may be permitted within an existing rooftop terrace that is behind a parapet at least 17 feet in  
8 height along the primary building frontage. An application for Terrace Infill shall be considered a  
9 Major Alteration under Section 1111.1 of this Code and shall be subject to the applicable  
10 provisions of Article 11 of this Code, including but not limited to the requirement to apply for  
11 and procure a Permit to Alter. As part of the Historic Preservation Commission's  
12 consideration of such application, in addition to other requirements set forth in this Code, the  
13 facts presented must establish that the Terrace Infill (1) would not be visible from the primary  
14 building frontage, and (2) would not exceed 1,500 net new square feet per building. Unless  
15 the Board of Supervisors adopts an ordinance extending the term of this Subsection 188(g), it  
16 shall expire by operation of law on January 31, 2019~~28~~. After that date, the City Attorney shall  
17 cause this Subsection 188(g) to be removed from the Planning Code.

18  
19 Section 3. Effective Date. This ordinance shall become effective 30 days after  
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
22 of Supervisors overrides the Mayor's veto of the ordinance.

23  
24 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
3 additions, and Board amendment deletions in accordance with the “Note” that appears under  
4 the official title of the ordinance.

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: \_\_\_\_\_  
9 CHRISTOPHER T. TOM  
Deputy City Attorney

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# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: APRIL 25, 2019

1650 Mission St.  
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120-X Height and Bulk District  
*Block/Lot:* 3707/057  
*Project Sponsor:* Todd Chapman, Bespoke Hospitality, LLC  
c/o JMA Ventures, LLC  
460 Bush Street  
San Francisco, CA 94108  
*Property Owner:* The Hearst Corporation  
5 Third Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND A REQUEST FOR EXCEPTION FOR LOADING PER PLANNING CODE SECTION 161(E) AS PART OF A PROJECT THAT WOULD REHABILITATE THE EXISTING 13-STORY BUILDING THROUGH THE CONVERSION OF APPROXIMATELY 119,327 SQUARE FEET OF OFFICE USE TO A 170-ROOM HOTEL, WITH 11,393 SQUARE-FEET OF RETAIL, THE ADDITION OF A ROOF DECK AND EVENT SPACE AND INTERIOR ALTERATIONS LOCATED AT 5 THIRD STREET, LOT 057 IN ASSESSOR'S BLOCK 3707, WITHIN THE C-3-O (DOWNTOWN-OFFICE) ZONING DISTRICT AND A 120-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 18, 2016, Harry O'Brien on behalf of The Hearst Corporation ("Project Sponsor") filed an application with the Planning Department ("Department") for Environmental Review to convert the existing Hearst Building from office and retail use to a mixed-use hotel, containing 118,327 square-feet and 170-room hotel, 5,920 square feet of office space, and 11,393 square feet of retail space.

On June 27, 2017, the Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309 as modified and supplemented on September 6, 2018, with exceptions to the requirements of Off-Street Loading (Section 161(e)) within the C-3-O (Downtown-Office) District.

On June 27, 2017, the Project Sponsor also filed an application with the Department for a Conditional Use Authorization as modified and supplemented on September 6, 2018, under Planning Code Sections 210.2 and 303 to establish tourist hotel use within the C-3-O (Downtown-Office) District and a 120-X Height and Bulk District.



On June 18, 2018, the Project Sponsor filed an application to amend Section 188(g) of the Planning Code.

On August 22, 2018, the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review.

On September 11, 2018, two separate appellants, Rachel Mansfield-Howlett of Provencher & Flatt, LLP, on behalf of Friends of Hearst Building, and Yasin Salma, filed letters appealing the determination to issue a MND. Both appellants provided supplemental appeal letters. The supplemental letter and material from friends of Hearst Building was received November 15, 2018. Accordingly, the Department requested a continuance in order to assess the information and prepare a supplemental response, which the Planning Commission granted.

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

The Final Mitigated Negative Declaration (MND) was issued on March 5, 2019 and is available online at <https://sfplanning.org/environmental-review-documents>. The Planning Department Commission Secretary is the custodian of records, located in File No. 2016-007303ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Department prepared a Mitigated Monitoring and Reporting program (MMRP) which material was made available to the public and this Commission for this Commission's review,

On March 20, 2019, the Historic Preservation Commission conducted a duly noticed public hearing on Permit to Alter Application No. 2016-007303PTA, and voted to approve the Permit to Alter with conditions.

On March 20, 2019, the Historic Preservation Commission conducted a duly noticed public hearing on Planning Code Text Amendment Application No.2016-007303PCA, and voted to recommend approval to the Planning Commission and Board of Supervisors.

On April 25, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2016-007303DNX.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2016-007303DNX 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 and exceptions as requested in Application No. 2016-007303DNX, 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 is a rehabilitation of the existing 13-story 161,108 square-foot building and conversion of approximately 119,237 square feet of office use to a 170-room hotel on the second through twelfth floors of the Project Site. Levels 2 and 3 would include a mix of commercial office space, hotel rooms, and event space. Levels 4 through 12 would be occupied by hotel rooms. Level 4 would have an outdoor terrace event space overlooking Stevenson Street and level 13 would be used as an indoor/outdoor event space and roofdeck. Approximately 5,920 square feet of office use will remain on the second and third floors, with approximately 11,393 square feet of retail space maintained on the basement and ground floors. The historic lobby will be retained and a new passenger loading area and hotel entrance will be created on Stevenson Street. The Project includes a lightwell infill on the seventh and eighth floors not visible from the public right-of-way, as well as interior alterations. While the building envelope will not change on the southern structure (17-29 Third Street), interior alterations would create a two-story lobby entrance that connects to the rest of the Project Site. Portions of the existing penthouse structures on the 13<sup>th</sup> floor of the subject building are proposed to be demolished, with new mechanical and elevator penthouses proposed at a lower height, bringing the building into closer conformity with the existing 120-foot height limit. While no off-street parking is proposed, the Project includes eight Class I and ten Class II bicycle parking spaces. The Project includes a Planning Code Text Amendment of Section 188(g) to allow for the terrace infill creating new floor area above the height limit at this location. The Ordinance would allow for the Terrace Infill at this location providing greater public access to the Hearst Building and the surrounding Montgomery-Mission-Second Street Conservation District as a whole. The Hearst Building is designated as a Significant Building; Category 1 under Article 11.

3. **Site Description and Present Use.** The 161,108 square-foot subject property is located on the southeast corner of Market Street and Third Street on Lot 057 in Assessor's Block 3707. The Project Site is located within the Downtown-Office Zoning District and the 120-X Height and Bulk District. The Site is currently developed with three buildings containing basement and ground floor retail with office use on upper floors. 5 Third Street is developed with a 13-story building, 17-29 Third Street is developed with a 3-story building, and 190 Stevenson Street is developed with an 8-story building. The subject property is an Article 11, Category I Building designed by Kirby, Petit & Green and constructed between 1909 and 1911 to house the offices and printing facilities for William Randolph Hearst's *San Francisco Examiner* newspaper operation.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-O Zoning District in the Downtown Area Plan and the Financial District neighborhood. The property directly abuts the Monadnock Building, an office building, to the east as well as several mixed-use office buildings across Third Street and Market Street. The Project Site is well served by transit; the Montgomery and Powell BART and MUNI stations are within walking distance, with several MUNI bus lines within close proximity on Market and Mission Streets. Other zoning districts in the vicinity of the Project Site include: C-3-R (Downtown-Retail), C-3-O (Downtown-Support), and C-3-O(SD) (Downtown-Office, Special Development) Zoning Districts.
5. **Public Outreach and Comments.** To date, the Department has not received any public correspondence. However, the Department is aware of concerns regarding the partial demolition of the penthouse structure and impacts to the owner of the adjacent parking structure.
6. **Planning Code Compliance.** The Conditional Use Authorization Findings set forth in Motion No. XXXXX, Case No. 2016-0007303CUA (Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303 concurrently considered) apply to this motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as proposed to be amended in the following manner:
  - A. **Use.** Planning Code Section 210.2 states that a Conditional Use Authorization is required for Hotel use, as defined by Planning Code Section 102.

*The Project proposes to establish Hotel use (a Retail-Sales and Service use) on the second through twelfth floors, thus a Conditional Use Authorization is required for the 119,237 gross square feet (gsf), 170-room Hotel proposed at the Site.*
  - B. **Maximum Floor Area Ratio.** Planning Code Section 124 establishes a Floor Area Ratio (FAR) of 9.0 to 1 for properties within the C-3-O Zoning District.

*The Project Site has a lot area of approximately 14,372 square feet. Therefore, up to 129,348 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit. The Project Site's existing GFA is non-complying in the amount of 131,650 resulting in an FAR of 9.16 to 1. As shown in the conceptual*

*plans for the Project, the proposal includes a reduction in GFA to 131,550 square feet, resulting in an FAR of 9.15 to 1. The proposal would therefore include a reduction in the Site's FAR, bringing the property into closer conformity with Planning Code Section 124.*

- C. **Loading.** Planning Code Section 152.1 establishes off-street loading requirements in C-3 Zoning Districts for Hotel Uses.

*The GFA of the Project is approximately 119,237 sf of Hotel use and would require one full-sized loading space that the project does not provide. The Project is seeking a 309 exception to Section 152.1.*

- D. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking for Hotel uses in the following amounts: one Class I space for every 30 rooms, and one Class II space for every 30 rooms, and one Class II space for every 5,000 square feet of Occupied Floor Area of conference, meeting, or function rooms (minimum of 2 spaces required).

*The Project proposes 170 rooms and approximately 3,858 sf of meeting and function rooms. This requires 6 Class I bicycle parking spaces, and seven Class II bicycle parking spaces. The Project proposes eight Class I and ten Class II bicycle parking spaces.*

- E. **Noncomplying Structures: Enlargements, Alterations, and Reconstruction.** Planning Code Section 188 states that a noncomplying structure may be enlarged, altered, or relocated, or undergo a change of intensification of use, provided that there is no increase in any discrepancy, or any new discrepancy, at any level of the structure.

*The Project Site is located within a 120-X Height and Bulk District and thus noncomplying in height. The Project proposes to add new floor area and building volume at the rooftop to accommodate its new event space. To do so, the Project is seeking a Planning Code Text Amendment to Section 188(g) as permitted by the ordinance proposed under Case No. 2016-007303PCA.*

- F. **Street Frontage in Commercial Districts.** Section 145.1 exists to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in commercial districts. Active uses, as defined by the Code, are required within the first 25 feet of the building depth at ground floor, and the ground floor ceiling height must be at least 14 feet in height, as measured from grade.

*The ground floor space along Market Street and Third Street have active uses, with direct access to the sidewalk within the first 25 feet of building depth and an existing ground floor ceiling height of approximately 18 feet, and is thus compliant with this Code Section. 17-29 Third Street is existing and noncomplying with respect to ground-floor ceiling height but the Project does not increase the intensity of its noncompliance.*

- G. **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 13 points.

*The Project submitted a completed Environmental Evaluation Application after September 4, 2016 but before January 1, 2018. Therefore, the Project must only achieve 75% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will exceed its required target of 10 points through the following TDM measures, resulting in 11 points:*

- Parking Supply – PKG 4
- Bicycle Parking (Option A)

- H. **Height.** The Project Site is located within a 120-X Height and Bulk District.

*The Project Site currently measures approximately 194 feet in height (excluding exemptions from height per Planning Code Section 260). The Project includes rooftop alterations and demolition of portions of the existing penthouse that would reduce the height to approximately 186 feet, bringing it in closer conformity to the height limit of the Project Site.*

- I. **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.

*Following completion of the preliminary shadow fan analysis prepared by the Planning Department, the Project did not result in any shadow to properties under the jurisdiction of the Recreation and Park Department. As such, the Project is consistent with the provisions of Section 295 of the Planning Code.*

7. **Downtown Project Authorization Exceptions.** Planning Code Section 309 allows exceptions for Large Projects in the Downtown Districts:

- A. **Section 151.2: Off-Street Loading Requirements.** The Project requires an exception to the freight loading requirement because the proposed building would not include Code-compliant freight loading spaces. Section 152.1 establishes off-street freight loading requirements in the C-3 Districts. Additionally, Section 155 establishes general standards for the location and arrangement of off-street loading spaces. For the proposed 119,237 square feet of Hotel use, one loading space would be required.

Under Section 309 of the Code, a waiver or reduction of the freight loading requirements may be granted subject to consideration of the following criteria from Code Section 161(e).

- 1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

*The Site has frontage on Third, Market, and Stevenson Streets. Both Market and Third Street are Transit Preferential Streets and freight loading access is prohibited on these streets. Freight loading would also interfere with pedestrian traffic on the sidewalk. Similarly, Stevenson Street is not appropriate for a freight dock or ramp as it is 24.5' wide. Its narrow width precludes maneuvering a full-sized truck on the site. No surface or subsurface parking is proposed, and a loading dock would be difficult to accommodate on the ground floor without constraining other uses, including the lobby and retail spaces. Similarly, the substitution of two service vehicle spaces would require multiple freight loading doors, making it difficult to maintain the ground floor transparency requirements and deadening the streetscape.*

- 2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

*As discussed above, the ground floor is constrained by the hotel lobby and retail space. Freight loading spaces would eliminate these more publicly oriented uses.*

- 3) A jointly-used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided;

*There are no possibilities for a jointly-used freight loading facility.*

- 4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building.

*The Project will reconfigure a portion of the secondary façade on Stevenson Street to accommodate on-street loading spaces adjacent to the site. There is curbside metered parking on Stevenson Street with several reserved commercial loading spaces.*

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

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies



**OBJECTIVE 1:**

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

**Policy 1.1**

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

**Policy 1.2**

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

**Policy 1.3**

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

*The Project would add 170 tourist hotel guest rooms intended to serve visitors and business travelers of San Francisco, and as a result would create new jobs in a location that is easily accessible via transit. The Project would result in increased tax revenue for the City – including Hotel Room Tax (Transient Occupancy Tax or TOT) revenue for San Francisco’s General Fund – and an increase in retail activity in the immediate neighborhood. A tourist hotel is permitted with a Conditional Use Authorization and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1**

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

*Due to the Project Site’s proximity to the Moscone Center and Union Square, the Project is anticipated to easily attract hotel patrons. The Project Site is also centrally located, close to many jobs and services, as well as public transit.*

**OBJECTIVE 8:**

ENHANCE SAN FRANCISCO’S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

**Policy 8.1**

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

**Policy 8.3**

Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.

*The Project locates a new 30-room tourist hotel in a location that is geographically in close proximity to the attractions, conventions, entertainment, public transit, retail and food services frequented by tourists and business travelers.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 2:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, 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 2.1**

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.

*The Project creates a new hotel use within a transit-rich area and within close proximity to downtown where jobs, offices, and tourist amenities are concentrated. By not including parking, the Project encourages the use of public transit as an alternative to automobiles.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 3:**

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

**Policy 3.2**

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

**Policy 3.5**

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

**Policy 3.6**

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

*The Project Site is located within the New Montgomery-Mission-2<sup>nd</sup> St Conservation District. The surrounding area has a defined architectural character with the vast majority of the buildings having been erected in the post-1906 reconstruction of downtown San Francisco. The buildings themselves are Category I Significant Buildings. The Project supports the Urban Design Element in that it adaptively reuses the buildings for a use that is consistent with elements of the General Plan, while maintaining its historic integrity and seismically upgrading the building to current Building Code standards. The Project brings the building into closer conformity with the height district, while providing the public greater access to the historic building.*

**OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

**Policy 4.11**

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is difficult to assemble.

**Policy 4.13**

Improve pedestrian areas by providing human scale and interest.

*The Project will include streetscape improvements including the installation of ten Class II bicycle parking spaces and seven new street trees. The building's base has already been detailed to provide an appropriate scale for pedestrians, and the Project would add an important aspect of activity by virtue of its newly publicly accessible areas along Stevenson Street and Third Street for its hotel lobby. These improvements would allow for greater interaction with the historic property and greater streetscape improvements through the well-designed ground floor treatments without the need for a curb cut for off-street parking.*

**DOWNTOWN AREA PLAN**

**OBJECTIVE 4:**

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

**Policy 4.1**

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

*The Project proposes a hotel in close proximity to an area frequented by business and tourist travelers. The Moscone Center and Yerba Buena Center are in walking distance as is numerous other tourist destinations such Union Square. Given its ease of access to several MUNI lines and the BART, there will be minimal impact on circulation.*

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 existing neighborhood-serving retail will be enhanced through the establishment of a new Hotel Use (Retail Sales and Service Use) in an existing office building. Ground floor retail will be maintained while the hotel provides opportunities for resident employment in the hotel.*

- 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 is located in the New Montgomery-Mission-2<sup>nd</sup> Street Conservation District and proposes alterations consistent with the Secretary of the Interior's Standards for Rehabilitation as outlined in the accompanying Major Permit to Alter. In maintaining the historic integrity of the Hearst building while adaptatively reusing the space, the Project ensures that the neighborhood character is preserved and enhanced by providing the public greater access to its historic lobby and rooftop retail space. The neighborhood is close to Union Square and reflects the area's mixture of restaurants, bars, hotels, and ground floor commercial uses. The Project retains the prevailing neighborhood character by ensuring rooftop alterations are fully screened behind the existing parapet and retains storefront design elements consistent with the historic district.*

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

*The Project does not currently possess any existing affordable housing.*

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

*The Project Site is served by nearby public transportation options. The Project is located along several Muni bus lines, and is within walking distance of the BART Station at Montgomery and 2<sup>nd</sup> Street.*

*Future patrons would be afforded proximity to numerous public transportation options. The Project also provides sufficient bicycle parking for guests in the form of Class I and Class II bicycle parking spaces.*

- 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 proposes the establishment of 119,237 square feet of hotel use (retail sales and service) from office use. The existing Project Site does not include any industrial sectors; Industrial use is generally not permitted in the C-3-O Zoning District.*

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

*The Project includes seismic upgrades and proposes to comply with present day seismic and life-safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*The Hearst Building is a significant historic building within the New Montgomery-Mission-2<sup>nd</sup> Street Conservation District. Its historic integrity will be maintained in the establishment of the hotel use.*

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

*The Project will not cast any net new shadows on Union Square, the only Recreation and Park Department property or substantial open space in the area. No other significant public or private open spaces – including those not protected by Section 295 would be affected by shadows created by the current Project and therefore complies with Section 147.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2015-007303DNX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 31, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP 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 April 25, 2019.

Jonas P. Ionin  
Commission Secretary



AYES:

NAYS:

ABSENT:

ADOPTED: April 25, 2019

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Downtown Project Authorization and a Request for Exception related to the establishment of a Hotel use located at 5 Third Street, Block 3707, and Lot 057, pursuant to Planning Code Section(s) **309** and **161(e)** within the **C-3-O** District and a **120-X** Height and Bulk District; in general conformance with plans, dated **January 31, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-007303DNX** and subject to conditions of approval reviewed and approved by the Commission on **April 25, 2019** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditional Use Authorization Findings set forth in Motion No. **XXXXX**, Case No. 2016-007303CUA (Downtown Project Authorization, pursuant to Planning Code Section 303) apply to this Motion and are incorporated herein as though fully set forth.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 25, 2019** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](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 Sponsor must obtain Project authorization under Sections 210.2 and 303 to establish hotel use, along with an associated change to Planning Code Section 188(g) to allow for terrace infill on an existing noncomplying structure at this location, 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. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

## DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

10. **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)*
11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **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)*
14. **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 if applicable as determined by the project planner. 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

15. **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).*

16. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than **six** Class 1 and **seven** Class 2 bicycle parking 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)*

17. **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

18. **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)*

## MONITORING - AFTER ENTITLEMENT

19. **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)*

20. **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)*

21. **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

22. **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>.*



23. **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>*

24. **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)*

25. **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)*



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: APRIL 25, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2016-007303PCA/DNX/CUA  
*Project Address:* 5 Third Street  
*Zoning:* C-3-O (Downtown-Office) Zoning District  
120-X Height and Bulk District  
*Block/Lot:* 3707/057  
*Project Sponsor:* Caroline Chase Guibert  
Coblentz, Patch, Duffy & Bass  
1 Montgomery Street  
San Francisco, CA 94104  
*Property Owner:* The Hearst Corporation  
5 Third Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94103  
*Staff Contact:* Seema Adina – (415) 575-8722  
[seema.adina@sfgov.org](mailto:seema.adina@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303, TO ESTABLISH HOTEL USE AS PART OF A PROJECT THAT WOULD REHABILITATE THE EXISTING 13-STORY BUILDING THROUGH THE CONVERSION OF APPROXIMATELY 119,327 SQUARE FEET OF OFFICE USE TO A 170-ROOM HOTEL, WITH 11,393 SQUARE-FEET OF RETAIL, THE ADDITION OF A ROOF DECK AND EVENT SPACE AND INTERIOR ALTERATIONS LOCATED AT 5 THIRD STREET, LOT 057 IN ASSESSOR'S BLOCK 3707, WITHIN THE C-3-O (DOWNTOWN-OFFICE) ZONING DISTRICT AND A 120-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 18, 2016, Harry O'Brien on behalf of The Hearst Corporation ("Project Sponsor") filed an application with the Planning Department ("Department") for Environmental Review to convert the existing Hearst Building from office and retail use to a mixed-use hotel, containing 118,327 square-feet and 170-room hotel, 5,920 square feet of office space, and 11,393 square feet of retail space.

On June 27, 2017, the Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309 as modified and supplemented on September 6, 2018, with exceptions to the requirements of Off-Street Loading (Section 161) within the C-3-O (Downtown-Office) District.

On June 27, 2017, the Project Sponsor also filed an application with the Department for a Conditional Use Authorization as modified and supplemented on September 6, 2018, under Planning Code Sections 210.2 and 303 to establish tourist hotel use within the C-3-O (Downtown-Office) District and a 120-X Height and Bulk District.

On June 18, 2018, the Project Sponsor filed an application to amend Section 188(g) of the Planning Code.

On August 22, 2018, the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review.

On September 11, 2018, two separate appellants, Rachel Mansfield-Howlett of Provencher & Flatt, LLP, on behalf of Friends of Hearst Building, and Yasin Salma, filed letters appealing the determination to issue a MND. Both appellants provided supplemental appeal letters. The supplemental letter and material from friends of Hearst Building was received November 15, 2018. Accordingly, the Department requested a continuance in order to assess the information and prepare a supplemental response, which the Planning Commission granted.

On February 14, 2019, the Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.)(CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

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

The Final Mitigated Negative Declaration (MND) was issued on March 5, 2019 and is available online at <https://sfplanning.org/environmental-review-documents>. The Planning Department Commission Secretary is the custodian of records, located in File No. 2016-007303ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Department prepared a Mitigated Monitoring and Reporting program (MMRP) which material was made available to the public and this Commission for this Commission's review,

On March 20, 2019, the Historic Preservation Commission conducted a duly noticed public hearing on Permit to Alter Application No. 2016-007303PTA, and voted to approve the Permit to Alter with conditions.

On March 20, 2019, the Historic Preservation Commission conducted a duly noticed public hearing on Planning Code Text Amendment Application No.2016-007303PCA, and voted to recommend approval to the Planning Commission and Board of Supervisors.

On April 25, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2016-007303CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2016-007303CUA 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 requested in Application No. 2016-007303CUA, 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 is a rehabilitation of the existing 13-story 161,108 square-foot building and conversion of approximately 119,237 square feet of office use to a 170-room hotel on the second through twelfth floors of the Project Site. Levels 2 and 3 would include a mix of commercial office space, hotel rooms, and event space. Levels 4 through 12 would be occupied by hotel rooms. Level 4 would have an outdoor terrace event space overlooking Stevenson Street and level 13 would be used as an indoor/outdoor event space and roofdeck. Approximately 5,920 square feet of office use will remain on the second and third floors, with approximately 11,393 square feet of retail space maintained on the basement and ground floors. The historic lobby will be retained and a new passenger loading area and hotel entrance will be created on Stevenson Street. The Project includes a lightwell infill on the seventh and eighth floors not visible from the public right-of-way, as well as interior alterations. While the building envelope will not change on the southern structure (17-29 Third Street), interior alterations would create a two-story lobby entrance that connects to the rest of the Project Site. Portions of the existing penthouse structures on the 13<sup>th</sup> floor of the subject building are proposed to be demolished, with new mechanical and elevator penthouses proposed at a lower height, bringing the building into closer conformity with the existing 120-foot height limit. While no off-street parking is proposed, the Project includes eight Class I and ten Class II bicycle parking spaces. The Project includes a Planning Code Text Amendment of Section 188(g) to allow for the terrace infill creating new floor area above the height limit at this location. The Ordinance would allow for the Terrace Infill at this location providing greater public access to the Hearst Building and the surrounding Montgomery-Mission-Second Street Conservation District as a whole. The Hearst Building is designated as a Significant Building: Category 1 under Article 11.

3. **Site Description and Present Use.** The 161,108 square-foot subject property is located on the southeast corner of Market Street and Third Street on Lot 057 in Assessor's Block 3707. The Project Site is located within the Downtown-Office Zoning District and the 120-X Height and Bulk District. The Site is currently developed with three buildings containing basement and ground floor retail with office use on upper floors. 5 Third Street is developed with a 13-story building, 17-29 Third Street is developed with a 3-story building, and 190 Stevenson Street is developed with an 8-story building. The subject property is an Article 11, Category I Building designed by Kirby, Petit & Green and constructed between 1909 and 1911 to house the offices and printing facilities for William Randolph Hearst's *San Francisco Examiner* newspaper operation.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-O Zoning District in the Downtown Area Plan and the Financial District neighborhood. The property directly abuts the Monadnock Building, an office building, to the east as well as several mixed-use office buildings across Third Street and Market Street. The Project Site is well served by transit; the Montgomery and Powell BART and MUNI stations are within walking distance, with several MUNI bus lines within close proximity on Market and Mission Streets. Other zoning districts in the vicinity of the Project Site include: C-3-R (Downtown-Retail), C-3-O (Downtown-Support), and C-3-O(SD) (Downtown-Office, Special Development) Zoning Districts.
5. **Public Outreach and Comments.** To date, the Department has not received any public correspondence. However, the Department is aware of concerns regarding the partial demolition of the penthouse structure and impacts to the owner of the adjacent parking structure.
6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2016-007303DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as fully set forth.
7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project is a change of use from office to a 170-room, 119,237 square foot hotel use and would provide hotel supply in and around the Yerba Buena/Moscone Center, consistent with the goals of the City's Large Tourist Hotel Conversion Ordinance. The Project would also preserve the historic architecture of the Hearst Building through its adaptive reuse, including seismic upgrades, which would reinforce its*

*location in the Conservation District. The Project would convert an underutilized site into a vibrant and unique hotel, within walking distance of public transit, commerce, and services. It is anticipated that the new users (hotel patrons) will support the nearby neighborhood-serving retail uses, further adding pedestrian-oriented activity to the immediate neighborhood.*

- 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 Project includes a proposed roof deck and event space, as well as other rooftop improvements on the 13<sup>th</sup> floor of the Site. The proposed reconfigured usable rooftop amenities would be screened by the existing tall parapets and would not be visible from the primary building frontage. While new mechanical space, exempt for usable space per Planning Code Section 188(d), would be visible from the primary frontage, it is proposed to be lower than the highest point of the existing building.*

- (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 off-street parking for the Project. The high-density development and commercial uses that characterize the neighborhood may encourage patrons to find alternatives to the use of private automobile, such as bicycles, public transportations, and taxis or ridesharing. The Project will generate less demand for private automobile use because the Site is situated within a transit-rich area within walking distance to both the Montgomery Street and Powell Street BART and MUNI stations, and several MUNI bus stations along Market and Mission Streets.*

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

*The Project does not provide for off-street parking and therefore is not expected to produce noxious or offensive emissions, noise, glare, dust, or odors associated with vehicles parking on-site. Garbage and recycling facilities will remain inside the building and be contained within the ground level with a single access point.*

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

*While the Project does not propose off-street parking or loading, the Project includes a hotel pick-up drop-off area at the hotel entrance on Stevenson Street, which would also be available for loading activities on Stevenson Street during prescribed hours. The Project does not trigger open space, but*

*the proposed roof deck and event space would be available to hotel guests and retail patrons and would not be visible from the primary building frontage. The Project proposes to add seven new street trees, enhancing the pedestrian streetscape at this location. The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 of Exhibit A.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. The Project is seeking a Planning Code Text Amendment to Planning Code Section 188(g) to allow for the replacement and upgrade of existing noncomplying rooftop structures, including the proposed rooftop bar and event spaces.*

8. **Hotels and Motels** In addition to the criteria of Section 303(g) of this Code, the Commission shall consider the extent to which the following criteria are met:

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

*According to the Final Mitigated Negative Declaration, the change of use from office to hotel would generate an estimated 186 employees, whereas the current office use accommodates approximately 326 employees, thus resulting in a possible population decrease. However, the proposed project could contribute to the anticipated population growth in both the neighborhood and citywide context through associated commercial activity from additional visitors. Any potential project-related population increases would be less than significant in relation to the existing number of residents and employees in the project vicinity and to the expected increases in the residential and employment populations in San Francisco. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal.*

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

*The Project Sponsor will participate in San Francisco's First Source hiring program. This means the Project's construction contractors will consider referrals from San Francisco's workforce development system as applicants to fill entry-level job openings.*

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

*According to an April 5, 2019 market demand analysis prepared by Commercial Real Estate Services (CBRE), the San Francisco Bay Area is the strongest lodging market in the United States with*

*occupancy rates ranging between 84.4% and 88.5%. According to the report's findings, the addition of the hotel will not have any material impact on the overall market's performance; in fact, the City of San Francisco is vastly underserved with regards to hotel supply and generates a significant amount of unsatisfied demand that is displaced to other markets throughout the Bay Area. Additionally, the report anticipates that the project would achieve a stabilized occupancy of 84 percent by 2024, in line with levels projected for the competitive market. With this occupancy, the Hotel will be operating at functional capacity level year-round.*

9. **General Plan Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2016-007303DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth.
10. **Planning Code Section 101.1(b)** The Planning Code Priority Policy Findings set forth in Motion No. XXXXX, Case No 2016-007303DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth.
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 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. 2016-007303CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 31, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 25, 2019.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 25, 2019

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to establish a Hotel use located at 5 Third Street, Block 3707, and 057, pursuant to Planning Code Section(s) **210.2** and **303** within the **C-3-O** District and a **120-X** Height and Bulk District; in general conformance with plans, dated **January 31, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-007303CUA** and subject to conditions of approval reviewed and approved by the Commission on **April 25, 2019** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Planning Code Compliance Findings set forth in Motion No. **XXXXXX**, Case No. 2016-007303DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion and are incorporated herein as though fully set forth.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 25, 2019** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](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 Sponsor must obtain Project authorization under Sections 309, along with an associated change to Planning Code Section 188(g) to allow for terrace infill on an existing noncomplying structure at this location, 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. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

## DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

10. **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)*
11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **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)*
14. **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 if applicable as determined by the project planner. 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

15. **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).*

16. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than **six** Class 1 and **seven** Class 2 bicycle parking 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)*

17. **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

18. **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)*

## MONITORING - AFTER ENTITLEMENT

19. **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)*

20. **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)*

21. **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

22. **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>.*

23. **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>*

24. **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)*

25. **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.

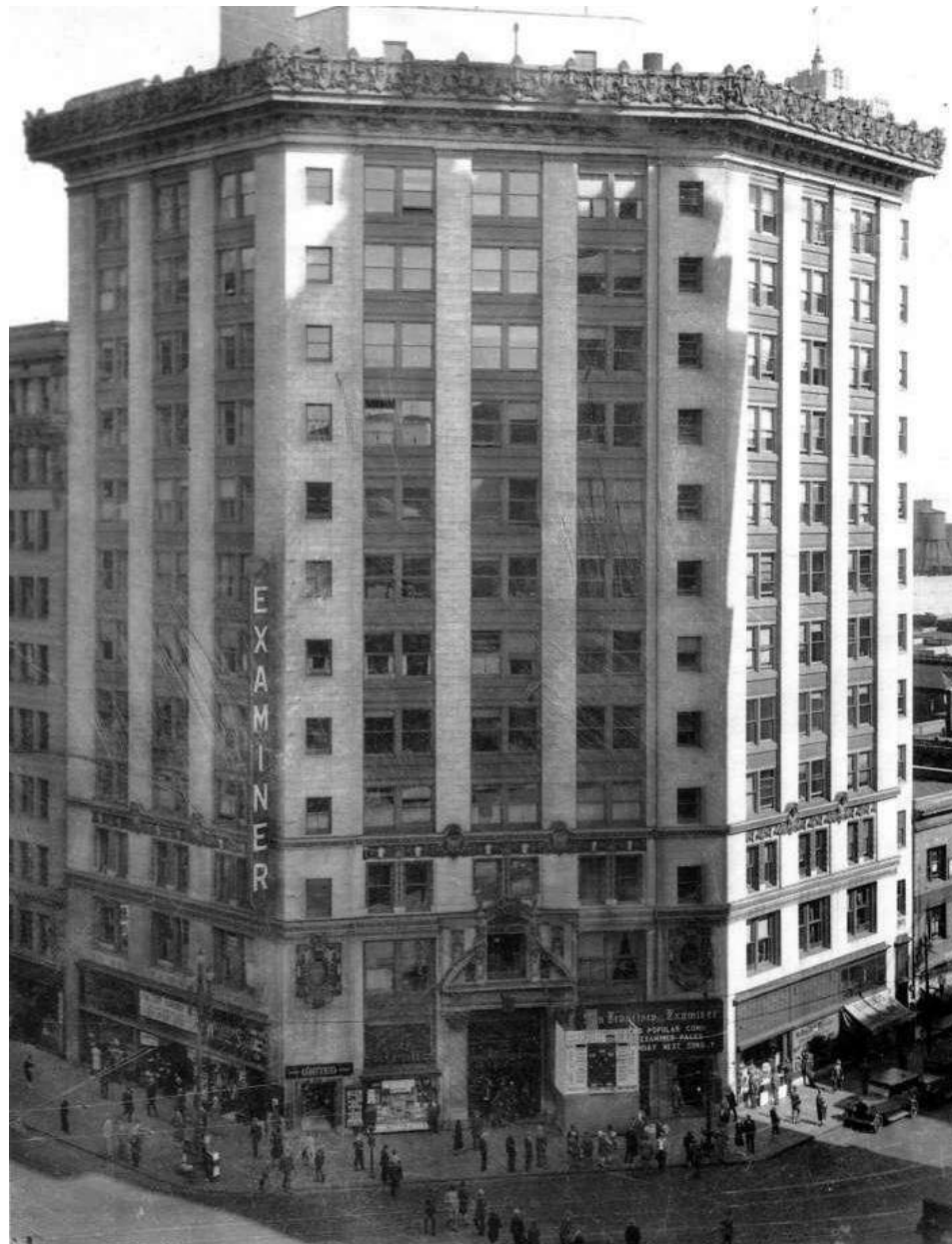
*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

# EXHIBIT B:

## PLANS AND RENDERINGS

# HEARST HOTEL

*SAN FRANCISCO*



**FORGE**

**LPA**

**BESPOKE  
HOSPITALITY**

**HEARST HOTEL**  
*SAN FRANCISCO*

01/31/18  
**A.0**



FLOOR AREA RATIO CALCULATIONS

| Hearst Hotel   Floor Area Ratio Calculations |                 |              |                       |              | 1/31/2018   |
|--|-----------------|--------------|-----------------------|--------------|---|
| PROPOSED: WITHOUT VERTICAL ADDITION          |                 |              |                       |              |   |
| Floor  | Gross Bldg Area | Included     | F.A.R. Areas Excluded | Total        | NOTES:  |
| SB   | 15,368 s.f.     | 1,601 s.f.   | 13,767 s.f.           | 15,368 s.f.  |   |
| 8  | 18,532 s.f.     | 15,692 s.f.  | 2,840 s.f.            | 18,532 s.f.  |   |
| 1  | 14,013 s.f.     | 4,861 s.f.   | 9,152 s.f.            | 14,013 s.f.  | 1039 infill at former boiler room                     |
| 2  | 11,536 s.f.     | 11,440 s.f.  | 96 s.f.               | 11,536 s.f.  | -715 postion of floor demolished in 17-29 3rd St Bldg |
| 3  | 12,251 s.f.     | 11,900 s.f.  | 351 s.f.              | 12,251 s.f.  | -322 Hearst Office stair                              |
| 4  | 9,880 s.f.      | 9,784 s.f.   | 96 s.f.               | 9,880 s.f.   |   |
| 5  | 9,880 s.f.      | 9,784 s.f.   | 96 s.f.               | 9,880 s.f.   |   |
| 6  | 9,880 s.f.      | 9,784 s.f.   | 96 s.f.               | 9,880 s.f.   |   |
| 7  | 9,880 s.f.      | 9,772 s.f.   | 96 s.f.               | 9,880 s.f.   | 320 infill at Stevenson Wing                          |
| 8  | 9,880 s.f.      | 9,772 s.f.   | 96 s.f.               | 9,880 s.f.   | 320 infill at Stevenson Wing                          |
| 9  | 8,126 s.f.      | 8,030 s.f.   | 96 s.f.               | 8,126 s.f.   |   |
| 10   | 8,126 s.f.      | 8,030 s.f.   | 96 s.f.               | 8,126 s.f.   |   |
| 11   | 8,126 s.f.      | 8,030 s.f.   | 96 s.f.               | 8,126 s.f.   |   |
| 12   | 8,126 s.f.      | 8,030 s.f.   | 96 s.f.               | 8,126 s.f.   |   |
| 13   | 8,468 s.f.      | 5,040 s.f.   | 3,428 s.f.            | 8,468 s.f.   | Event space + restrooms + kitchen + mechanical room   |
| TOTALS                                       | 162,072 s.f.    | 131,550 s.f. | 30,498 s.f.           | 162,072 s.f. |   |

FAR CALCULATION (w/out Vert. Add.)

|                  |              |
|------------------|--------------|
| Incl. Floor Area | 131,550 s.f. |
| Site Area        | 14,373 s.f.  |
| Proposed F.A.R.  | 9.15         |

EXISTING

| Floor  | Gross Bldg Area | Included     | F.A.R. Areas Excluded | Total        | NOTES:                                     |
|--------|-----------------|--------------|-----------------------|--------------|--|
| SB     | 15,368 s.f.     | 586 s.f.     | 14,841 s.f.           | 15,368 s.f.  |  |
| 8      | 17,493 s.f.     | 17,229 s.f.  | 1,999 s.f.            | 17,493 s.f.  |  |
| 1      | 14,013 s.f.     | 2,676 s.f.   | 11,337 s.f.           | 14,013 s.f.  |  |
| 2      | 12,251 s.f.     | 12,222 s.f.  | 29 s.f.               | 12,251 s.f.  |  |
| 3      | 12,251 s.f.     | 12,222 s.f.  | 29 s.f.               | 12,251 s.f.  |  |
| 4      | 9,880 s.f.      | 9,851 s.f.   | 29 s.f.               | 9,880 s.f.   |  |
| 5      | 9,880 s.f.      | 9,851 s.f.   | 29 s.f.               | 9,880 s.f.   |  |
| 6      | 9,880 s.f.      | 9,851 s.f.   | 29 s.f.               | 9,880 s.f.   |  |
| 7      | 9,560 s.f.      | 9,531 s.f.   | 29 s.f.               | 9,560 s.f.   |  |
| 8      | 9,560 s.f.      | 9,531 s.f.   | 29 s.f.               | 9,560 s.f.   |  |
| 9      | 8,126 s.f.      | 8,097 s.f.   | 29 s.f.               | 8,126 s.f.   |  |
| 10     | 8,126 s.f.      | 8,097 s.f.   | 29 s.f.               | 8,126 s.f.   |  |
| 11     | 8,126 s.f.      | 8,097 s.f.   | 29 s.f.               | 8,126 s.f.   |  |
| 12     | 8,126 s.f.      | 8,097 s.f.   | 29 s.f.               | 8,126 s.f.   |  |
| 13     | 8,468 s.f.      | 5,712 s.f.   | 2,756 s.f.            | 8,468 s.f.   | bocce court + confrence space/office wings |
| TOTALS | 161,108 s.f.    | 131,650 s.f. | 31,252 s.f.           | 161,108 s.f. |  |

FAR CALCULATION

|                  |              |
|------------------|--------------|
| Incl. Floor Area | 131,650 s.f. |
| Site Area        | 14,373 s.f.  |
| Existing F.A.R.  | 9.16         |

VICINITY MAP



PROJECT DESCRIPTION

THE HEARST BUILDING IS A LANDMARK HISTORIC STRUCTURE THAT WAS CONSTRUCTED IN THE AFTERMATH OF THE 1906 EARTHQUAKE AND FIRE, TO HOUSE THE HEARST CORPORATION'S NEWSPAPER OPERATIONS FOR THE SAN FRANCISCO EXAMINER. THE BUILDING CURRENTLY HOUSES OFFICES (USES ON THE UPPER FLOORS (2ND THRU 12TH FLOORS), RETAIL USES ON THE GROUND FLOOR, AND A BAR/ NIGHTCLUB (LOCAL EDITION) IN THE BASEMENT. THE BALANCE OF THE BASEMENT AND SUB-BASEMENT IS CURRENTLY DEDICATED TO BUILDING OPERATIONS, STORAGE, AND MAINTENANCE FACILITIES.

THIS PROJECT ENVISIONS THE REPLACEMENT OF ALL EXISTING USES WITH A NEW HOTEL, INCLUSIVE OF GUEST ROOMS AND AMENITIES, INCLUDING: RESTAURANT/ BAR AT GROUND FLOOR (SEPARATE TENANT SPACE), LOBBY, RETAIL SHOP, FITNESS CENTER, EVENT/ MEETING SPACE(S), AND A ROOFTOP LOUNGE/ RESTAURANT BAR. ADDITIONALLY, THIS CHANGE OF USE WILL NECESSITATE UPGRADES TO COMPLY WITH CODE REQUIREMENTS, INCLUDING: SEISMIC SYSTEM, MECHANICAL, ELECTRICAL, PLUMBING AND VERTICAL TRANSPORTATION.

PROJECT INFORMATION

ADDRESS:  
5 THIRD STREET  
SAN FRANCISCO, CALIFORNIA 94103

CONSTRUCTION: 1911 / KIRBY PETT & GREEN ARCHITECTS  
REMODELED: 1937 / JULIA MORGAN

| EXISTING   | PROPOSED   |
|--|--|
| USE: OFFICE/RETAIL                                       | HOTEL + OFFICE                                   |
| AREA*: HEARST BLDG.: 137410 SF<br>17-29 3RD ST.: 9819 SF | HEARST BLDG.: 142,818<br>17-29 3RD ST.: 9,130 SF |
| HEIGHT: 12 + PENTHOUSE                                   | 12 + PENTHOUSE                                   |

\* GROSS BUILDING AREA PER BUILDING CODE. SEE TABLE (LEFT) FOR PLANNING CODE TABULATION

SHEET INDEX

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|-----------------------------------|--|--|
| A.0 COVER                         | A.28 FIRST FLOOR REFLECTED CEILING PLAN                  | E0.00 LEGEND, ABBREVIATIONS AND DRAWING LIST |
| A.1 PROJECT INFORMATION           | A.29 SINGLE UNIT INTERIOR ELEVATIONS                     | E0.01 ELECTRICAL SCHEDULES                   |
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| A.2b CONTEXT ELEVATIONS           | A.31 7TH FLOOR INTERIOR ELEVATIONS                       | E2.01 ELECTRICAL LEVEL 1 PLAN                |
| A.3 SITE SURVEY                   | A.32 8TH FLOOR INTERIOR ELEVATIONS                       | E2.05 ELECTRICAL LEVEL 2-12 PLAN             |
| A.4 SITE PLAN                     | A.33 9TH FLOOR INTERIOR ELEVATIONS                       | E2.13 ELECTRICAL LEVEL 13 PLAN               |
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| A.7a FIRST FLOOR DEMO             |  |  |
| A.7b FIRST FLOOR                  |  |  |
| A.8a SECOND FLOOR DEMO            |  |  |
| A.8b SECOND FLOOR                 |  |  |
| A.9a THIRD FLOOR DEMO             |  |  |
| A.9b THIRD FLOOR                  | M0.01 MECHANICAL LEGEND, ABBREVIATIONS, AND DRAWING LIST |  |
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| A.10b FOURTH FLOOR                | M2.0B2 MECHANICAL SUB-BASEMENT PLAN                      |  |
| A.11a FIFTH - SIXTH FLOOR DEMO    | M2.0B1 MECHANICAL BASEMENT PLAN                          |  |
| A.11b SEVENTH - EIGHTH FLOOR DEMO | M2.01 MECHANICAL LEVEL 1 PLAN                            |  |
| A.11c FIFTH - EIGHTH FLOOR        | M2.13 MECHANICAL ROOF PLAN                               |  |
| A.12a NINTH - TWELVTH FLOOR DEMO  | M2.14 MECHANICAL UPPER ROOF PLAN                         |  |
| A.12b NINTH - TWELVTH FLOOR       | M4.01 MECHANICAL AIR RISER DIAGRAM                       |  |
| A.13a THIRTEENTH FLOOR DEMO       | M4.02 MECHANICAL VRF RISER DIAGRAM                       |  |
| A.13b THIRTEENTH FLOOR            | M6.01 MECHANICAL DETAILS                                 |  |
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| A.15 MARKET ST. ELEVATIONS        |  |  |
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| A.18 STEVENSON ST. ELEVATIONS     | P2.0B2 PLUMBING SUB-BASEMENT PLAN                        |  |
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| A.21 BUILDING SECTIONS            | P4.01 DOMESTIC WATER RISER DIAGRAM                       |  |
| A.22 BUILDING DESIGN              | P4.02 SANITARY AND VENT RISER DIAGRAM                    |  |
| A.23 BUILDING DESIGN              | P4.06 FIRE PROTECTION RISER DIAGRAM                      |  |
| A.24 BUILDING DESIGN              |  |  |
| A.25 BUILDING DESIGN              |  |  |
| A.26 PROPOSED DESIGN PHOTOS       |  |  |
| A.27 PROPOSED DESIGN PHOTOS       |  |  |

FORGE

LPA

BESPOKE  
HOSPITALITY

# HEARST HOTEL SAN FRANCISCO

01/31/18

A.1





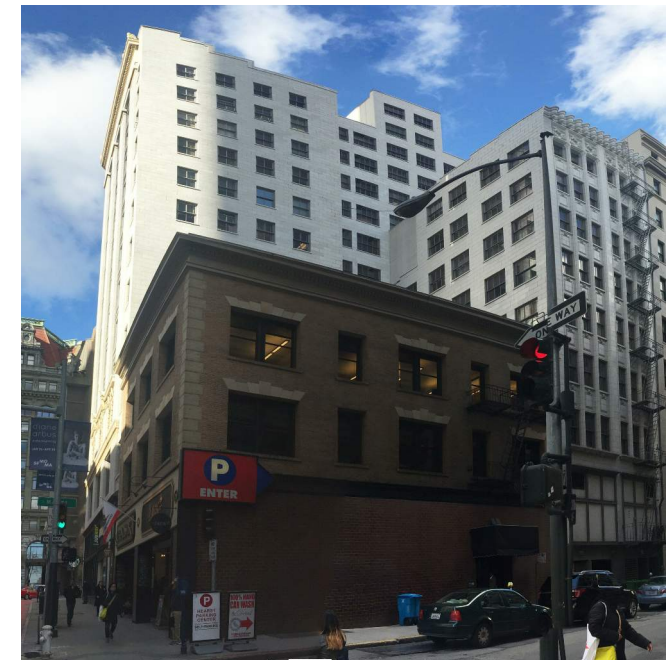
1 MARKET STREET ELEVATION PHOTO  
12" = 1'-0"



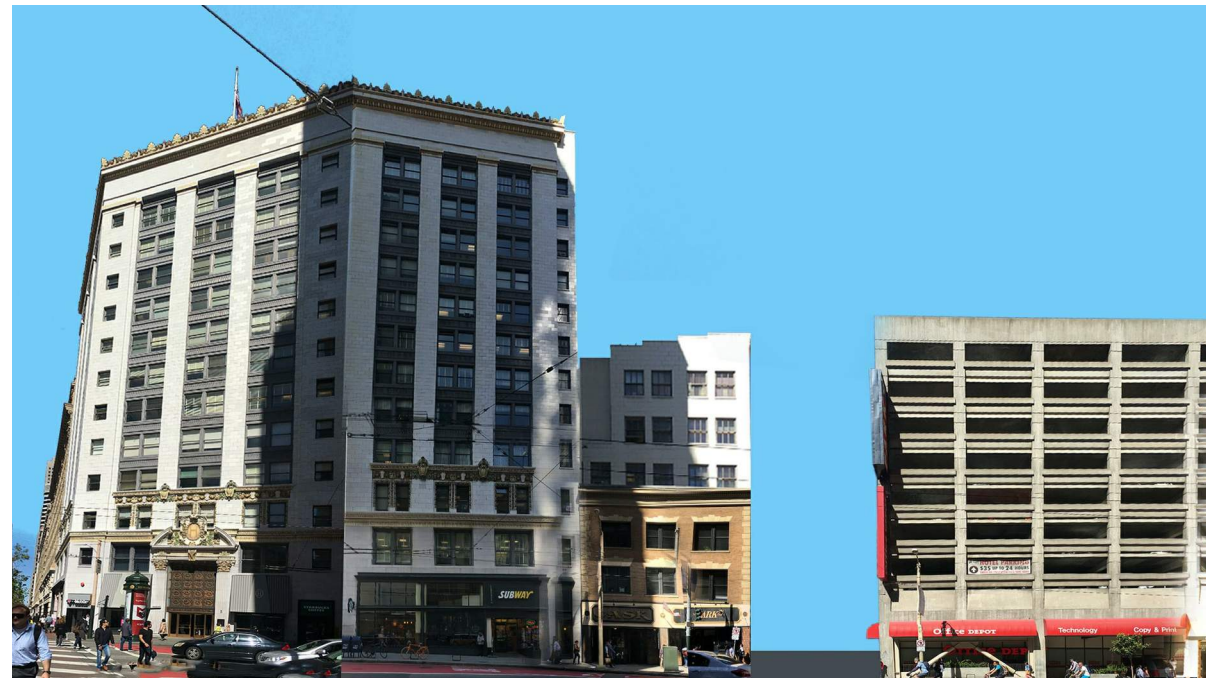
2 KEARNY STREET ELEVATION PHOTO  
12" = 1'-0"



3 THIRD STREET ELEVATION PHOTO  
12" = 1'-0"



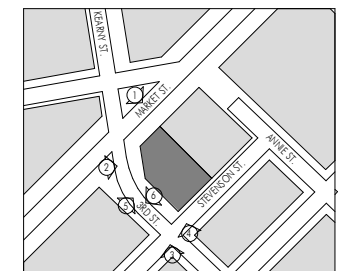
4 STEVENSON STREET ELEVATION PHOTO  
12" = 1'-0"



5 THIRD STREET CONTEXT PHOTO  
12" = 1'-0"



6 THIRD STREET (ACROSS FROM HEARST BUILDING) CONTEXT PHOTO  
12" = 1'-0"



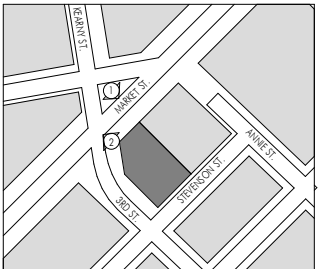




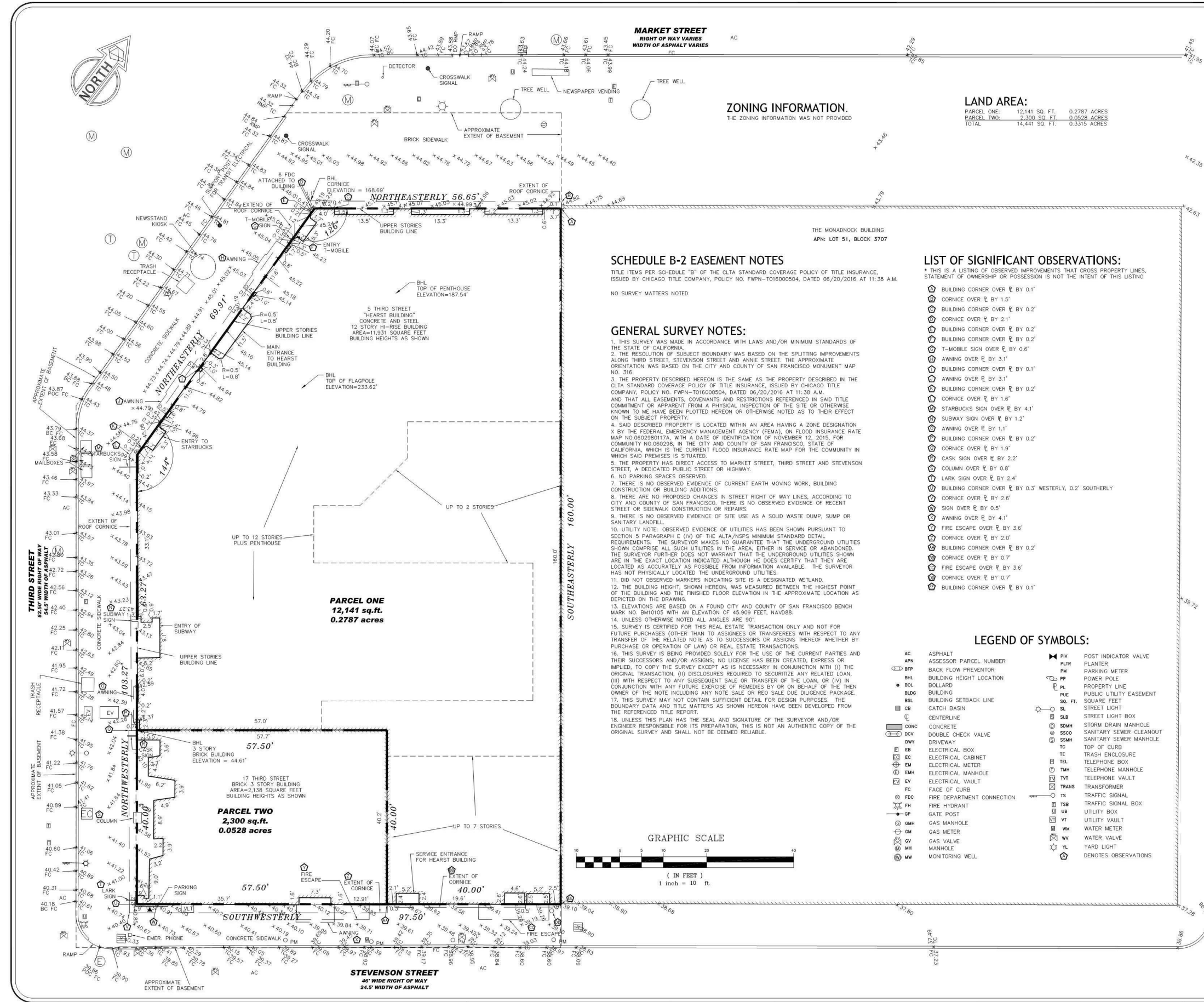
1 MARKET STREET CONTEXT PHOTO  
12" = 1'-0"



2 MARKET STREET (ACROSS FROM HEARST BUILDING) CONTEXT PHOTO  
12" = 1'-0"











#### LEGEND

BR BIKE RACK  
BS BUS STOP  
CL CROSSING LIGHT  
EB ELECTRICAL BOX  
EP ELECTRICAL POLE  
FH FIRE HYDRANT  
MB MAILBOX  
NS NEWS STAND  
SL STREET LIGHT

TOTAL NUMBER OF  
PROPOSED BIKE RACKS = 10

TOTAL NUMBER OF  
PROPOSED TREES = 7

1 SITE PLAN  
1" = 20'

**FORGE**

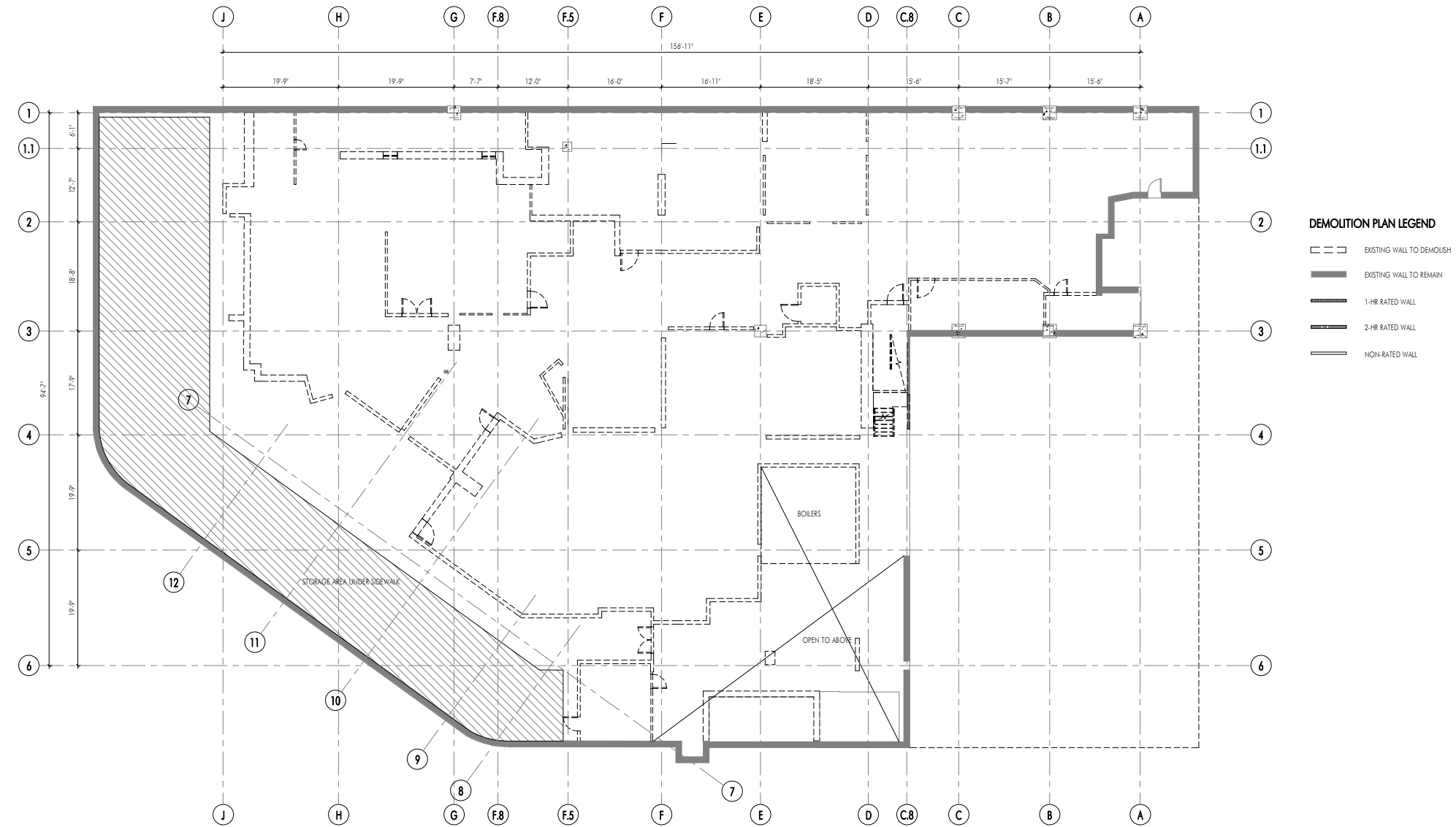
**LPA**

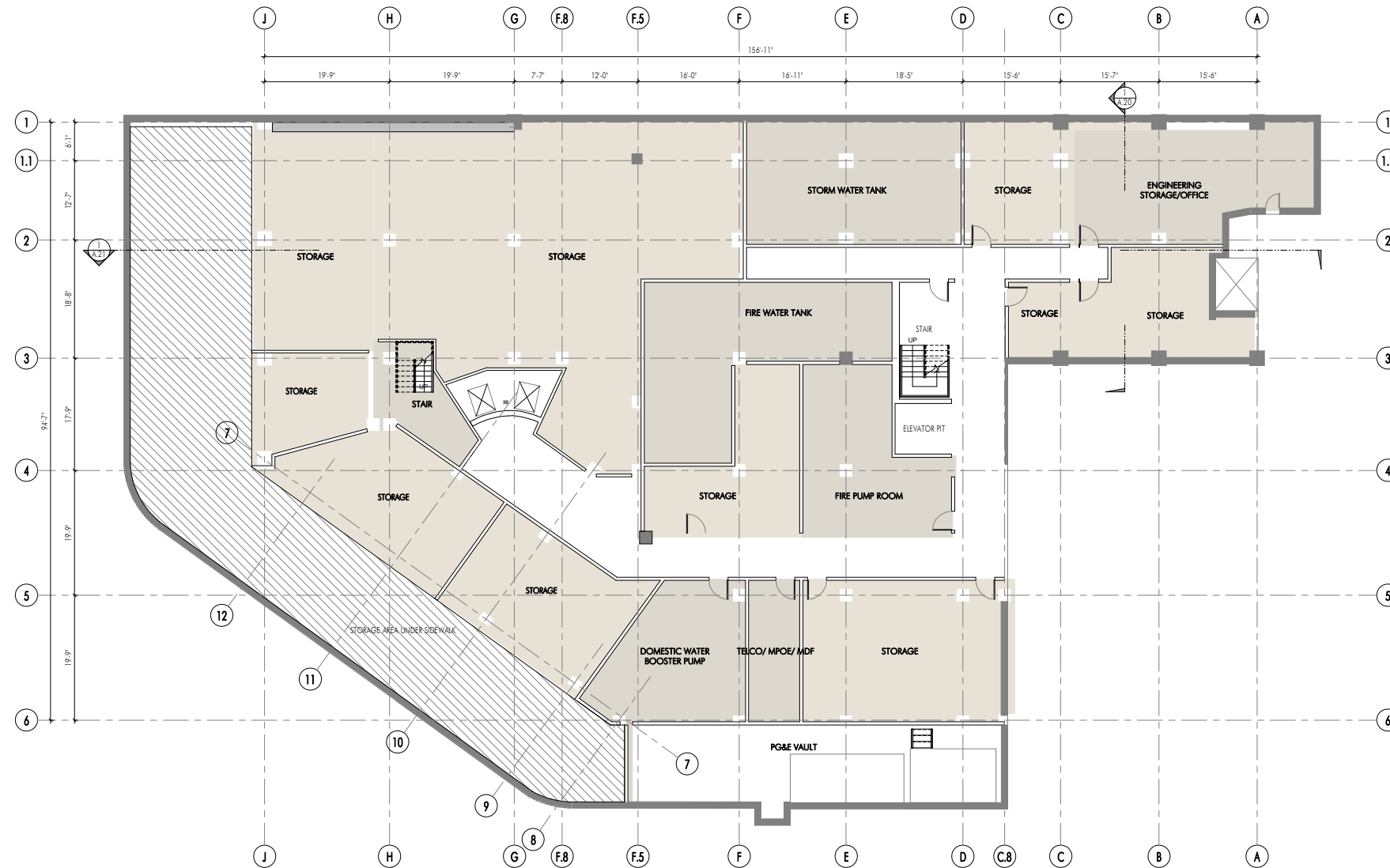
**BESPOKE  
HOSPITALITY**

## HEARST HOTEL SAN FRANCISCO

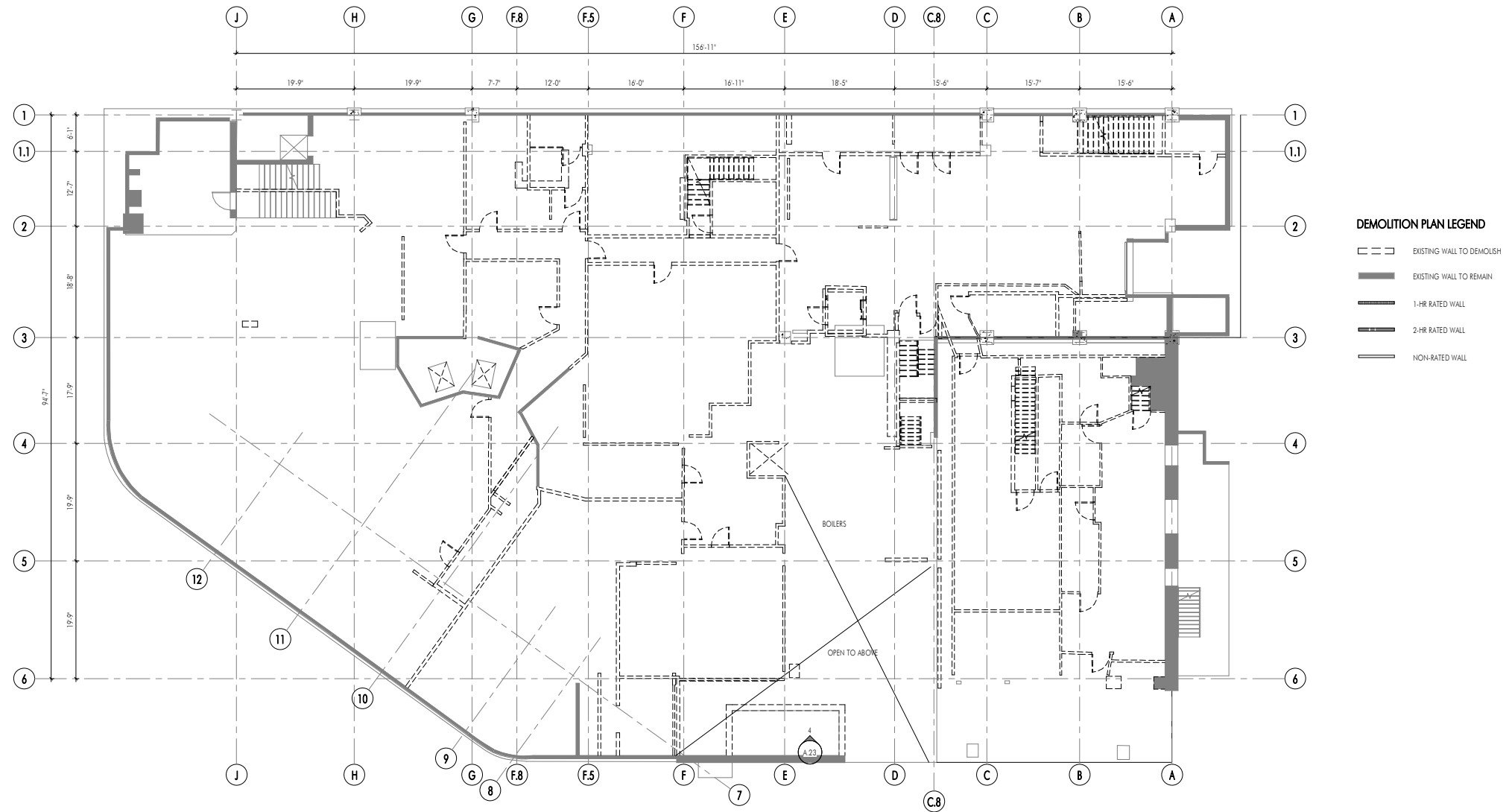
01/31/18

**A.4**





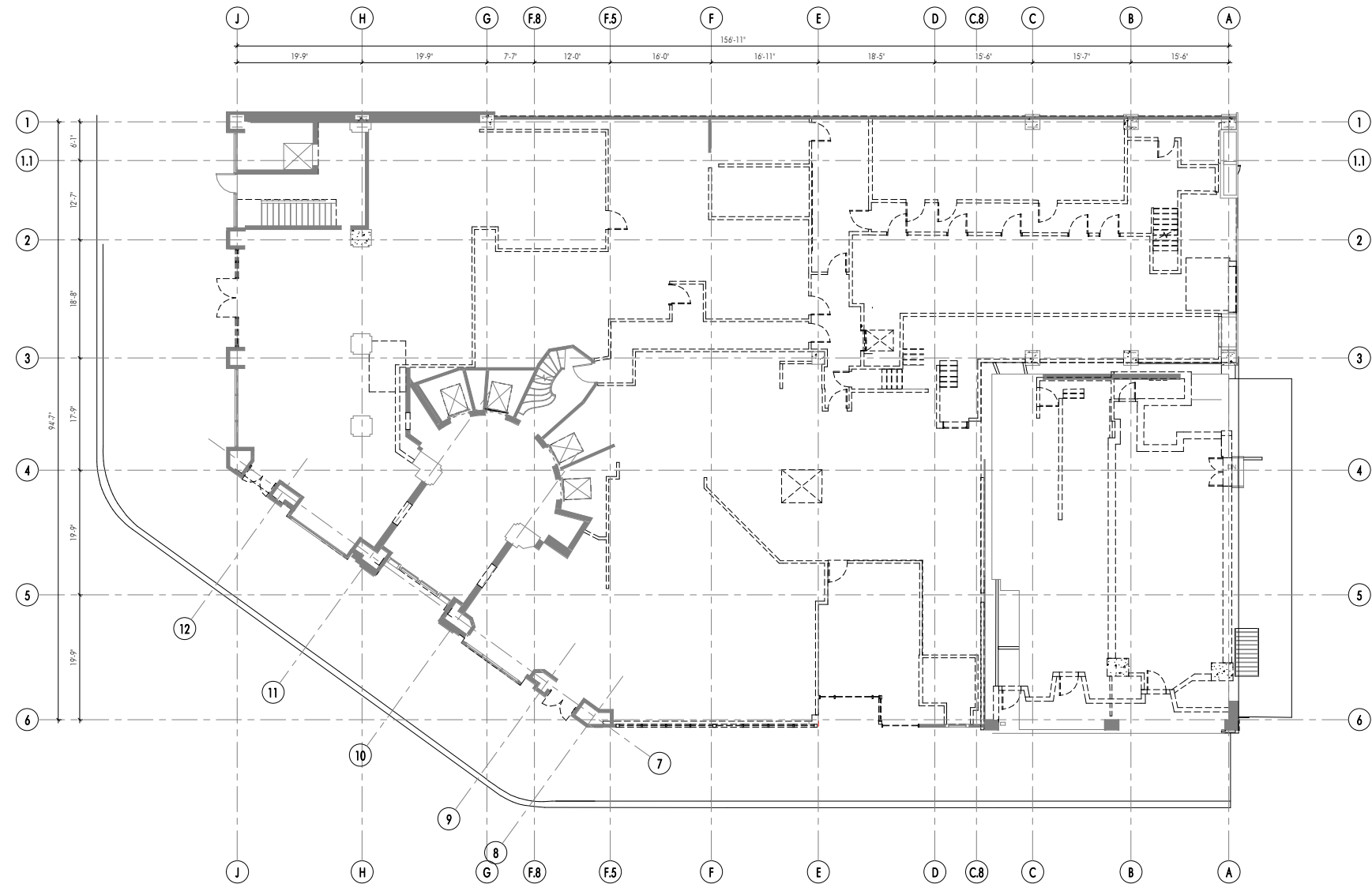
1 SUB-BASEMENT PLAN  
1/8" = 1'-0"



1 BASEMENT DEMOLITION PLAN  
1/8" = 1'-0"



- ROOM LEGEND**
- OFFICE
  - RETAIL
  - CIRCULATION
  - STORAGE
  - SERVICE
  - Calculating...
- CONSTRUCTION PLAN LEGEND**
- 1-HR RATED WALL
  - 2-HR RATED WALL
  - NON-RATED WALL
  - EXISTING WALL TO REMAIN
  - NEW STRUCTURAL WALL
  - ALUMINUM WINDOW SYSTEM



1 1ST FLOOR DEMOLITION PLAN  
1/8" = 1'-0"



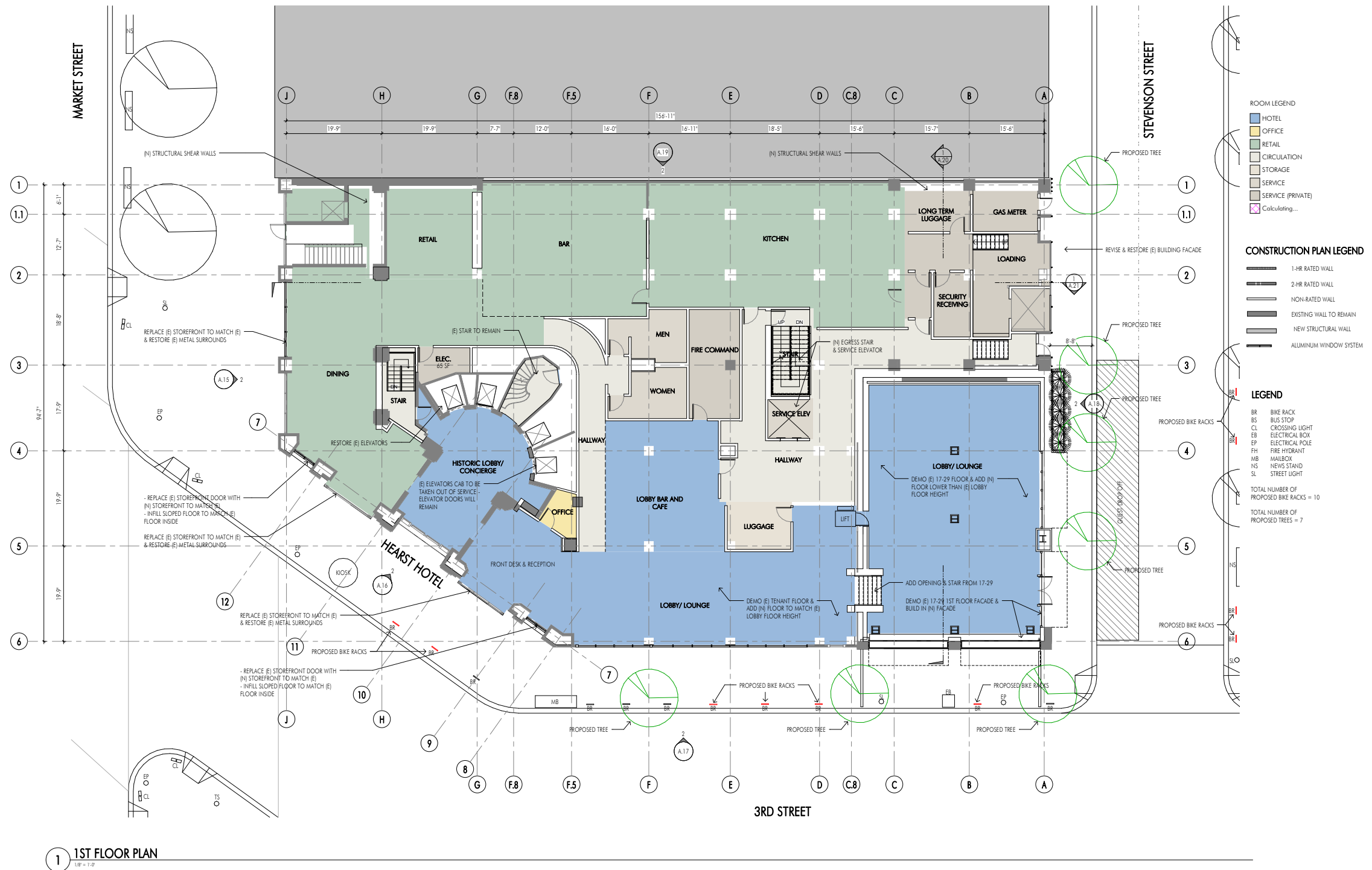
**FORGE**



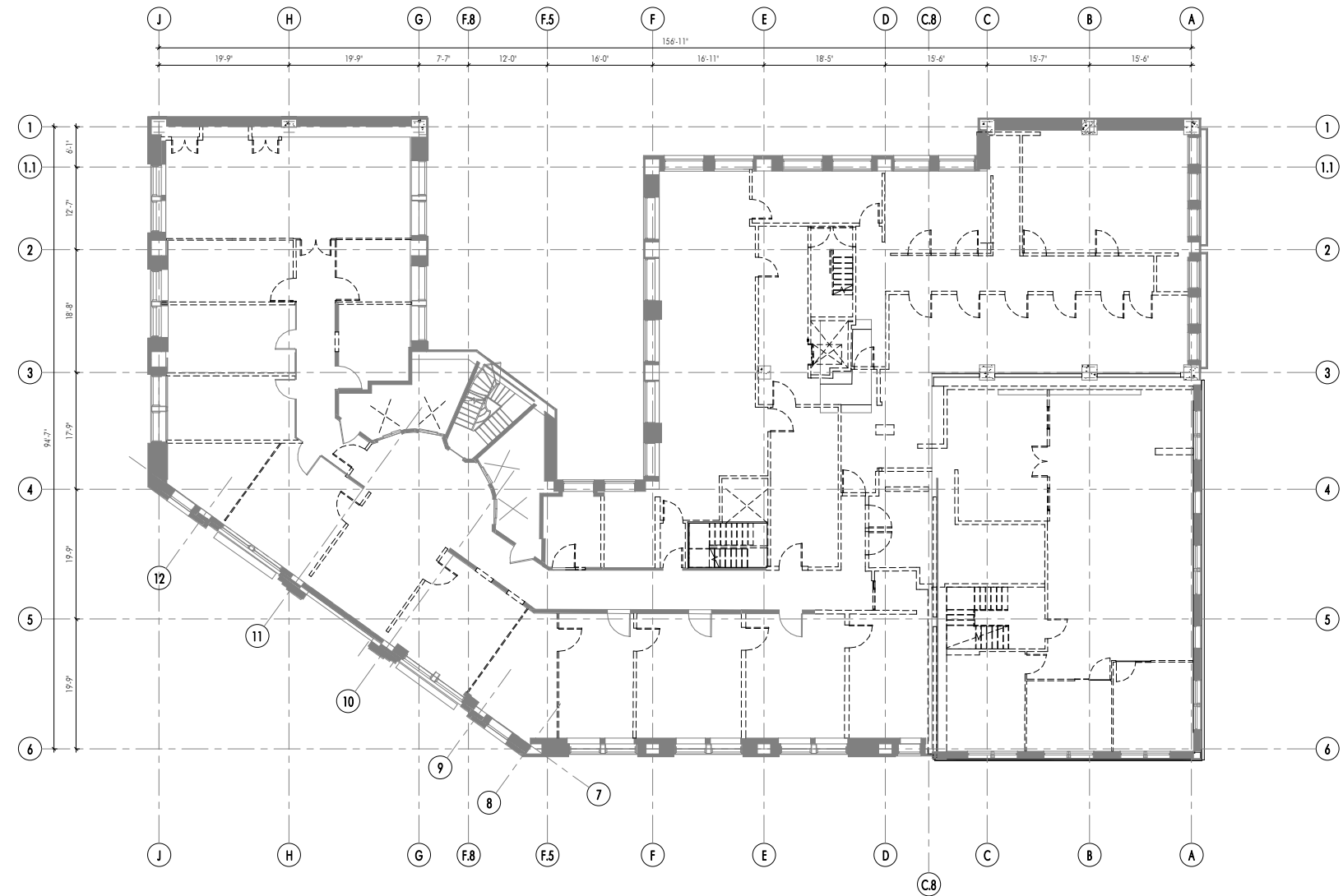
**BESPOKE  
HOSPITALITY**

# HEARST HOTEL SAN FRANCISCO

01/31/18  
**A.7a**





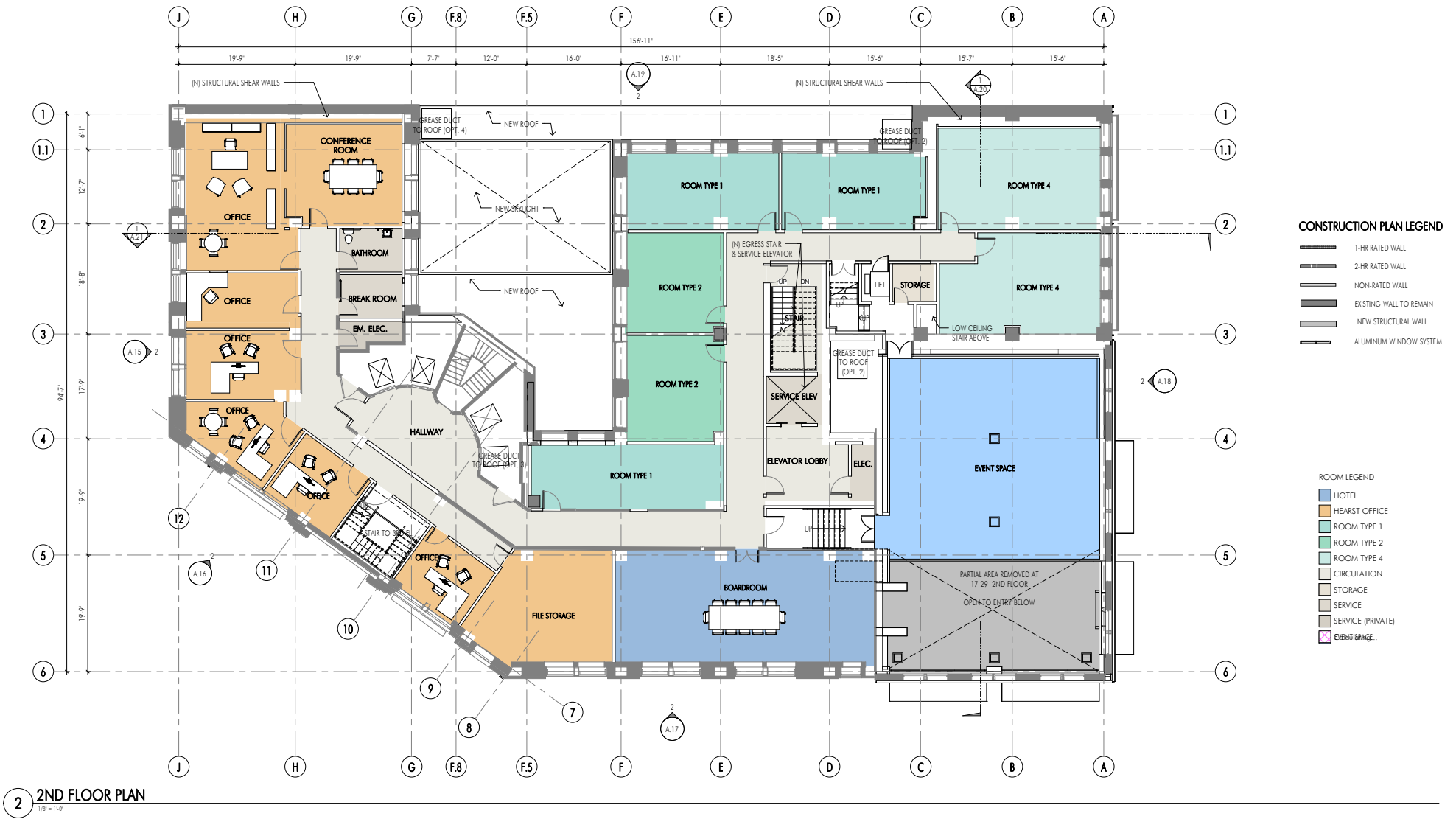


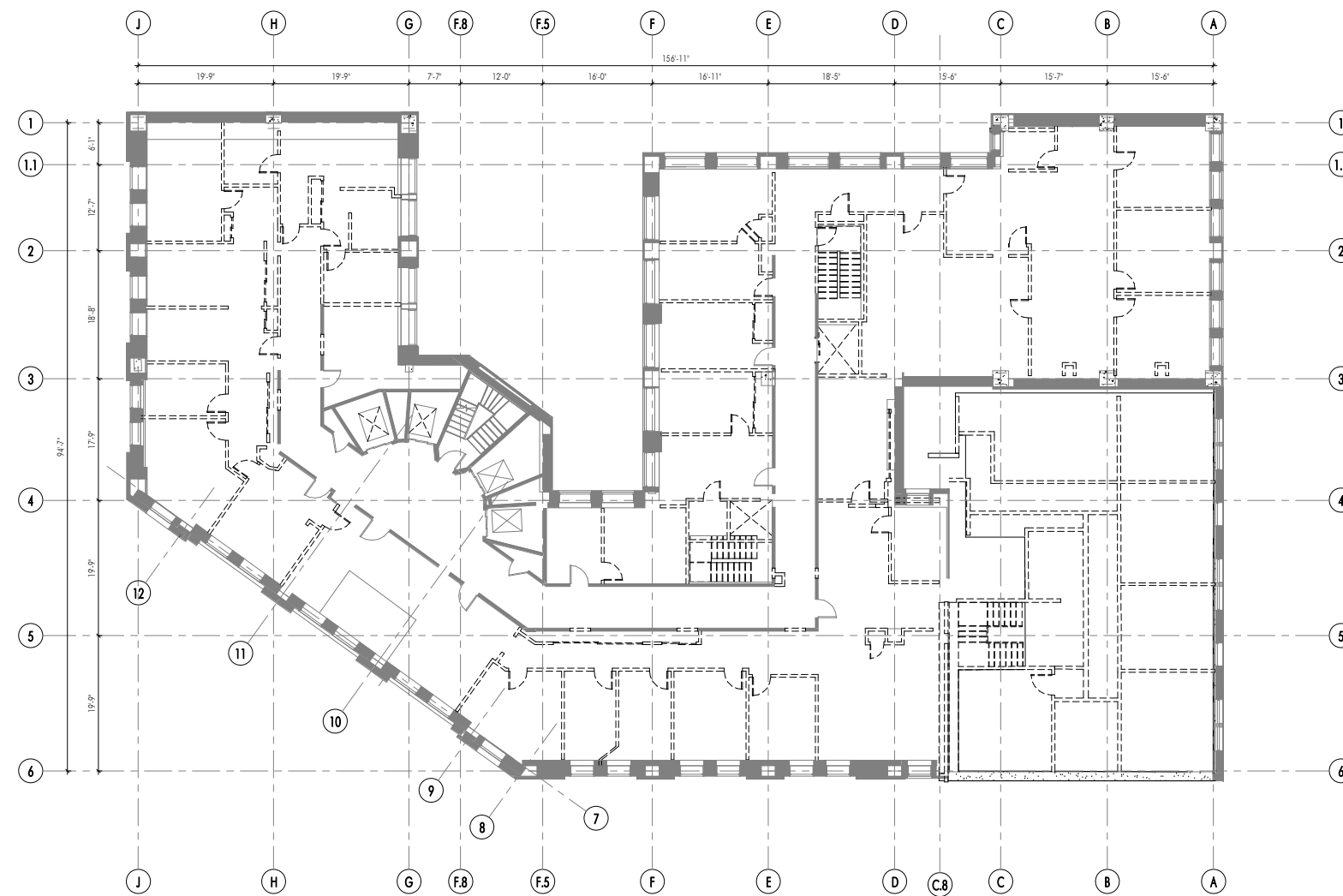
- DEMOLITION PLAN LEGEND**
- EXISTING WALL TO DEMOLISH
  - EXISTING WALL TO REMAIN
  - 1-HR RATED WALL
  - 2-HR RATED WALL
  - NON-RATED WALL

1 2ND FLOOR DEMOLITION PLAN  
1/8" = 1'-0"





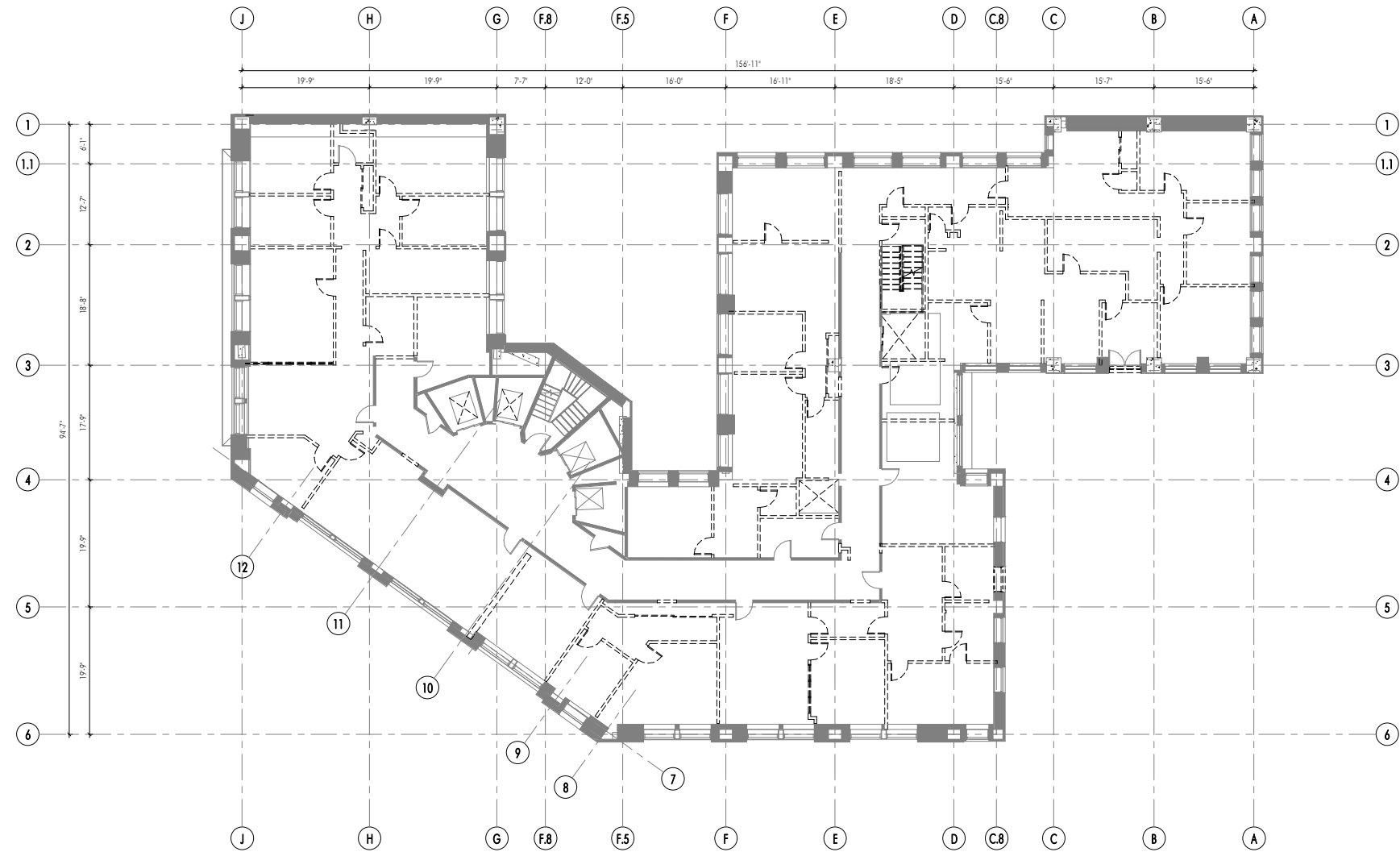




1 3RD FLOOR DEMOLITION PLAN  
1/8" = 1'-0"







1 4TH FLOOR DEMOLITION PLAN  
1/8" = 1'-0"



**FORGE**

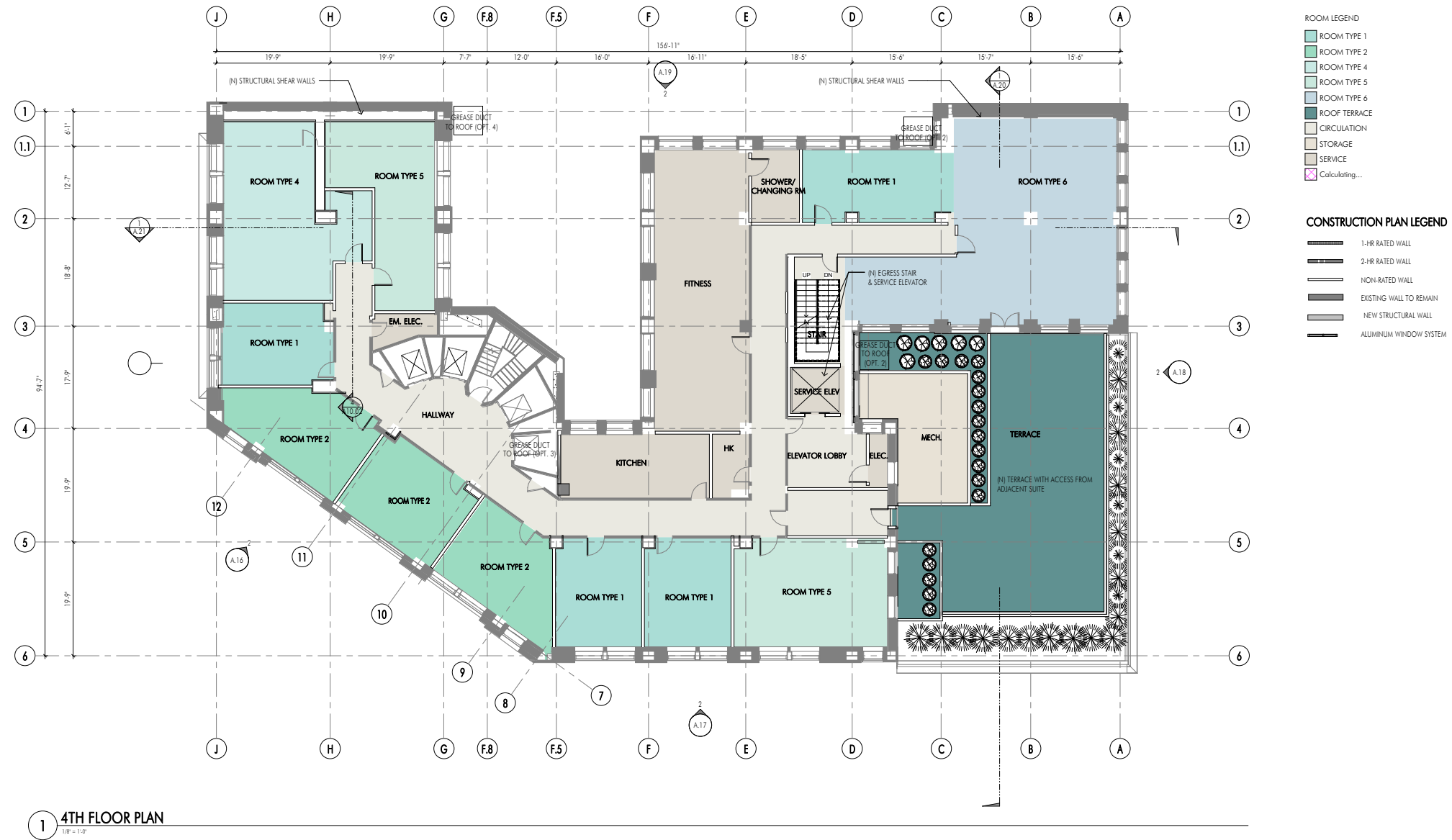
**LPA**

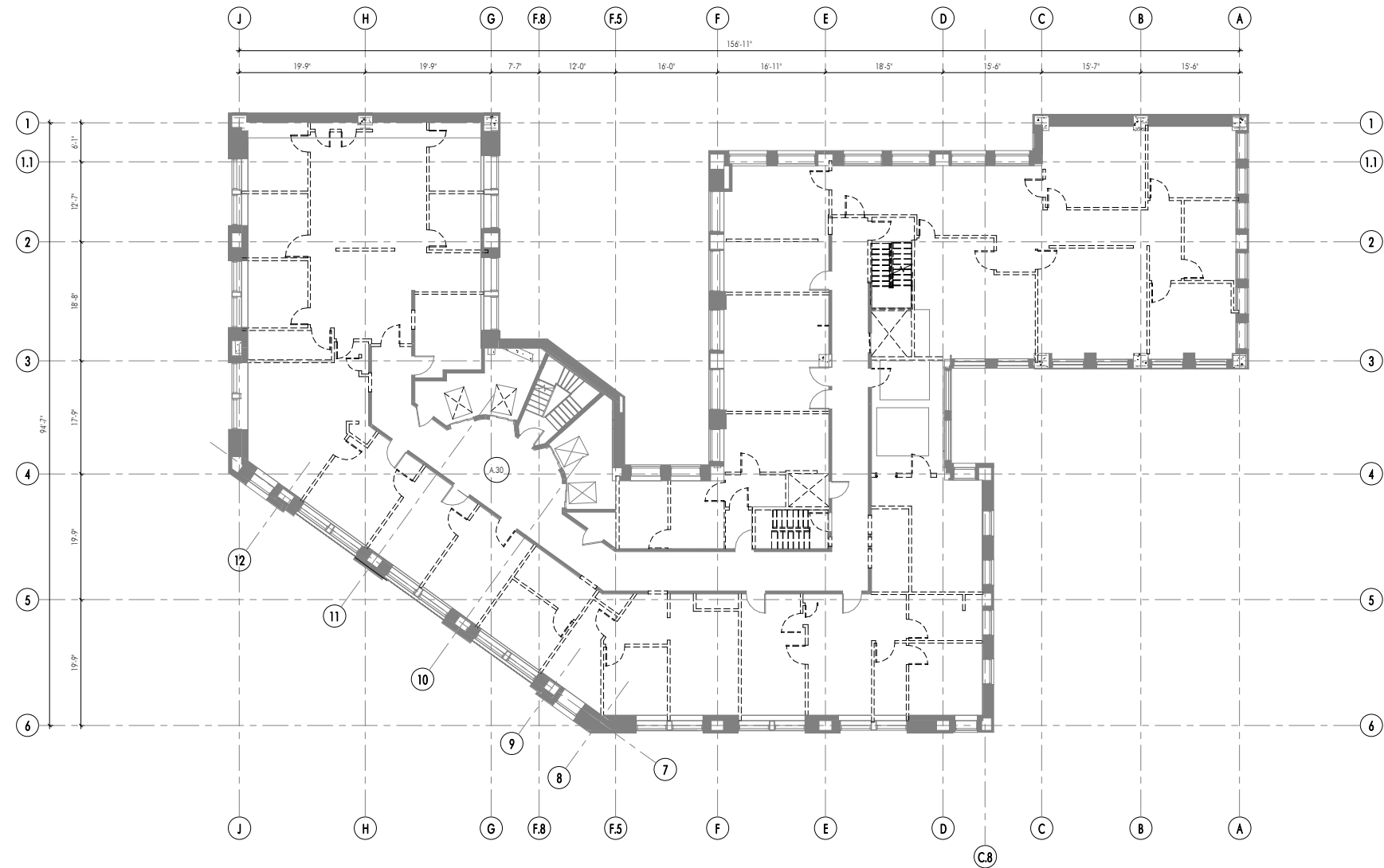
**BESPOKE  
HOSPITALITY**

**HEARST HOTEL**  
*SAN FRANCISCO*

01/31/18

**A.10a**





#### DEMOLITION PLAN LEGEND

- EXISTING WALL TO DEMOLISH
- EXISTING WALL TO REMAIN
- 1-HR RATED WALL
- 2-HR RATED WALL
- NON-RATED WALL

**NOTES**  
INTERIOR ELEVATIONS FOR FLOORS 6 THROUGH 7 ARE SIMILAR

1 5TH - 6TH FLOOR DEMOLITION PLAN, TYP.  
1/8" = 1'-0"

**FORGE**

**LPA**

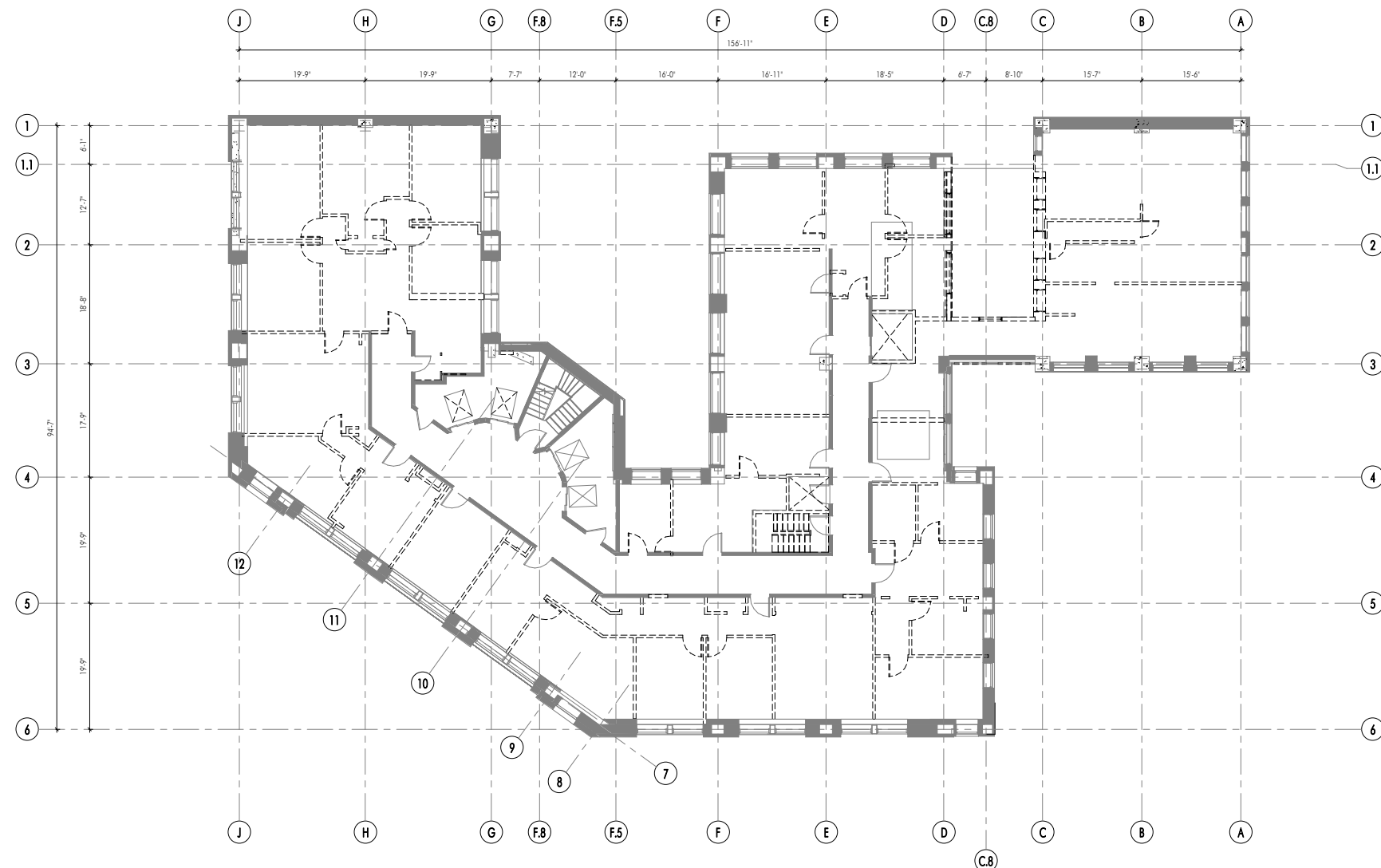
**BESPOKE**  
HOSPITALITY

**HEARST HOTEL**  
SAN FRANCISCO



01/31/18

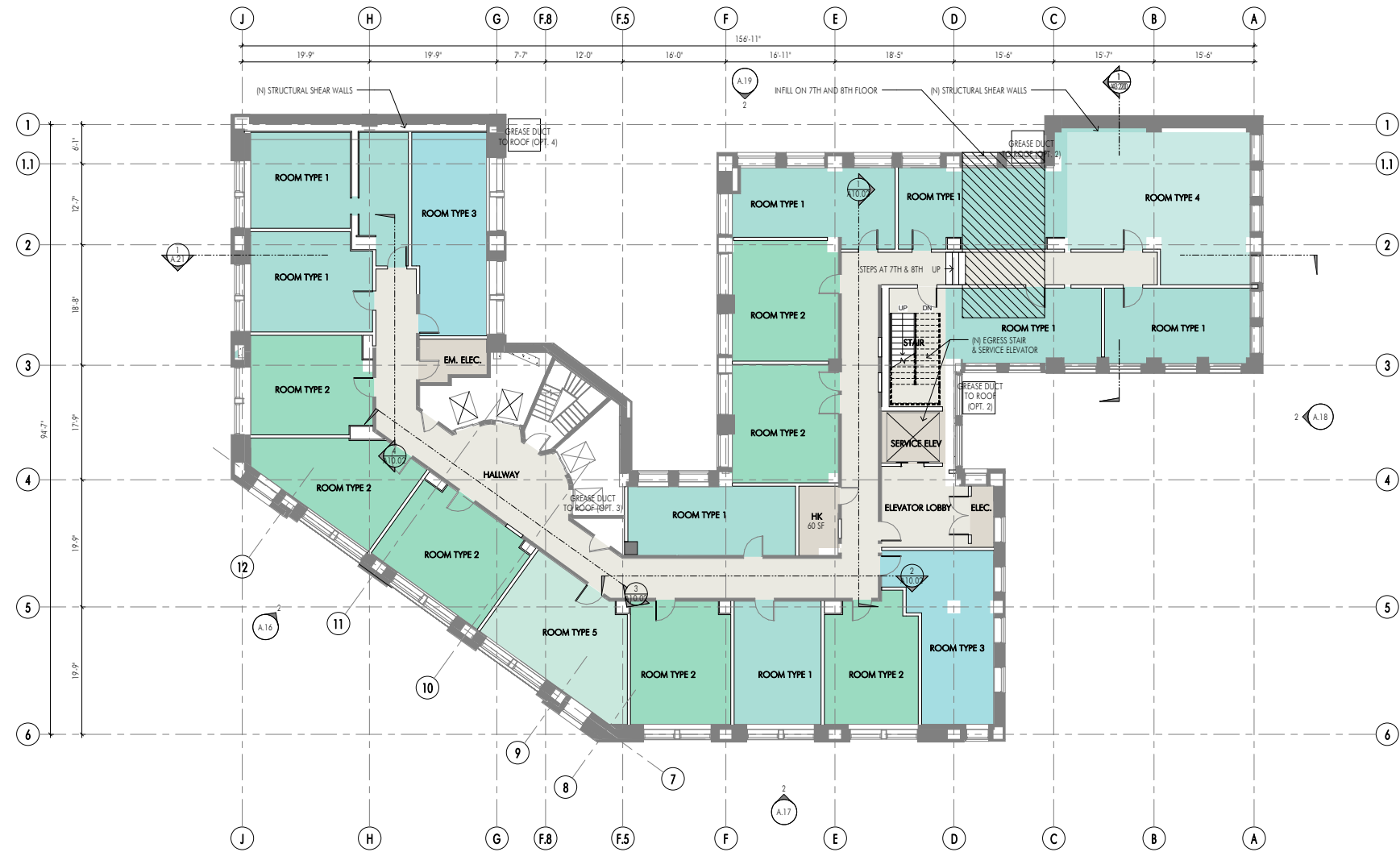
**A.11a**



- EXISTING WALL TO DEMOLISH
- EXISTING WALL TO REMAIN
- 1-HR RATED WALL
- 2-HR RATED WALL
- NON-RATED WALL
- NOT IN SCOPE

**NOTES**  
INTERIOR ELEVATIONS FOR FLOORS 7 THROUGH 8 ARE SIMILAR

1 7TH - 8TH FLOOR DEMOLITION PLAN, TYP.  
1/8" = 1'-0"



- ROOM LEGEND
- ROOM TYPE 1
  - ROOM TYPE 2
  - ROOM TYPE 3
  - ROOM TYPE 4
  - ROOM TYPE 5
  - CIRCULATION
  - SERVICE
  - Calculating...

CONSTRUCTION PLAN LEGEND

- 1-HR RATED WALL
- 2-HR RATED WALL
- NON-RATED WALL
- EXISTING WALL TO REMAIN
- NEW STRUCTURAL WALL
- ALUMINUM WINDOW SYSTEM

1 5TH - 6TH FLOOR PLAN, TYP. (7TH - 8TH FLOOR PLAN SIM.)  
1/8" = 1'-0"

FORGE

LPA

BESPOKE  
HOSPITALITY

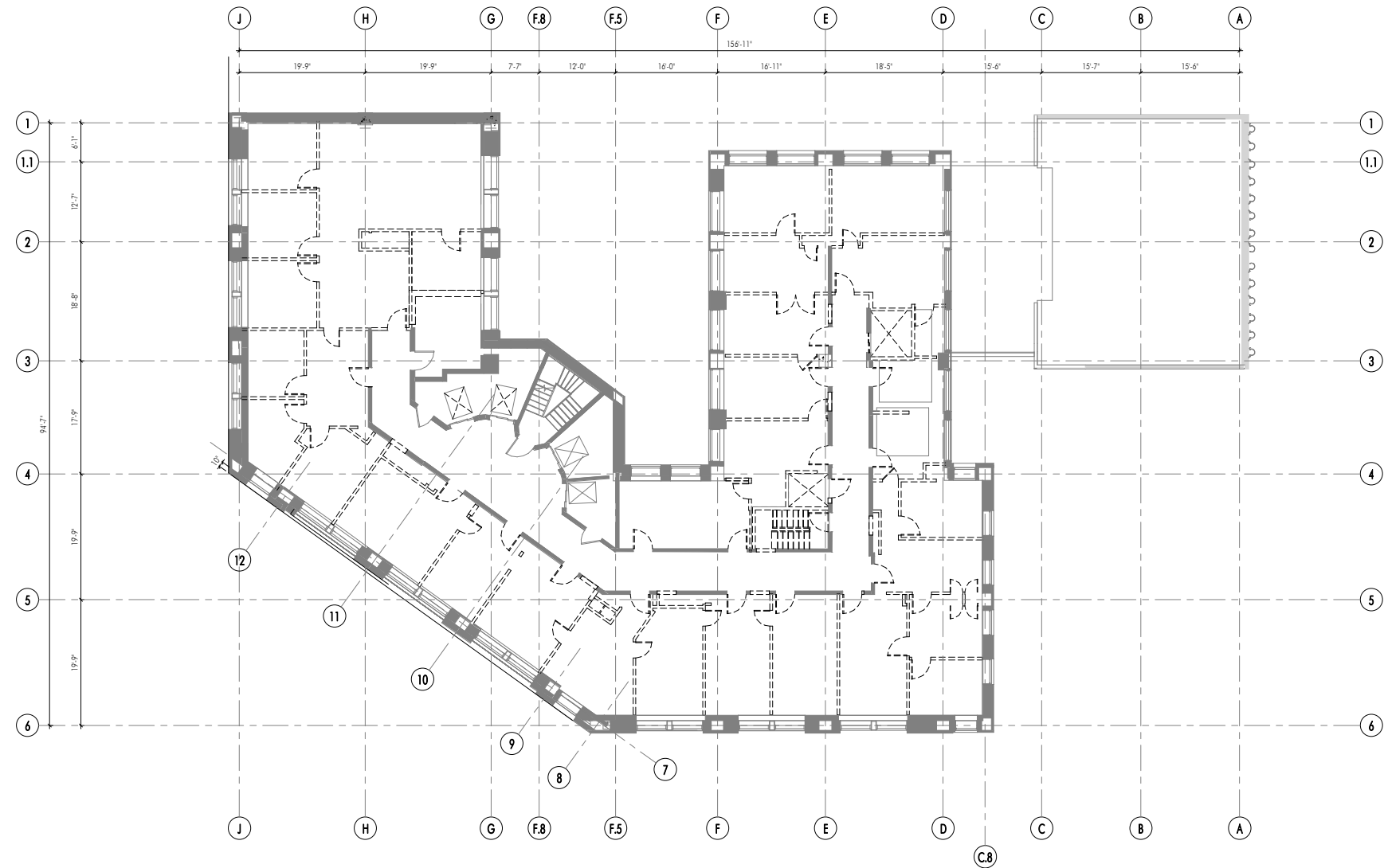
HEARST HOTEL  
SAN FRANCISCO



01/31/18

A.11c





**DEMOLITION PLAN LEGEND**

- EXISTING WALL TO DEMOLISH
- EXISTING WALL TO REMAIN
- 1-HR RATED WALL
- 2-HR RATED WALL
- NON-RATED WALL

**NOTES**  
INTERIOR ELEVATIONS FOR FLOORS 9 THROUGH 12 ARE SIMILAR

1 9TH -12TH FLOOR DEMOLITION PLAN, TYP.  
1/8" = 1'-0"



- ROOM LEGEND
- ROOM TYPE 1
  - ROOM TYPE 2
  - ROOM TYPE 3
  - ROOM TYPE 5
  - CIRCULATION
  - SERVICE
  - Calculating...

CONSTRUCTION PLAN LEGEND

- 1-HR RATED WALL
- 2-HR RATED WALL
- NON-RATED WALL
- EXISTING WALL TO REMAIN
- NEW STRUCTURAL WALL
- ALUMINUM WINDOW SYSTEM

1 9TH - 12TH FLOOR, TYP.  
1/8" = 1'-0"

FORGE

LPA

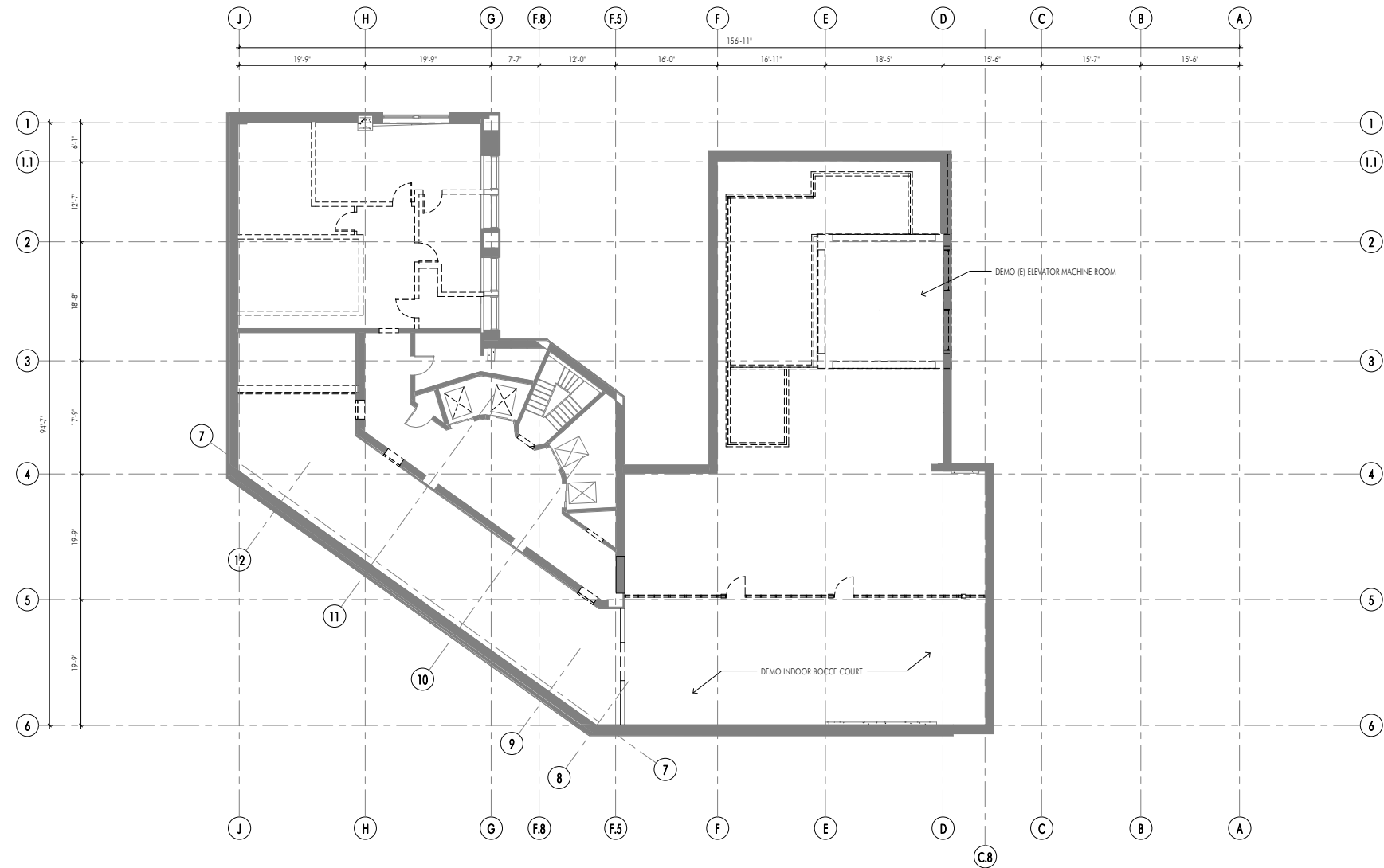
BESPOKE  
HOSPITALITY

HEARST HOTEL  
SAN FRANCISCO



01/31/18

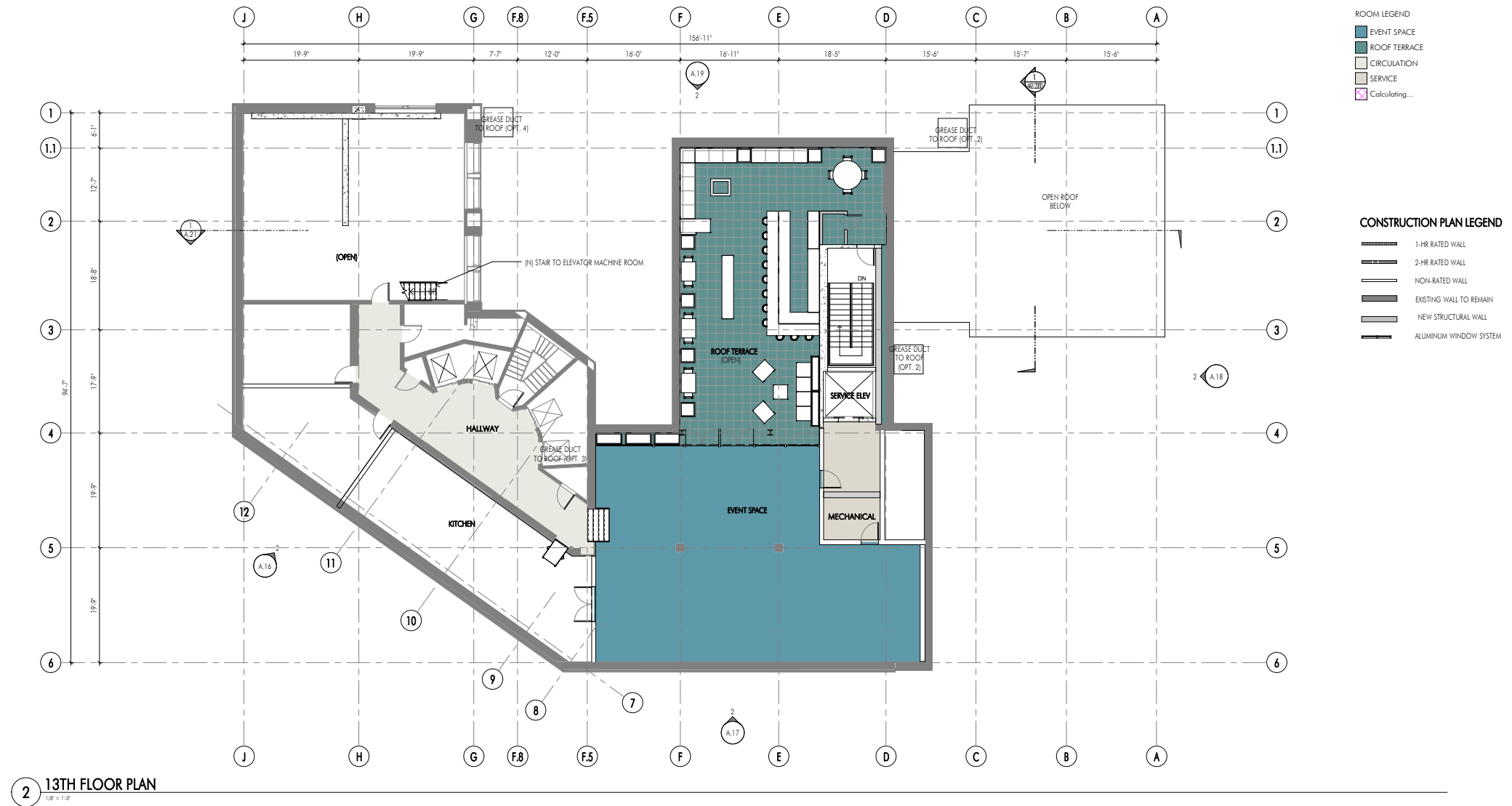
A.12b

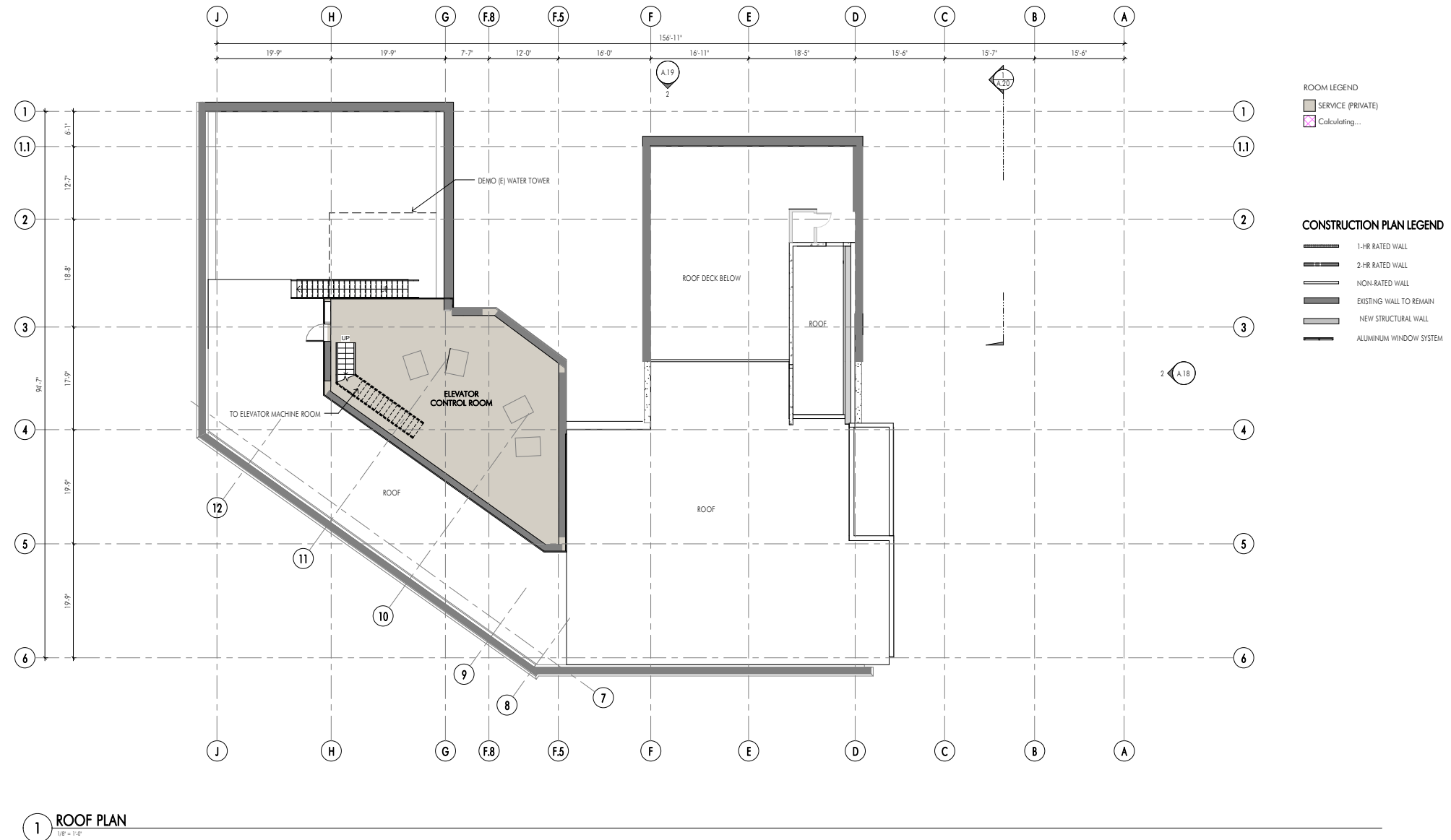


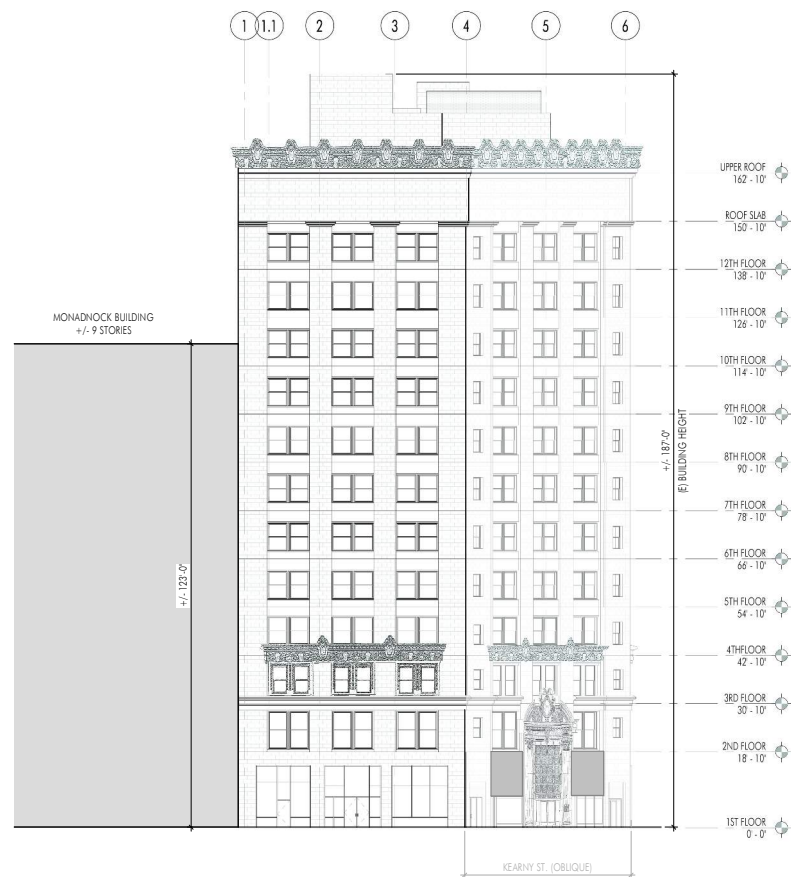
- DEMOLITION PLAN LEGEND**
- EXISTING WALL TO DEMOLISH
  - EXISTING WALL TO REMAIN
  - 1-HR RATED WALL
  - 2-HR RATED WALL
  - NON-RATED WALL

1 13TH FLOOR DEMOLITION PLAN  
1/8" = 1'-0"

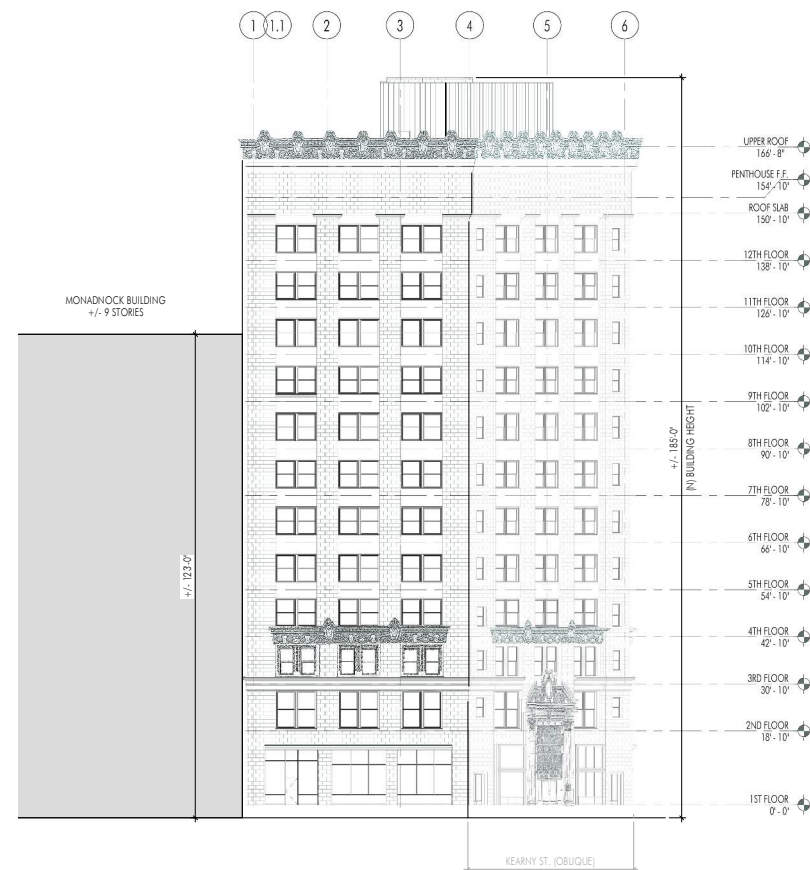








1 EXISTING MARKET STREET ELEVATION  
1/2" = 1'-0"



2 PROPOSED MARKET STREET ELEVATION  
1/2" = 1'-0"



1 EXISTING KEARNY STREET ELEVATION  
1/2" = 1'-0"



2 PROPOSED KEARNY STREET ELEVATION  
1/2" = 1'-0"

FORGE



BESPOKE  
HOSPITALITY

# HEARST HOTEL SAN FRANCISCO

01/31/18  
A.16



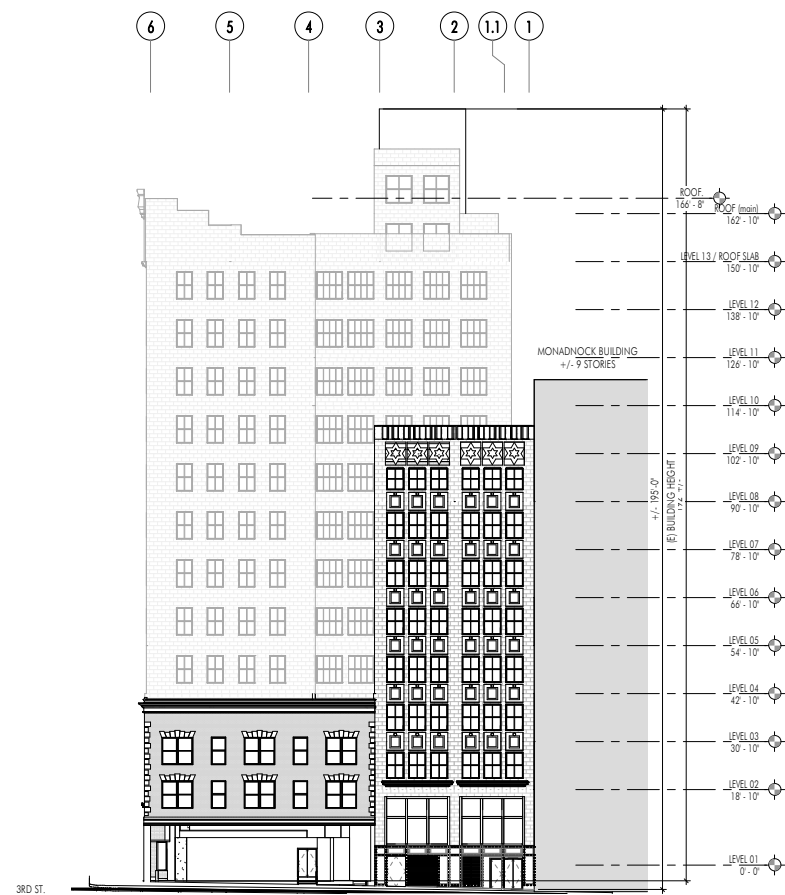


1 EXISTING THIRD STREET ELEVATION  
1/2" = 1'-0"

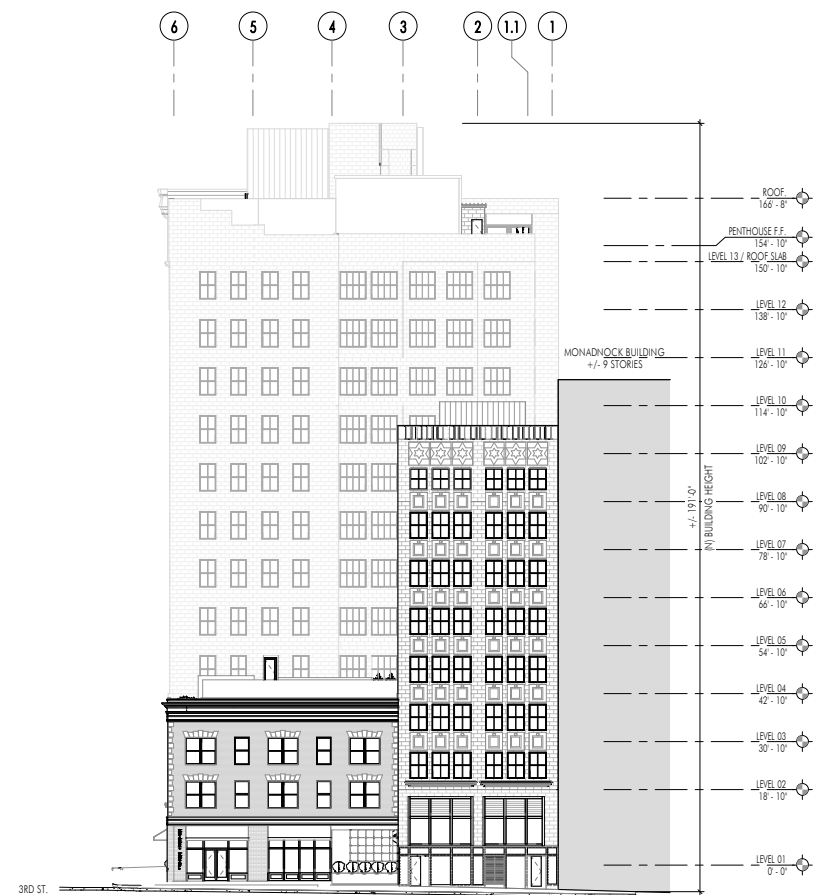


2 PROPOSED THIRD STREET ELEVATION  
1/2" = 1'-0"





1 EXISTING STEVENSON STREET ELEVATION  
1/16" = 1'-0"



2 PROPOSED STEVENSON STREET ELEVATION  
1/16" = 1'-0"

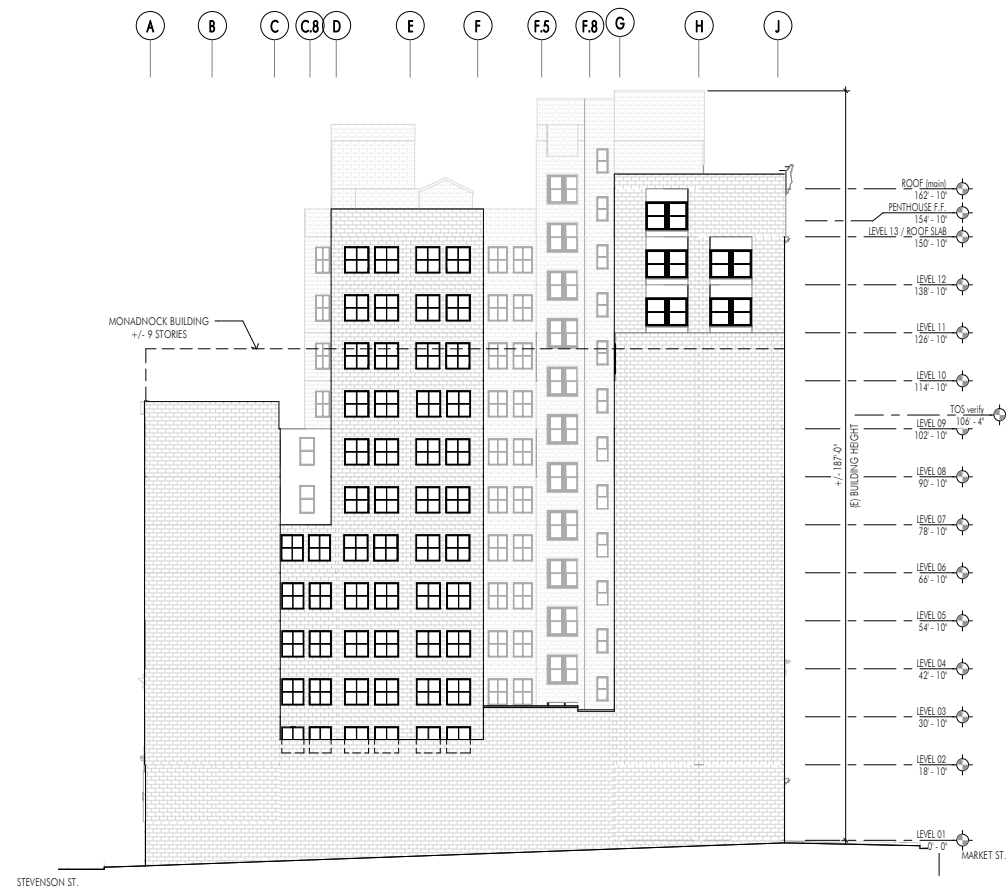
**FORGE**

**LPA**

**BESPOKE  
HOSPITALITY**

# HEARST HOTEL SAN FRANCISCO

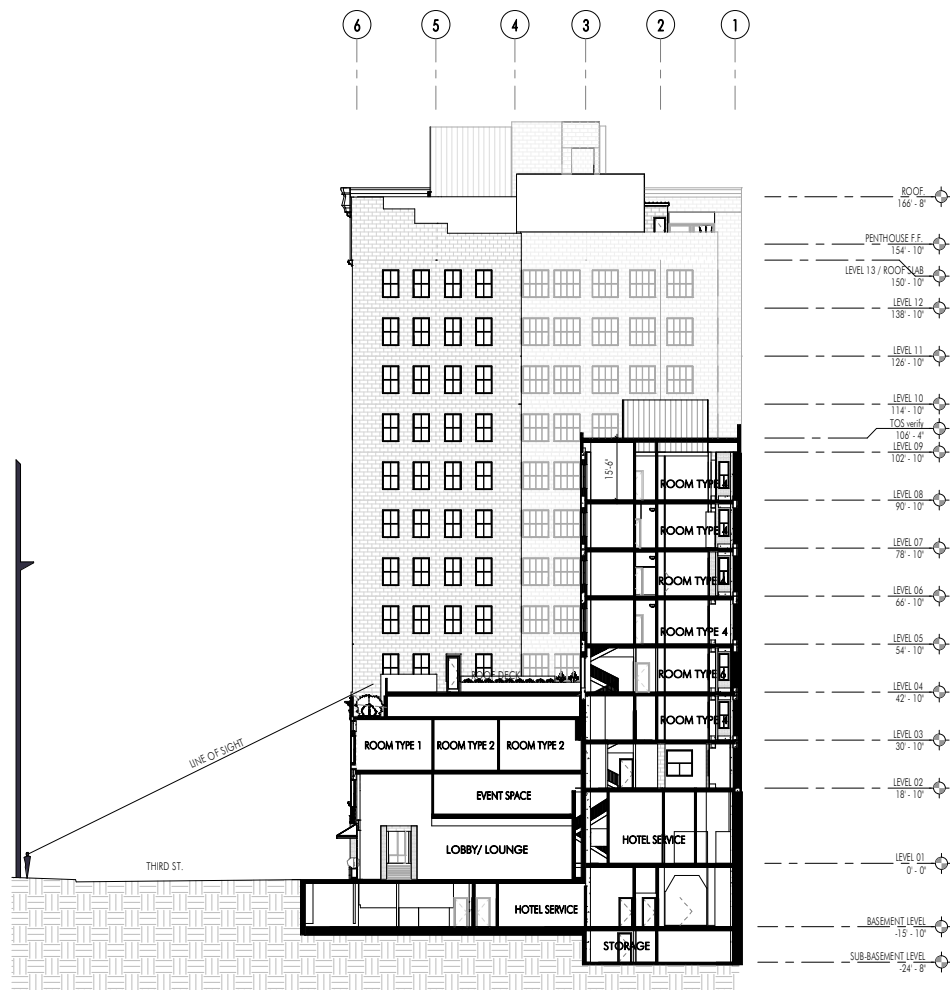
01/31/18  
**A.18**



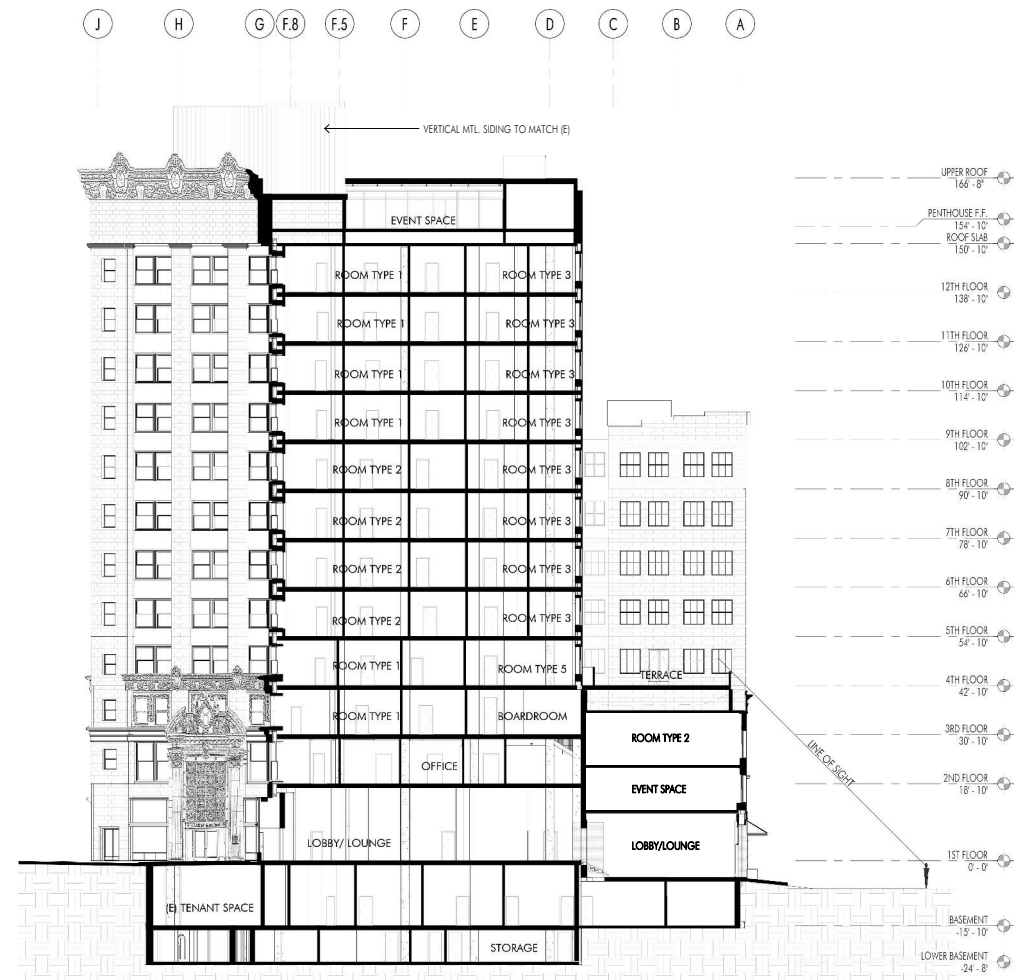
1 EXISTING HEARST COURTYARD ELEVATION -  
1/16" = 1'-0"



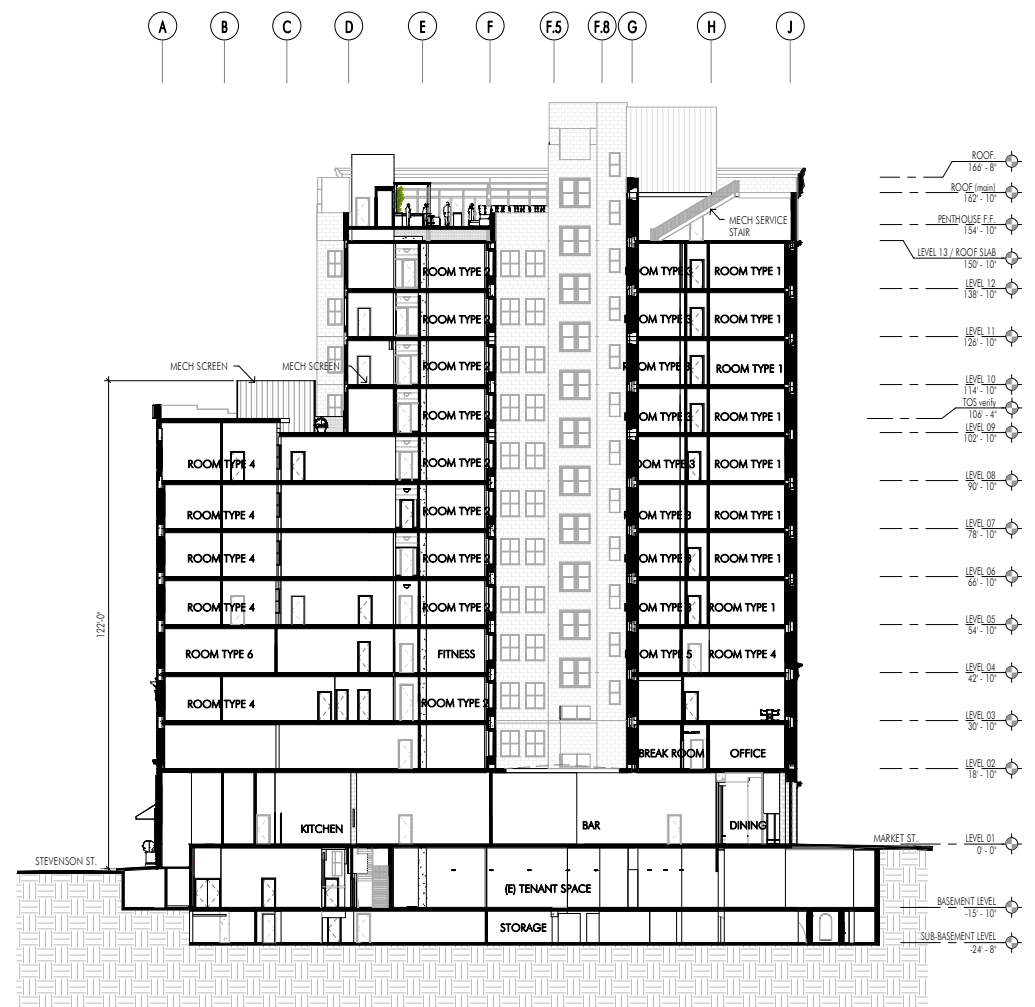
2 PROPOSED HEARST COURTYARD ELEVATION  
1/16" = 1'-0"



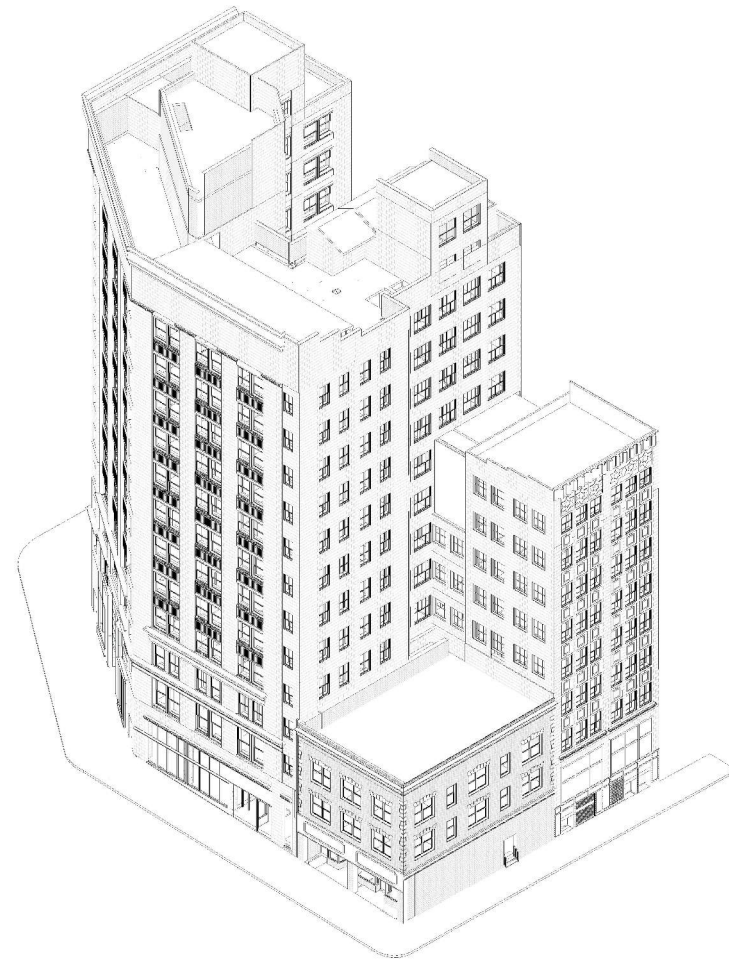
1 EAST-WEST SECTION AT GRIDLINE B  
1/16" = 1'-0"



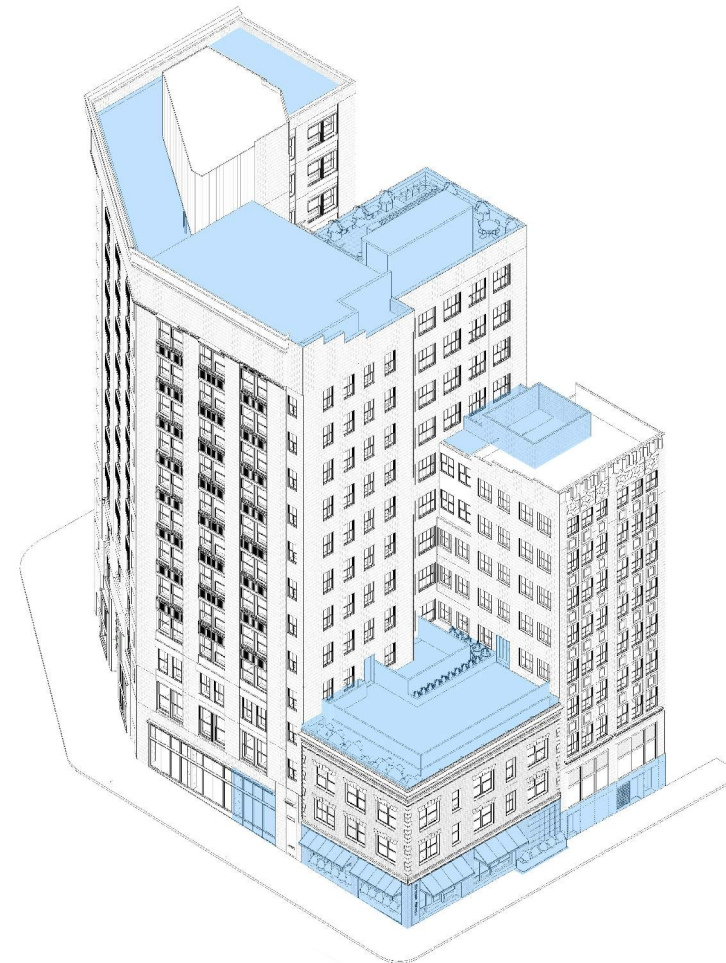
2 EAST-WEST SECTION AT GRIDLINE F



1 NORTH - SOUTH SECTION  
1/8" = 1'-0"



1 EXISTING HEARST BUILDING  
12" = 1'-0"



2 PROPOSED HEARST BUILDING  
12" = 1'-0"

**FORGE**

**LPA**

**BESPOKE  
HOSPITALITY**

# HEARST HOTEL SAN FRANCISCO

01/31/18  
**A.22**





1 17-29 HOTEL ENTRANCE VIEW  
1/8" = 1'-0"



2 17-29 THIRD STREET VIEW  
1/8" = 1'-0"



3 17-29 STEVENSON STREET VIEW  
1/8" = 1'-0"



4 PARTIAL THIRD STREET ELEVATION  
1/8" = 1'-0"



5 PARTIAL STEVENSON STREET ELEVATION  
1/8" = 1'-0"



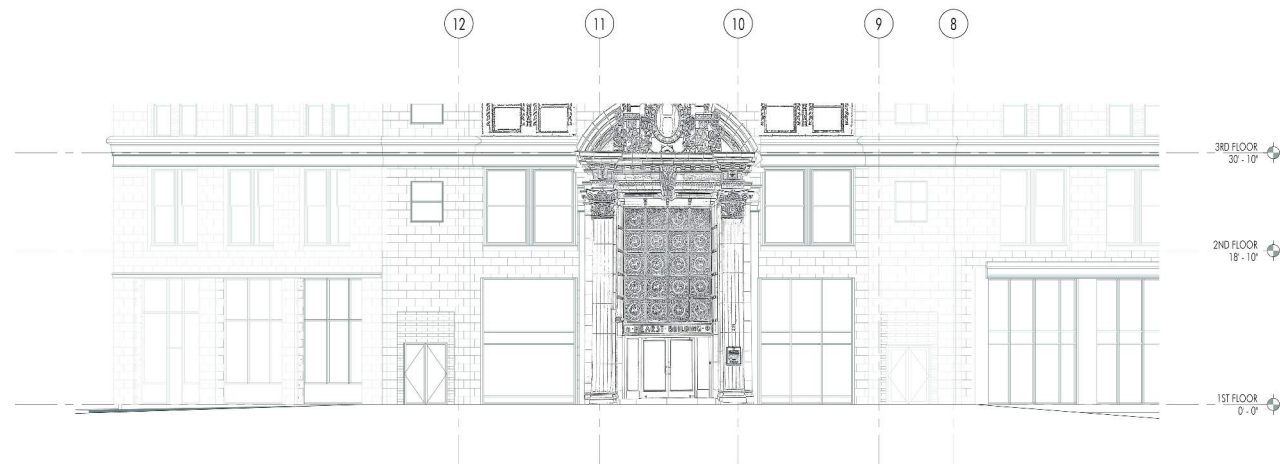
1 HEARST BUILDING FRONT ENTRANCE VIEW ON KEARNY ST.  
1/2" = 1'-0"



3 STOREFRONT ON MARKET STREET VIEW  
1/2" = 1'-0"



2 STOREFRONT ON MARKET VIEW  
1/2" = 1'-0"



4 PARTIAL ELEVATION, KEARNY STREET  
1/4" = 1'-0"



5 PARTIAL MARKET ST ELEVATION  
1/8" = 1'-0"





1 ROOF DECK VIEW  
12" = 1'-0"



2 ROOF VIEW  
12" = 1'-0"





1 EXISTING VIEW FROM MARKET ST.



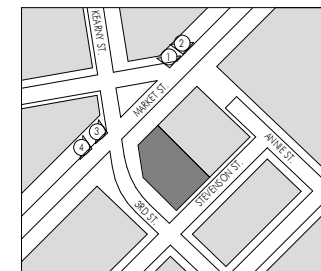
2 VIEW WITH PROPOSED DESIGN FROM MARKET ST.



3 EXISTING VIEW FROM MARKET ST.



4 VIEW WITH PROPOSED DESIGN FROM MARKET ST.







1 EXISTING VIEW FROM STEVENSON ST.  
12" = 1'-0"



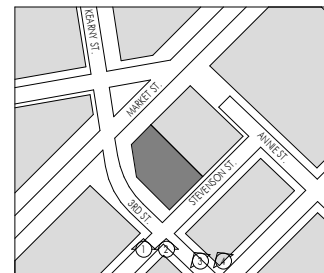
2 VIEW WITH PROPOSED DESIGN FROM STEVENSON ST.



3 EXISTING VIEW FROM THIRD ST.  
12" = 1'-0"



4 VIEW WITH PROPOSED DESIGN FROM THIRD ST.  
12" = 1'-0"



FORGE



BESPOKE  
HOSPITALITY

# HEARST HOTEL SAN FRANCISCO

01/31/18  
A.27

**EXHIBIT C:**

**ENVIRONMENTAL DETERMINATION  
AND MITIGATION MONITORING  
AND REPORTING PROGRAM**

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL  | Implementation Responsibility  | Mitigation Schedule                                  | Monitoring/Reporting Responsibility  | Monitoring Schedule  |
|---|--|--|--|--|
| <b>MITIGATION MEASURES FOR THE 5 THIRD STREET HEARST HOTEL PROJECT</b>  |  |  |  |  |
| <i><b>Cultural Resource Mitigation Measures</b></i>   |  |  |  |  |
| <p><b>Mitigation Measure M-CR-2: Archeological Testing</b></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p> <p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other</p> | Project sponsor/archeological consultant at the direction of the Environmental Review Officer (ERO). | During ground-disturbing activities on project site. | Project sponsor to retain a qualified archeological consultant who shall report to the ERO | <p>Date signed affidavit provided to ERO:</p> <p>_____</p> <p><i>If archeological resources encountered:</i></p> <p>Date archeological consultant retained:</p> <p>_____</p> <p>Date ERO consulted:</p> <p>_____</p> |

<sup>1</sup> By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL   | Implementation Responsibility | Mitigation Schedule | Monitoring/Reporting Responsibility | Monitoring Schedule   |
|--|-------------------------------|---------------------|-------------------------------------|---|
| <p>potentially interested descendant group an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> |                               |                     |                                     | <p>_____</p> <p>Date FARR approved by ERO:</p> <p>_____</p> |

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



**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL  | Implementation Responsibility | Mitigation Schedule | Monitoring/Reporting Responsibility | Monitoring Schedule |
|---|-------------------------------|---------------------|-------------------------------------|---------------------|
| <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</li> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for</li> </ul> |                               |                     |                                     |                     |



**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL  | Implementation Responsibility | Mitigation Schedule | Monitoring/Reporting Responsibility | Monitoring Schedule |
|---|-------------------------------|---------------------|-------------------------------------|---------------------|
| <p>analysis;</p> <ul style="list-style-type: none"> <li>▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</li> </ul> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> |                               |                     |                                     |                     |

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL  | Implementation Responsibility | Mitigation Schedule | Monitoring/Reporting Responsibility | Monitoring Schedule |
|---|-------------------------------|---------------------|-------------------------------------|---------------------|
| <ul style="list-style-type: none"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project</p> |                               |                     |                                     |                     |

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

**NOTE: Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.**

| MEASURES ADOPTED AS CONDITIONS OF APPROVAL  | Implementation Responsibility  | Mitigation Schedule   | Monitoring/Reporting Responsibility  | Monitoring Schedule  |
|---|--|---|--|--|
| <p>sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).</p> <p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> |  |   |  |  |
| <p><b>M-CR-3: Tribal Cultural Resources Interpretive Program</b></p> <p>If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p>  | <p>Project sponsor/archeological consultant at the direction of the ERO.</p> | <p>During ground-disturbing activities on project site.</p> | <p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO.</p> | <p><i>If tribal cultural resources encountered:</i></p> <p>Date ERO consulted:</p> |

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
5 THIRD STREET HEARST HOTEL PROJECT**

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| <b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>  | <b>Implementation Responsibility</b>     | <b>Mitigation Schedule</b>   | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>                    |
|--|--|--|--|---|
| <p>If the Environmental Review Officer (ERO) determines that preservation-in-place of the TCR is both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP). Implementation of the approved ARPP by the archeological consultant shall be required when feasible.</p> <p>If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long- term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p> |  |  |  | <hr/> <p>Date ARPP approved by ERO:</p> <hr/> |
| <b>Noise Mitigation Measures</b>   |  |  |  |   |
| <p><b>M-NO-1a: Outdoor Fixed Noise Minimization.</b></p> <p>In order to meet the requirements of the Noise Ordinance, a reduction of up to 11 dBA would be required during operation of outdoor noise generating equipment for HVAC equipment, and up to 31 dBA would be required for emergency generator use. The project sponsor shall ensure that a combination of the following noise-reducing measures shall be used to meet the requirements:</p> <ul style="list-style-type: none"> <li>• Equipment can be selected with lower noise emission levels. There can be 10 dBA variability among models and manufacturers for equipment achieving the same function and performance;</li> <li>• Equipment can be located away from the property line where feasible; moving equipment to 50 feet instead of 20 feet from the property line could reduce the noise by 8 dBA;</li> <li>• Internal acoustic mufflers can be used to lower exhaust noise emission levels by 3 to 5 dBA;</li> </ul>   | Project sponsor/<br>building management. | Provide documentation of compliance prior to issuance of certificate of occupancy. | Project sponsor, Planning Department.      | On-going during project operations.           |

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|--|--|--|--|---|
| <ul style="list-style-type: none"> <li>An acoustic enclosure can be used to reduce the noise by 5 to 20 dBA.</li> </ul> <p>The project sponsor shall provide documentation demonstrating the combination of measures chosen to achieve the required noise reduction to the Planning Department prior to the issuance of the certificate of occupancy.</p>  |  |  |  |   |
| <p><b>M-NO-1b: 4<sup>th</sup> Floor Terrace Noise Minimization.</b></p> <p>In order to reduce potential noise impacts from hotel guests, visitors, and events held on the 4<sup>th</sup> floor terrace, the project sponsor shall ensure all amplified sound shall be limited to no louder than 69 dBA and 80 dBC at the roof parapet line, irrespective of loudspeaker equipment or configuration.</p>  | Project sponsor/building management.           | Ongoing after issuance of certificate of occupancy.  | Project sponsor, Planning Department.  | On-going during project operations.                       |
| <p><b>M-NO-1c: Rooftop Deck Noise Minimization.</b></p> <p>In order to reduce potential noise impacts from hotel guests, visitors, and events held on the rooftop deck, the project sponsor shall ensure all amplified sound shall be limited to no louder than 69 dBA and 80 dBC at the east property line just beyond the roof parapet, irrespective of loudspeaker equipment or configuration.</p>  | Project sponsor/building management.           | Ongoing after issuance of certificate of occupancy.  | Project sponsor, Planning Department.  | On-going during project operations.                       |
| <b><i>Air Quality Mitigation Measure</i></b>   |  |  |  |   |
| <p><b>Mitigation Measure M-AQ-2: Construction Air Quality</b></p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines</p> | Project sponsor and construction contractor(s) | Construction Emissions Minimization Plan development to occur prior to issuance of a demolition, grading, or building permit. Monitoring to occur during project construction. | Project sponsor to submit a Construction Emissions Minimization Plan for approval by the ERO and Environmental Planning. Planning Department to review and approve plan. Project sponsor to submit quarterly reports to Planning Department during construction, and final report six months after construction. | As specified in Construction Emissions Minimization Plan. |

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|---|--------------------------------------|----------------------------|--|----------------------------|
| <p>meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p> <p>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>B. <i>Waivers.</i></p> <p>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next</p> |                                      |                            |  |                            |

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
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| MEASURES ADOPTED AS CONDITIONS OF APPROVAL   | Implementation Responsibility | Mitigation Schedule      | Monitoring/Reporting Responsibility | Monitoring Schedule |        |                   |   |        |                   |   |        |                   |  |  |  |  |
|--|-------------------------------|--------------------------|-------------------------------------|---------------------|--------|-------------------|---|--------|-------------------|---|--------|-------------------|--|--|--|--|
| <p>cleanest piece of off-road equipment, according to Table A below.</p> <p>Table A – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><td>Compliance Alternative</td><td>Engine Emission Standard</td><td>Emissions Control</td></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>** Alternative fuels are not a VDECS.</p> <p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and</p> | Compliance Alternative        | Engine Emission Standard | Emissions Control                   | 1                   | Tier 2 | ARB Level 2 VDECS | 2 | Tier 2 | ARB Level 1 VDECS | 3 | Tier 2 | Alternative Fuel* |  |  |  |  |
| Compliance Alternative   | Engine Emission Standard      | Emissions Control        |                                     |                     |        |                   |   |        |                   |   |        |                   |  |  |  |  |
| 1  | Tier 2                        | ARB Level 2 VDECS        |                                     |                     |        |                   |   |        |                   |   |        |                   |  |  |  |  |
| 2  | Tier 2                        | ARB Level 1 VDECS        |                                     |                     |        |                   |   |        |                   |   |        |                   |  |  |  |  |
| 3  | Tier 2                        | Alternative Fuel*        |                                     |                     |        |                   |   |        |                   |   |        |                   |  |  |  |  |



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|---|-------------------------------|--|---|---|
| <p>hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p> |                               |  |   |   |
| <p><b>M-AQ-4: Best Available Control Technology for Diesel Generators.</b></p> <p>The project sponsor shall ensure that that backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-</p>   | Project sponsor.              | Prior to issuance of a permit for a backup diesel generator. | Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all | Considered complete upon submittal of documentation to the Planning |

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|--|--|--|--|--|
| verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.   |  |  | installed diesel generators on the project site. | Department.  |
| <b>IMPROVEMENT MEASURES FOR THE 5 THIRD STREET HEARST HOTEL PROJECT</b>  |  |  |  |  |
| <b><i>Cultural Resources Improvement Measures</i></b>  |  |  |  |  |
| <b>I-CR-A: Historic Resource Documentation.</b><br>Prior to the issuance of demolition or site permits, the project sponsor should undertake Historic American Building Survey (HABS) documentation of the subject property, structures, objects, materials, and surrounding context. The project sponsor should retain a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History, as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61), to prepare written and photographic documentation of the Hearst Building. The documentation should consist of the following: <ul style="list-style-type: none"> <li><i>Measured Drawings:</i> A set of measured drawings that depict the existing size, scale, and dimension of the subject property. Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.). Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings;</li> <li><i>HABS-Level Photographs:</i> Either HABS standard large format or digital photography should be used. The scope of the digital photographs should be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park</li> </ul> | Project sponsor/Planning Department Preservation Staff | Prior to issuance of demolition or site permits. | Project sponsor, Planning Department.            | Considered complete once documentation approved prior to granting any demolition or site permit. |

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|--|--|--|--|--|
| <p>Service Standards. The photography should be undertaken by a qualified professional with demonstrated experience in HABS photography. Photograph views for the dataset shall include (a) contextual views; (b) views of each side of the building and interior views, where possible; (c) oblique views of the building; and (d) detail views of character-defining features, including features on the interior. All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the dataset; and</p> <ul style="list-style-type: none"> <li>• <i>HABS Historical Report</i>: A written historical narrative and report, per HABS Historical Report Guidelines.</li> <li>• A Print On Demand softcover book should be produced that includes the content of the HABS historical report, historical photos, HABS-level photography, measured drawings and field notes.</li> </ul> <p>The project sponsor should transmit such documentation, in both printed and electronic form, to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, and the Northwest Information Center of the California Historical Information Resource System. All documentation will be reviewed and approved by the San Francisco Planning Department's Preservation Coordinator prior to granting any demolition or site permit.</p> |  |  |  |  |
| <p><b>I-CR-B: Construction Best Practices for Historic Resources.</b></p> <p>The Project Sponsor should incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the historic masonry and terra cotta cladding at 5 Third Street and 190 Stevenson Street as well as the brick and terra cotta cladding at 17-29 Third Street. This should include: staging of equipment and materials as far as possible from the historic buildings to limit damage; using techniques in the selective demolition and all construction activity that creates the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire.</p>  | Project sponsor/Planning Department Preservation Staff | Submitted to Planning Department along with Site Permit Application. | Project sponsor/Planning Department.       | Submitted to Planning Department for review and approval by Preservation Staff along with site permit. |

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|---|---|---|---|---------------------------------------|
| These construction specifications should be submitted to the Planning Department for review and approval by Preservation staff along with the Site Permit Application.  |   |   |   |                                       |
| <b><i>Transportation and Circulation Improvement Measures</i></b>   |   |   |   |                                       |
| <b>I-TR-A: Coordination of Large Deliveries and Trash Pick-up.</b><br>The project's building management will coordinate with building tenants and delivery services to minimize deliveries and moving activities of truck with lengths exceeding 40 feet during peak passenger loading periods and to use the existing metered curbside commercial loading spaces along the Stevenson Street project frontage, thereby reducing activity during the peak hour for loading and reducing the potential for double parking of delivery or trash vehicles within the travel lane adjacent to the project site on Stevenson Street (in the event that the existing or proposed on-street loading spaces are occupied), which will result in minimum conflict with other loading activity, traffic, bus circulation, or pedestrians walking in the immediate vicinity of the project. Although many deliveries cannot be limited to specific hours, the building management will work with tenants to find opportunities to consolidate deliveries and reduce the need for peak-period deliveries, wherever possible. | Project sponsor/building management             | Ongoing after issuance of certificate of occupancy.   | Project sponsor, Planning Department.   | On-going during project operations.   |
| <b>I-TR-B: Construction Truck Deliveries During Off-Peak Periods.</b><br>The project sponsor and their construction contractor(s) will limit construction truck deliveries to the hours between 9:00 a.m. and 3:30 p.m. weekdays (or other times) as provided for in the conditions of Special Traffic Permits, thereby minimizing disruption of the general traffic flow on adjacent streets during the weekday a.m. and p.m. peak periods. If required by the SFMTA, the use of flaggers at the intersection of Third and Stevenson Streets will be used to manage pedestrian traffic when construction vehicles are present, in order to expedite their entry onto Stevenson Street and prevent construction vehicles from queueing along Third Street.<br>As part of the city review of the construction logistics plan a designated staging area will be identified, if needed, for any construction vehicles waiting to enter the construction site on Stevenson Street, in order to prevent any conflicts with transit vehicles on Third Street.   | Project sponsor and construction contractor(s). | Prior to the issuance of a grading, excavation, or building permit and ongoing during project construction. | Project sponsor and construction contractor(s) to submit construction logistics plan for construction to the SFMTA for review and approval. | On-going during project construction. |
| <b>I-TR-C: Construction Updates for Nearby Residents and Businesses.</b><br>To minimize construction impacts on access to nearby residents and businesses, the project sponsor and their construction contractor(s) will provide regularly-updated  | Project sponsor and construction contractor(s). | Ongoing during project construction.  | Addition of the Planning Department's Development Performance Coordinator to  | On-going during project construction. |

**MITIGATION MONITORING AND REPORTING PROGRAM FOR**

**5 THIRD STREET HEARST HOTEL PROJECT**

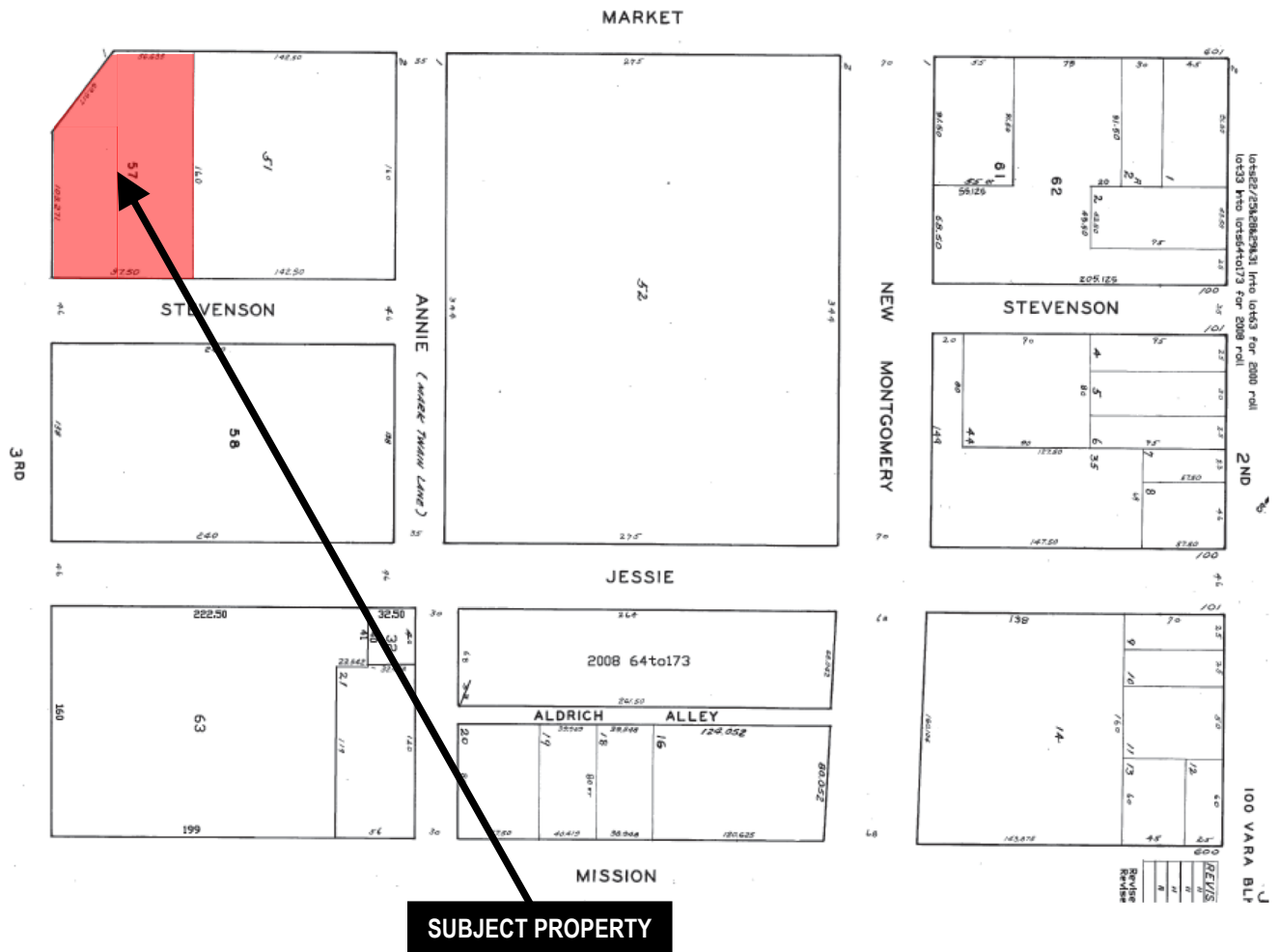
**NOTE:** Each mitigation or improvement measure in this document applies to the proposed project, all variants and all alternatives, unless noted otherwise.

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|--|--------------------------------------|----------------------------|---|----------------------------|
| information (typically in the form of website, email and/or list-serve, and on-site postings) regarding project construction activities and schedule (e.g., travel lane closures), as well as including contact information for specific construction inquiries or concerns. This notification will be coordinated with other notification required for construction activities for example, noisy construction activities or night noise permits. |                                      |                            | the e-mail list for construction updates is considered verification that the requirement for regular e-mail notice to neighbors is being met. |                            |

# EXHIBIT D:

## MAPS AND CONTEXT PHOTOS

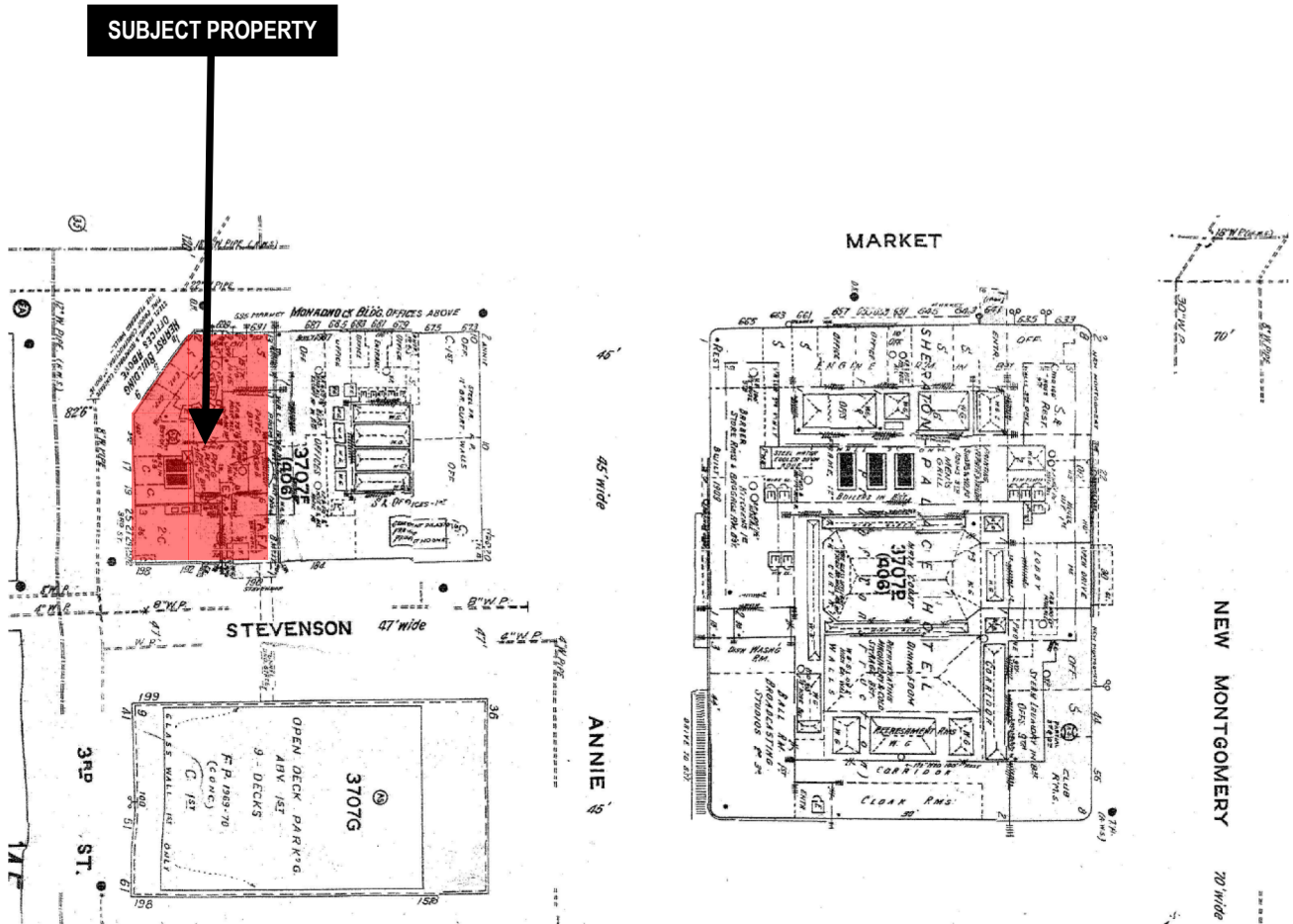
# Parcel Map



Planning Code Amendment, Downtown  
Project and Conditional Use Authorizations  
Case Number 2016-007303PCA/DNX/CUA  
5 Third Street



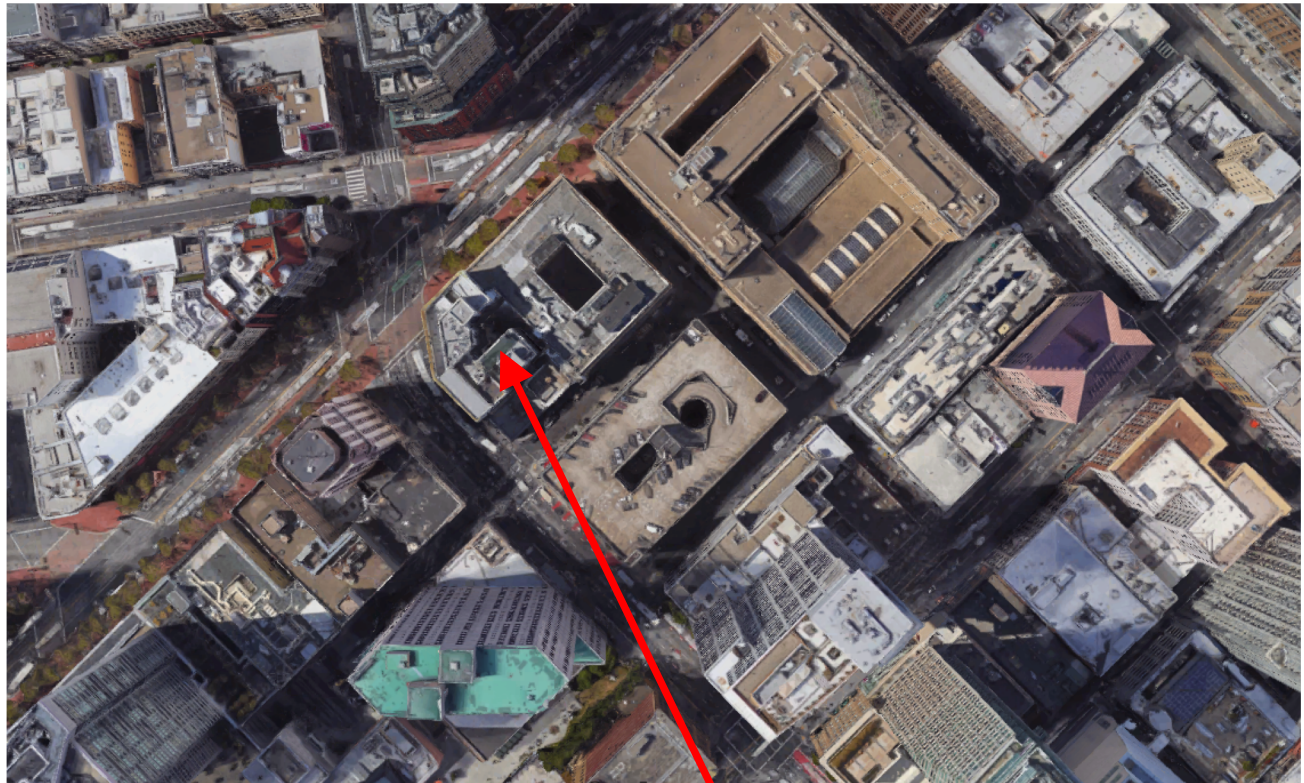
# Sanborn Map\*



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



# Aerial Photo – View 1

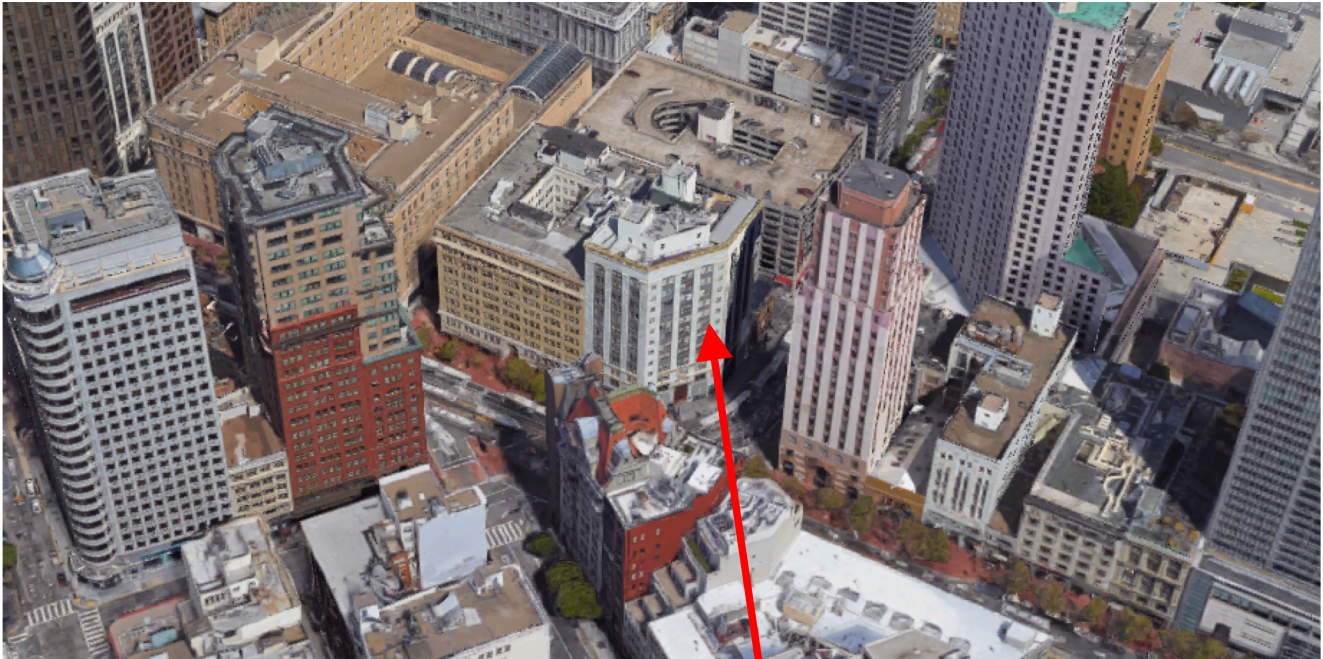


**SUBJECT PROPERTY**





## Aerial Photo – View 2

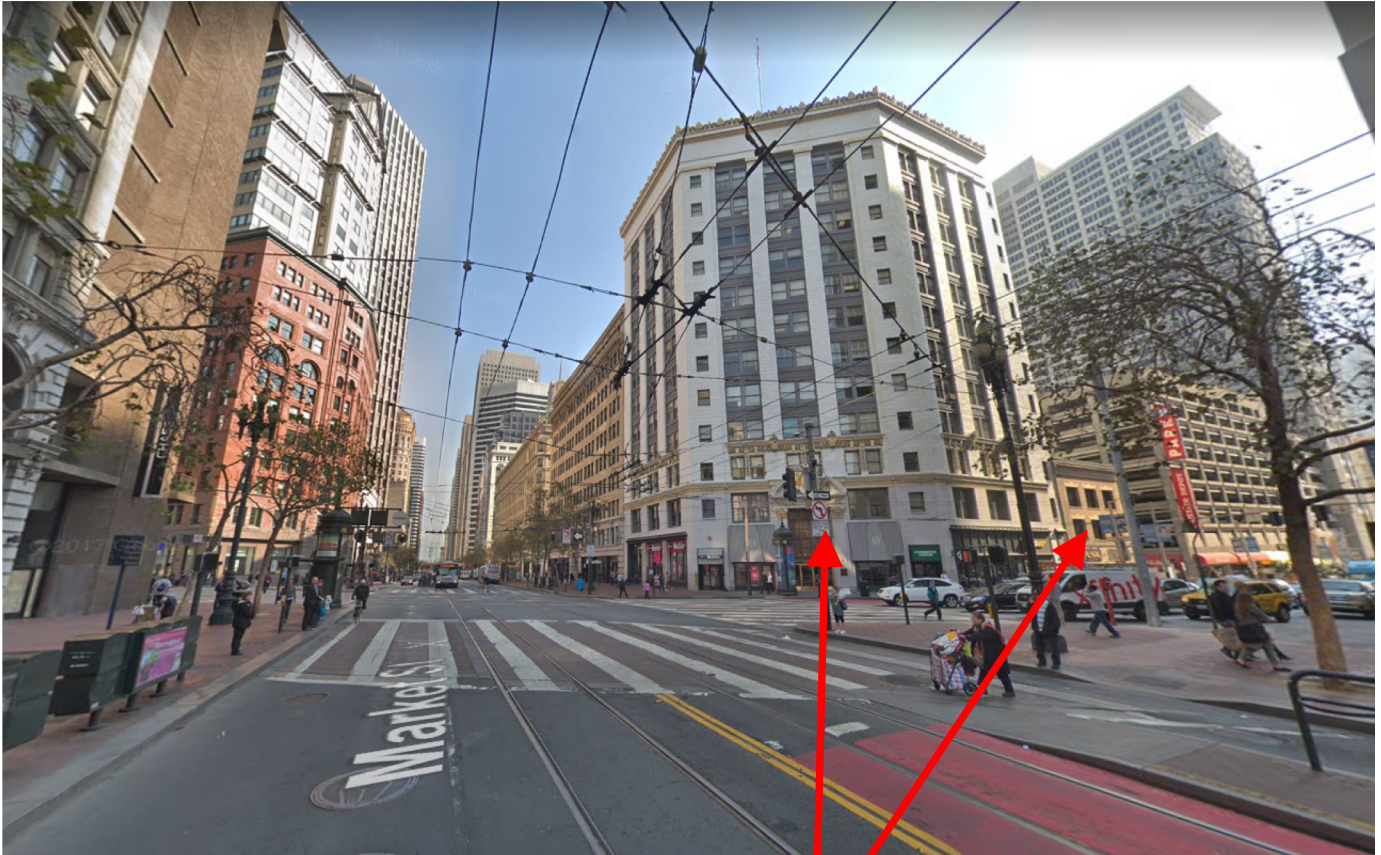


**SUBJECT PROPERTY**



# Site Photo– View 1

## Market Street



**SUBJECT PROPERTY**





# Site Photo – View 2

## Third Street



SUBJECT PROPERTY



# Site Photo– View 3

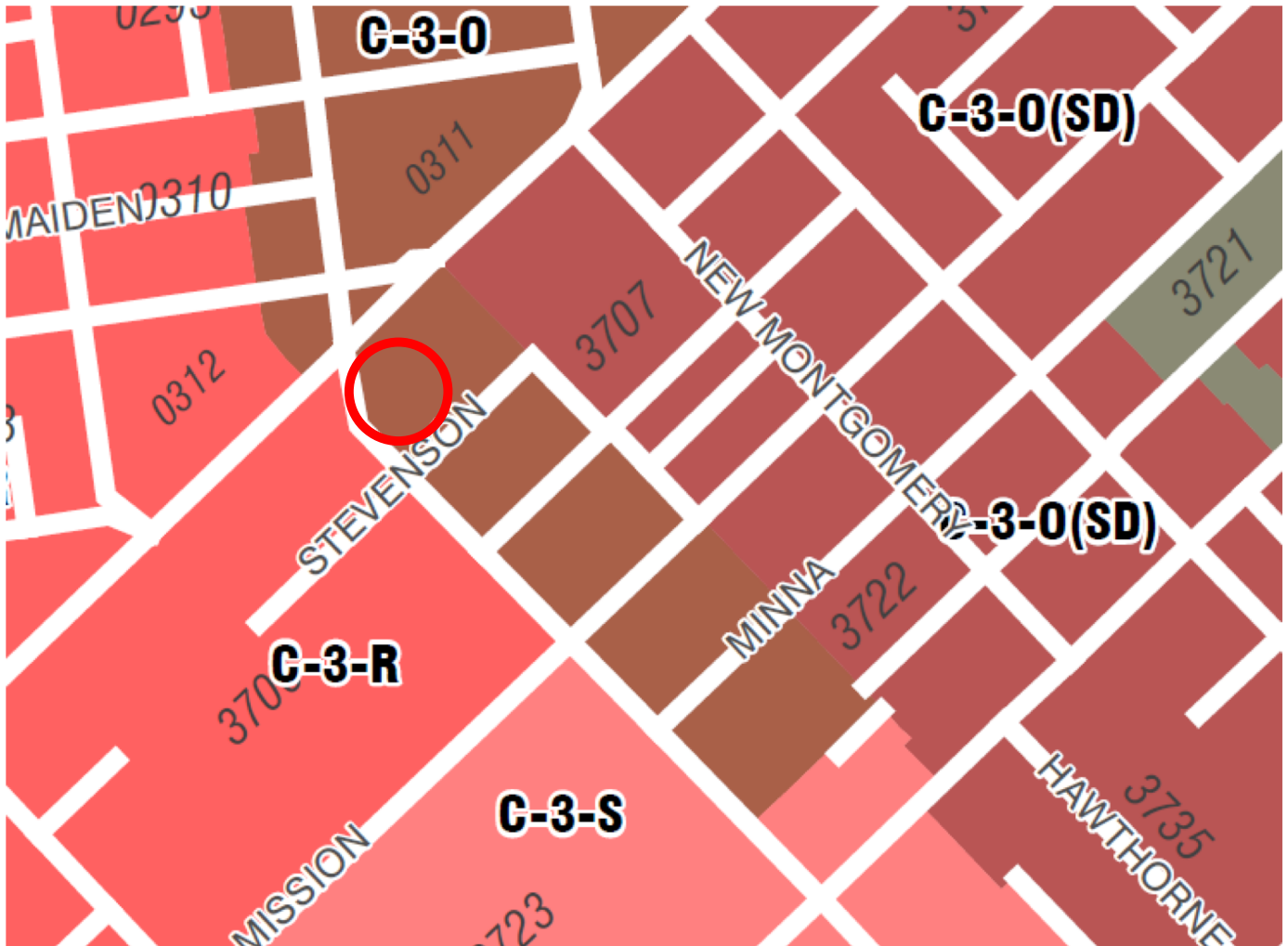
## Stevenson Street



**SUBJECT PROPERTY**

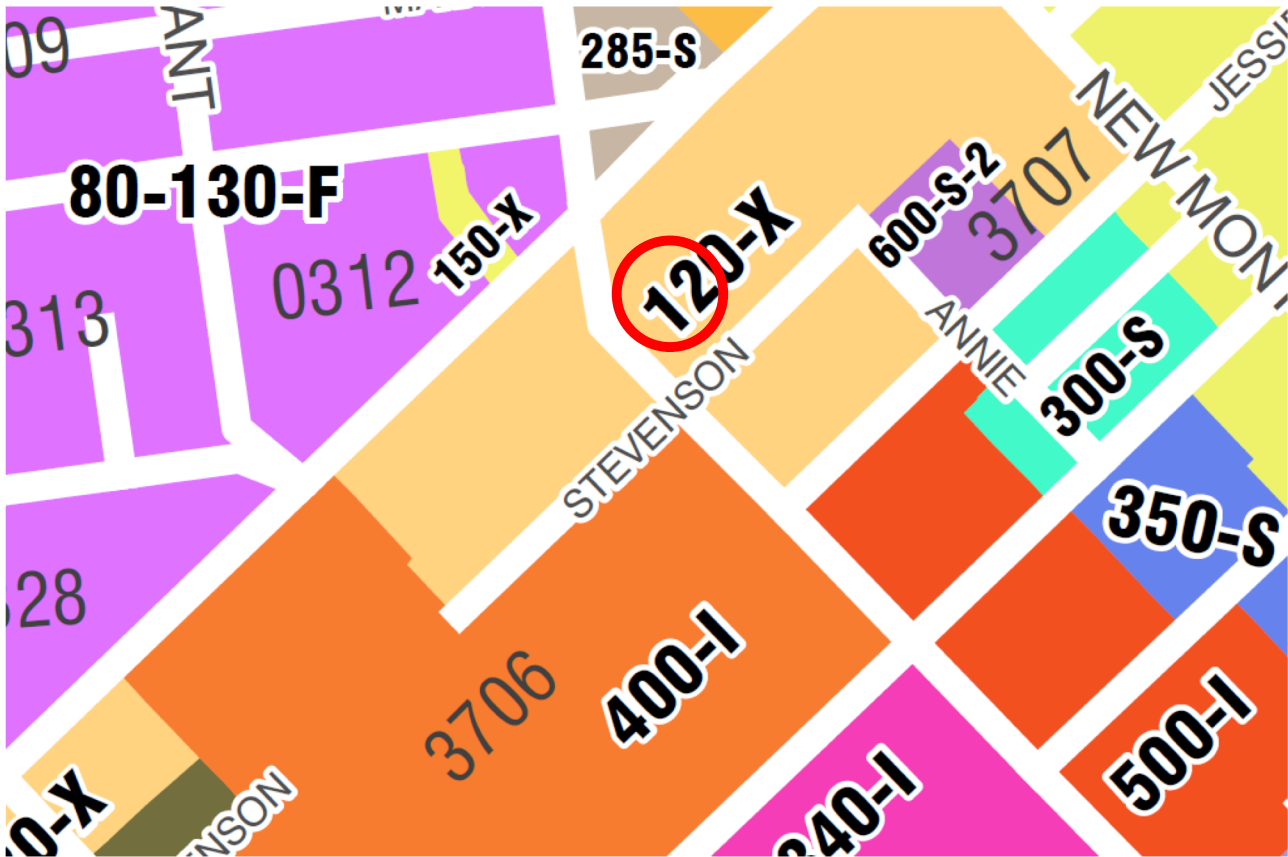


# Zoning Map





# Height and Bulk Map





# EXHIBIT F:

## FIRST SOURCE HIRING



# 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<br><b>5 Third St San Francisco CA 94103</b>               |  | BLOCK/LOT(S)<br><b>3707 / 057</b>           |   |
| BUILDING PERMIT APPLICATION NO.<br><b>2016-007303ENV</b>                  | CASE NO. (IF APPLICABLE)                           | MOTION NO. (IF APPLICABLE)                  |   |
| PROJECT SPONSOR<br><b>Bespoke Hospitality</b>                             | MAIN CONTACT<br><b>Caroline Chase</b>              | PHONE<br><b>415-772-5793</b>                |   |
| ADDRESS<br><b>Coblentz Patch, Duffy, &amp; Bass 1 Montgomery St #3000</b> |  |   |   |
| CITY, STATE, ZIP<br><b>San Francisco, CA 94104</b>                        |  | EMAIL<br><b>cchase@coblentzlaw.com</b>      |   |
| ESTIMATED RESIDENTIAL UNITS<br><b>0</b>                                   | ESTIMATED SQ FT COMMERCIAL SPACE<br><b>131,650</b> | ESTIMATED HEIGHT/FLOORS<br><b>189' / 13</b> | ESTIMATED CONSTRUCTION COST<br><b>\$70M</b> |
| ANTICIPATED START DATE<br><b>Q2 2020</b>                                  |  |   |   |

#### 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 type="checkbox"/>  | A: The project consists of ten (10) or more residential units;                     |
| <input checked="" 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.  |
| <p>NOTES:</p> <ul style="list-style-type: none"> <li>If you checked <b>C</b>, this project is <b>NOT</b> 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 <b>IS</b> 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      | TBD                         | TBD                    | TBD               | Laborer                | TBD                         | TBD                    | TBD               |
| Boilermaker            | TBD                         | TBD                    | TBD               | Operating Engineer     | TBD                         | TBD                    | TBD               |
| Bricklayer             | TBD                         | TBD                    | TBD               | Painter                | TBD                         | TBD                    | TBD               |
| Carpenter              | TBD                         | TBD                    | TBD               | Pile Driver            | TBD                         | TBD                    | TBD               |
| Cement Mason           | TBD                         | TBD                    | TBD               | Plasterer              | TBD                         | TBD                    | TBD               |
| Drywall/Latherer       | TBD                         | TBD                    | TBD               | Plumber and Pipefitter | TBD                         | TBD                    | TBD               |
| Electrician            | TBD                         | TBD                    | TBD               | Roofer/Water proofer   | TBD                         | TBD                    | TBD               |
| Elevator Constructor   | TBD                         | TBD                    | TBD               | Sheet Metal Worker     | TBD                         | TBD                    | TBD               |
| Floor Coverer          | TBD                         | TBD                    | TBD               | Sprinkler Fitter       | TBD                         | TBD                    | TBD               |
| Glazier                | TBD                         | TBD                    | TBD               | Taper                  | TBD                         | TBD                    | TBD               |
| Heat & Frost Insulator | TBD                         | TBD                    | TBD               | Tile Layer/Finisher    | TBD                         | TBD                    | TBD               |
| Ironworker             | TBD                         | TBD                    | TBD               | Other:                 | TBD                         | TBD                    | TBD               |
| TOTAL:                 |                             |                        | TBD               | TOTAL:                 |                             |                        | TBD               |

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? ☒ YES ☐ NO
2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? ☒ YES ☐ NO
3. Will hiring and retention goals for apprentices be established? ☒ YES ☐ NO
4. What is the estimated number of local residents to be hired? TBD

### Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE: Jamie Robertson, Authorized Agent EMAIL: Jrobertson@jmaventuresllc.com PHONE NUMBER: (415) 728-0794

I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.

(SIGNATURE OF AUTHORIZED REPRESENTATIVE)

(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)

Go: 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)