



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Extension of Performance Period and Project Modification

HEARING DATE: JANUARY 25, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: December 26, 2017
Case No.: **2017-003134CUADNXENVPTA**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The Project Sponsor seeks to modify the conditions of approval for a previously approved project ("Project") in order to extend the performance period for three years. The Project was originally approved by the Planning Commission on November 15, 2001, (Motions Nos. 16283 and 16284), and subsequently extended in 2004 (Motion Nos. 16919 and 16920), in 2010 (Motion Nos. 18053 and 18054); and most recently in 2013 (Motion Nos. 18954 and 18955). The Modified Project ("Modified Project") would demolish an existing surface parking lot and construct an approximately 130-foot-tall (up to maximum height of 146 feet with exempt features), 11-story-over-basement, approximately 74,000 gross square foot (gsf) building at the project site ("Project Site") located at 72 Ellis Street. The proposed building would contain a Hotel Use (a Retail Sales and Service Use), providing one hundred and ninety two (192) tourist guest rooms, and would also contain approximately 5,500 square feet of retail use. Modifications to the previously approved Project include an approximately five-foot height increase (from 125 feet to 130 feet) and a 23% increase in room count (from 156 rooms to 192 rooms). The Project Sponsor is able to incorporate the additional rooms into roughly the same building envelope as the previously approved Project. The Modified Project would not include a restaurant, but instead would provide a food service and bar area on Floor 2. Accessory meeting rooms and retail space would be relocated, but remain aspects of the Project. While no off-street parking is proposed, the Project Sponsor would seek approval by the SFMTA for a combination commercial parking zone ("yellow curb") and passenger loading/unloading zone ("white curb") along the approximately 74-foot frontage along Ellis Street, directly in front of the subject property (same proposal as the originally approved Project).

SITE DESCRIPTION AND PRESENT USE

The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and

Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed as a surface parking lot (Automobile Parking Use).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Hallidie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The Project Site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measuring four to eight stories in height, and exhibit rich detailing and ornamentation.

ENVIRONMENTAL REVIEW

On November 15, 2001, the Planning Commission (“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”).

On May 25, 2017, the Department issued a memorandum “Note to File” documenting the prior environmental review and approvals granted for the Project. The memorandum describes the prior approvals granted for the Project and the previous environmental review. Taking into account modifications to the Project since 2001, the memorandum concludes that no substantial changes have occurred since the prior review of the Project that would indicate that the project may result in potentially significant environmental impacts not already considered by the FMND, and therefore, that no subsequent environmental review for this project is warranted.

In advance of the Planning Commission’s consideration of the modified Project, CHS Consulting Group prepared a technical circulation memorandum under the Planning Department’s direction. It analyzed existing multimodal circulation conditions in the Project vicinity, estimating travel demand associated with the Project, and documenting changes to the Project and the transportation network that are ongoing or have occurred since the Project was originally approved. Notably, when the Project was first approved in 2001, the City was not yet using Vehicle Miles Traveled (“VMT”) to measure transportation impacts. Using VMT, the circulation memorandum concludes that because the Project Site is located in an area where existing VMT for all project uses is less than 15 percent below the regional average, the current Project would not result in substantial additional VMT. The circulation memorandum concludes that the modified Project would not result in any new transportation impacts because: (1) the Project would occupy approximately the same building envelope with no sidewalk encroachments; (2) the Project would remove an existing curb cut along Ellis Street; (3) the Project would not introduce any new features that would conflict with transit, pedestrian, or bicycle access; (4) the Project is located within an area where existing VMT for all project uses is less than 15 percent below the regional average; and (5)

construction of the Project would not substantially interfere with circulation or accessibility with current or future transportation network projects in or around the Project Site.

On November 16, 2017, following completion of the voluntary circulation memorandum, the Department issued an updated “Note to File” documenting the prior environmental review and approvals granted for the Project. The memorandum describes the findings of the environmental review conducted for the previously approved project (Mitigated Negative Declaration, Case No. 2000.383E, adopted November 15, 2001) and describes how the current modifications addressed in the Section 309 (Case No. 2017-003134DNX), Conditional Use Authorization (Case No. 2017-003134 CUA) and Permit to Alter (Case No. 2017-003134PTA) and building permit application No. 201508033157 differ from the previously approved project.

Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 5, 2018	January 3, 2018	22 days
Posted Notice	20 days	January 5, 2018	January 5, 2018	20 days
Mailed Notice	20 days	January 5, 2018	January 5, 2018	20 days

PUBLIC COMMENT

To date, the Department has received letters of support from the Alliance for a Better District 6 and San Francisco Travel.

ISSUES AND OTHER CONSIDERATIONS

- **Previous Extensions.** The Project was not constructed following the original 2001 approval, and the Planning Commission thereafter granted extensions of the project entitlements in 2004, 2010, and 2013. Since the original 2001 approval of the Project, the hotel market faced a series of economic downturns precipitated by: 1) the collapse of the “dot-com” industry in San Francisco (and greater Bay Area); 2) the decline in tourism following the terrorist attacks of September 11, 2001; and 3) the global financial crisis of 2007-2008 (including the collapse of the national housing market) leading to general economic decline at the local, state, national, and global levels.
- **Terms of Extension.** The Project Sponsor is an integrated hotel developer and operator that acquired the property in August 2016 to construct the Project given the current state of the economy—in particular the robust market for hotel development projects—and is therefore requesting an extension of the performance period for an additional three years. However, given the age of the original entitlements and the number of previous extensions, the Department

recommends that the Commission limit the term of the requested extension to two years from the effective date of the approval. While the Department does not support the request for a full three-year extension, conversely, the Department believes that a one year extension would likely prove extremely challenging for the Project Sponsor to fulfill the site permit issuance requirements. Therefore, the Department recommends a two-year extension of the performance period.

- **Modification of the Project.** The characteristics of the Modified Project are illustrated in Table 1, below. The primary differences from the project approved in 2001 (as compared to the 2017 plan submittal) pertains to an increase in room count, minor increase in building height, change in ground floor programming, and other minor interior layout changes. The proposed modifications are, on balance, not considered to be a significant enlargement/intensification, for the following reasons:

Table 1: Comparing Planning Code Requirements and Project Characteristics 2001 and 2017

PLANNING CODE	In 2001	In 2017	NOTES
Zoning District	C-3-R	C-3-R	no change
Height & Bulk	80-130-F	80-130-F	no change
Existing use	Surface parking lot	Surface parking lot	no change
CHARACTERISTICS	As APPROVED	Per 2017 Plans	NOTES
Total gross floor area	76,554 sf	74,068 sf	-2,486 sf
Floors/ Building Height	11 stories over basement / 124'-10"	11 stories over basement / 130'	+5'-2"; permitted by the underlying zoning district
CHARACTERISTICS	As APPROVED	Per 2017 Plans	NOTES
Total Building Height	146'-0" inclusive of rooftop features (e.g., semi-enclosed trellis, mechanical equipment); excluding elevator penthouse.	145'-6" inclusive of rooftop features (e.g., semi-enclosed trellis, mechanical equipment); excluding elevator penthouse.	Overall maximum building envelope— excluding elevator penthouse—is reduced by 6" (therefore, essentially no change in overall maximum building envelope).
Use	Hotel w/ basement; ground floor retail uses (restaurant)	Hotel w/ basement; ground and mezzanine floor retail uses (no restaurant)	Restaurant use removed, increase in amount of retail floor area
Room count	156	192	+36 rooms (23% increase)

Retail / Restaurant	Restaurant on Floor 1 (2,400 sf), with kitchen and service areas at basement level	Retail on Floor 1(4,720 sf) and Floor 1M (796 sf), totaling 5,516 sf	+5,516 sf of retail floor area
Parking	none	none	no change
Loading	Passenger loading zone along North side of Ellis Street proposed	Passenger loading zone along North side of Ellis Street proposed	no change
Bicycle parking	none	8 x Class 1 spaces 11 x Class 2 spaces	+19 spaces where none previously provided; current amount is Code compliant
Privately-Owned Public Open Space (POPOS)	<800 sf required; 2,780 sf provided at roof terrace.	<800 sf required; approximately 1,326 sf provided at roof terrace.	-1,454 in amount of POPOS sf provided at roof terrace due to CBC compliance.

- **Room Count.** While the Modified Project proposes an increase in the overall room count (from 156 to 192 rooms, or, an approximately 23% increase in room count), two Zoning Administrator interpretations of Planning Code Section 178(c) from December 1998 and March 2002 define an expansion of more than 25% of the floor area (or number of spaces or rooms) or more than 500 square feet, whichever is less, to be considered a significant enlargement. Given that the Modified Project proposes a reduction in overall floor area (a decrease by approximately 2,056 gsf), the proposed 23% increase in number of hotel rooms is below the threshold (25%) to be considered an significant enlargement. Therefore, the Modified project is not considered to be a significant enlargement or intensification of permitted conditional use.
- **Height.** The Project, as originally approved in 2001 (and subsequently extended in 2004, 2010, and 2013) proposed a building that was 146 feet tall, inclusive of rooftop features. The 2001 submittal proposed a 124'-10" tall building, up to 146 feet tall including the roof top features whereas the Modified Project proposes a 130' tall building, up to 145'-6" tall inclusive of the rooftop features. While the finished roof height has increased by approximately five feet, the overall envelope of the maximum building envelope is actually 6" inches lower. The rooftop enclosures and screening for elevator and mechanical features for the Project are exempt up to 20 feet pursuant to Code Section 260(b)(1)(F)(ii). The original Project also sought exceptions pursuant to Code Section 309 for a maximum building height up to 130 feet (Code Section 263.8). Similarly, the Modified Project maintains a maximum building height of 130 feet, compliant with Code Section 263.8 in accordance with the provision of Section 309.
- **Elevator Penthouse Height Exemption.** The Project requests a height exemption from Section 260(b)(1)(B), which limits the height exemption applicable to elevator penthouses to 16 feet. The rooftop elevator penthouse enclosure at the Project Site would extend 29'-1" above the roof elevation of 130 feet, exceeding the allowable height by 13'-1". The Zoning Administrator may, after conducting a public hearing, grant a height exemption for an elevator penthouse provided that the exemption is required to meet state or

federal laws or regulations. The Project Sponsor has provided a technical memorandum from the Project's elevator consultant confirming that the exemption is required to meet State of California elevator safety codes.

- **Uses/Programming.** The Project, as originally approved in 2001, included space for a ground floor Restaurant Use. The Modified Project proposes approximately 5,500 square feet of retail space on both the ground floor and mezzanine floor in lieu of the Restaurant Use. Therefore, the Modified Project's provision of Retail Sales and Service Uses at the ground floor is in keeping with the underlying zoning district (C-3-R).
- **Privately-Owned Public Open Space (POPOS).** The Project, as originally approved in 2001, included an approximately 2,700 sf rooftop terrace to count towards the POPOS requirement for the Project (Code Section 138). To meet California Building Code and emergency existing requirements, the Modified Project proposes a reduced rooftop terrace of approximately 1,326 sf. The location of the POPOS within the rooftop terrace—fronting Ellis Street—is the same as the original entitlement.
- **Improvement Measures.** The Project, as originally approved in 2001, contained improvement measures (not Mitigation Measures) to address curbside management and construction improvement measures. As part of the review of the Modified Project, a technical circulation memorandum was prepared by CHS Consulting Group to provide additional transportation analysis for the Modified Project. This technical circulation memorandum was reviewed by Department Staff prior to the issuance of the November 2017 Note to File.

Of note, the original Project included several improvement measures that the Modified Project would modify or eliminate, reflecting a change in the overall programming of the proposed hotel use. The original Project included an improvement measure requiring that the valet parking operator proposed at the time would use pre-established specified inbound and outbound routes to and from the hotel. This improvement measure would no longer be applicable, as the Modified Project will not include a curbside valet service within the proposed curbside passenger loading area.

Additionally, the original Project also included an improvement measure requiring that truck movements for construction activities occur between 9:00 a.m. and 3:30 p.m. to minimize disruption of general traffic flow on streets within the study area during the a.m. and p.m. peak periods. However, for the Modified Project, a similar measure is proposed that supersedes this original Project's improvement measure. The Project Sponsor will conform to the working hours established by the San Francisco Department of Building Inspection (DBI) and will coordinate delivery and additional traffic management measures as detailed above.

For the Modified Project, the following two improvement measures are considered part of the modified Conditions of Approval (Conditions #20 and #21), superseding Condition #4(D)(1) and (2) "On-Street Loading Zone Along the North Side of Ellis Street" from Motions Nos. 16283 and 16284 (2001):

1) Traffic Improvement Measures:

- Hotel staff would be available at all times to manage the curbside passenger and freight loading activities;
- No vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities;
- The Project Sponsor would be required to instruct its hotel guests on available inbound and outbound routes to and from the hotel. Hotel promotional materials and other publications would also include such routes;
- Taxis would be discouraged from waiting within the curbside commercial loading spaces;
- Due to the length of the curbside passenger loading space, the Project Sponsor would not permit pre-arranged limousine services; and
- Pavement markings, such as reflective “dots” would be placed between the Ellis-O’Farrell Garage immediately to the east of the 2017 Project site and the passenger loading zone to discourage cars exiting the garage from entering the loading area.

2) Construction Improvement Measures:

- The Project Sponsor shall meet with SFMTA, the Fire Department, and the Planning Department to determine feasible traffic improvement measures to reduce traffic congestion and pedestrian circulation impacts during construction of the 2017 Project; and
 - To ensure that construction activities would not impact Muni bus stops in the study area, the Project Sponsor shall coordinate with Muni prior to construction.
-
- **Public Art.** The Project is subject to the public art requirements outlined in Code Section 429. The Project Sponsor has submitted a preliminary plan for the placement of the public art. At this time, the Department considers the art program to be preliminary and the satisfaction of the public art requirement will be addressed at a future Planning Commission hearing as a standard, informational item.
 - **Updated Design/Conservation District Compatibility.** The Project Site is located within the Kearny-Market-Mason-Sutter Conservation District. The Project, as originally approved in 2001, was reviewed by the Landmarks Preservation Advisory Board (“Landmarks Board”) on an informational basis; the Landmarks Board supported the design of the original Project. In addition, San Francisco Heritage reviewed the Project in 2001, and similarly, supported the design as presented to them at that time. In 2008, the City created the Historic Preservation Commission, which, replaced the Landmarks Board. Given the amount of time that has passed since the original Project was reviewed by a historic preservation review body, and given the minor design changes to the Modified Project, the Department required the Project Sponsor file a Permit to Alter (PTA) application (Case No. 2017-003134PTA).

On June 7, 2017, the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC) reviewed Case No. 2017-003134PTA and adopted findings for a Permit to Alter for new construction determined to be appropriate for and consistent with the purposes of

Article 11, to meet the standards of Appendix E in Article 11 and to meet the *Secretary of the Interior's Standards for Rehabilitation* (Motion No. 0305).

The proposed building (Modified Project) will replicate the prevailing three-part vertical compositions found throughout the District, with a height of approximately 130 feet. Its primary façade will be divided into three vertical bays, defined by a rhythmic fenestration pattern organized by vertical piers of limestone-clad rainscreen system enhanced by aluminum extrusion casing projecting approximately seven inches from the face of the glazing at the shaft level, and reinforced by a storefront glazing system at the base. Therefore, while the project proposes a contemporary building design, these features properly relate the building to the context of the District.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant an amendment to the conditions of approval for the original Conditional Use Authorization and Determination of Compliance and the granting of exceptions (Case No. 2000.383CX, Motion Nos. 16283 and 16284) per Planning Code Sections 303(e) and 309(j), to extend the performance period for an additional two years.

BASIS FOR RECOMMENDATION

- The extension of the performance period is necessary because it will grant additional time for construction of a project; a two year extension is appropriate given the present economic situation (including high demand for hotel rooms), and given that the project has received several prior extensions.
- The Project would add 192 tourist guest rooms to the city's supply of tourist hotel guest rooms; with occupancy rates near 90 percent, this Project will help satisfy the demand for tourist hotel guest rooms in the city.
- The contemporary architecture of the Modified Project has been designed to be compatible in scale and texture with nearby structures, as well as the surrounding neighborhood character of the Kearny-Market-Mason-Sutter Conservation District
- The Project Site is currently developed as a surface parking lot, creating an undesirable void in the street wall; the Project would construct a new building on the Project Site that would complete the street wall along Ellis Street.
- The Project site is well served by public transit (including several MUNI lines and BART (the Project site is located one block away from the Powell Street BART/MUNI Station).
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments:

Draft Motions
Block Book Map
Sanborn Map
Aerial Photograph
Zoning Map
Site Photos

Executive Summary
Hearing Date: January 25, 2018

Case No. 2017-003134CUADNXENVPTA
72 Ellis Street

Original Motions of Approval
Environmental Note to File (2017)
Mitigated Negative Declaration (2001)
CUA, DNX, PTA Applications
Affidavit for First Source Hiring Program
Project Sponsor Package Submittal
Plan Submittal

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

Exhibits above marked with an "X" are included in this packet

NF
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |
| <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) | <input checked="" type="checkbox"/> Public Open Space (Sec. 138) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Transit Impact Development Fee (Sec. 411) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JANUARY 25, 2018

Date: December 26, 2017
Case No.: **2017-003134CUADNXENVPTA**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A DETERMINATION OF COMPLIANCE AND THE GRANTING OF EXCEPTIONS (FROM THE REQUIREMENTS FOR HEIGHT LIMITS PURSUANT TO PLANNING CODE SECTION 263.8 AND FOR BULK REQUIREMENTS PURSUANT TO PLANNING CODE SECTION 272) PURSUANT TO SECTION 309 OF THE PLANNING CODE TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF A MODIFIED 11-STORY, 130-FOOT TALL HOTEL PROJECT CONTAINING APPROXIMATELY 192 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND RETAIL ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the San Francisco Planning Department ("Department"), an Application for Conditional Use Authorization (Case No. 2000.383C), Application for Review of a C-3 (Downtown) project Under Section 309 of the Planning Code (Case No. 2000.383X), and Environmental Evaluation Application (Case No. 2000.383E) for the proposed project ("Project") at 72 Ellis Street. The

proposed Project included the demolition of an existing surface parking lot and the construction an 11-story, 125-foot hotel consisting of 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and for new construction within the Kearny-Market-Mason-Sutter Conservation District.

On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Personality Hotels, Inc. (former "Project Sponsor") filed with the Department an amendment to the Conditional Use Authorization Application and Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code.

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action.

On November 15, 2001, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting for Case No. 2000.383CX and adopted findings relating to the approval of Conditional Use Authorization under Planning Code Section 303 for a hotel with fewer than 200 rooms, and adopted findings relating to the approval of the Planning Code Section 309 Determinations of Compliance and Exceptions (Downtown Project Authorization) from height and bulk limits, and compliance with Section 7 of Appendix E to Article 11, for property in a C-3-R (Downtown, Retail) Zoning District, the 80-130-F Height and Bulk District, Assessor's Block 0327, Lot 011.

On October 6, 2004, Jorge Castillo, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Application No. 2004.1047CX, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On December 2, 2009, Jorge Castillo, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Case No. 2009.1105CX, requesting to amend the conditions of

approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105C, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Case No. 2013.0180CX, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0180CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for two years (Motions 18954 and 18955), subject to the conditions of the original approval of the Project. One of the conditions of approval required final design review by the Architectural Review Committee (ARC) as part of the Planning Department's review of the project; the project was reviewed by ARC on July 8, 2015. This extension expired on August 15, 2015.

On July 8, 2015, Tuija Catalano, acting on behalf of Highgate Hotels, Inc. (former "Project Sponsor"), presented an updated version of the proposed Project to the Architectural Review Committee of the Historic Preservation Commission as an informational item, to fulfill the conditions of approval (design compliance at plan stage) for Case No. 2013.0180C (Motion 18954). No formal action by the Architectural Review Committee of the Historic Preservation Commission was required.

July 16, 2015, Tuija Catalano, acting on behalf of Highgate Hotels, Inc. (former "Project Sponsor"), presented an updated version of the proposed Project to the Planning Commission as an informational item, to fulfill the conditions of approval (design compliance at plan stage) for Case No. 2013.0180C (Motion 18954). No formal action by the Planning Commission was required.

On March 15, 2017, Daniel Frattin, acting on behalf of OSIB 72 Ellis Street Properties, Inc. (d.b.a. "citizenM Hotels") ("Project Sponsor") filed with the Department Case No. 2017-003134CUADNXENVPTA, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to obtain a Permit to Alter from the Historic Preservation Commission, and to extend the performance period for an additional three years for the previously approved Project.

On May 25, 2017, the Department issued a memorandum "Note to File" documenting the prior environmental review and approvals granted for the Project. The memorandum describes the prior approvals granted for the Project and the previous environmental review. Taking into account modifications to the Project since 2001, the memorandum concludes that no substantial changes have occurred since the prior review of the Project that would indicate that the project may result in potentially

significant environmental impacts not already considered by the FMND, and therefore, that no subsequent environmental review for this project is warranted.

On June 7, 2017, the Historic Preservation Commission (HPC) reviewed Case No. 2017-003134PTA and adopted findings for a Permit to Alter for new construction determined to be appropriate for and consistent with the purposes of Article 11, to meet the standards of Appendix E in Article 11 and to meet the *Secretary of the Interior's Standards for Rehabilitation* (Motion No. 0305).

In advance of the Planning Commission's consideration of the modified Project, and in response to public request, CHS Consulting Group prepared a technical circulation memorandum under the direction of the Planning Department, analyzing existing multimodal circulation conditions in the Project vicinity, estimating travel demand associated with the Project, and documenting changes to the Project and the transportation network that are ongoing or have occurred since the Project was originally approved. The circulation memorandum concludes that the modified Project would not result in any new transportation impacts because: (1) the Project would occupy approximately the same building envelope with no sidewalk encroachments; (2) the Project would remove an existing curb cut along Ellis Street; (3) the Project would not introduce any new features that would conflict with transit, pedestrian, or bicycle access; (4) the Project is located within an area where existing VMT for all project uses is less than 15 percent below the regional average; and (5) construction of the Project would not substantially interfere with circulation or accessibility with current or future transportation network projects in or around the Project Site.

On November 16, 2017, the Department issued an updated memorandum "Note to File," documenting the prior environmental review and approvals granted for the Project and incorporating the findings of an additional voluntary transportation analysis. The memorandum describes the findings of the environmental review conducted for the previously approved project (Mitigated Negative Declaration, Case No. 2000.383E, adopted November 15, 2001) and describes how the current modifications addressed in the Section 309 (Case No. 2017-003134DNX), Conditional Use Authorization (Case No. 2017-003134 CUA) and Permit to Alter (Case No. 2017-003134PTA) and building permit application No. 201508033157 differ from the previously approved project. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

In advance of the Commission's review of the modified Project, the Project Sponsor submitted an economic demand memorandum prepared by Hausrath Economics Group. The memorandum concludes that there are a number of factors that favor tourist hotel use at the Project Site. Among those factors are (1) the location of the Project Site, steps from the Powell Street Cable Car line and midway between Union Square (shopping, theatres, entertainment) and Yerba Buena Gardens / Moscone Convention Center and an easy walk to the Financial District and Transbay District; (2) that the citizenM hotel product is well-known to international travelers who are a significant and growing component of San Francisco's overnight visitor market; and (3) that the citizenM proposal offers a new type of product and price point to the City's boutique hotel inventory.

On January 25, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2017-003134DNX. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period request in Application No. 2017-003134DNX, subject to the conditions of Motion No. 16284, as amended herein, and the conditions contained in "EXHIBIT A," attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny- Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Hallidie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny- Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Project Description.** The Project Sponsor seeks to modify the conditions of approval for a previously approved project ("Project") in order to extend the performance period for three years.). The Project was originally approved by the Planning Commission on November 15, 2001, (Motions Nos. 16283 and 16284), and subsequently extended in 2004 (Motion Nos. 16919 and 16920), in 2010 (Motion Nos. 18053 and 18054); and most recently in 2013 (Motion Nos. 18954 and 18955). The Modified Project ("Modified Project") would demolish an existing surface parking lot and construct an approximately 130-foot-tall (with exempt features, up to maximum height of 146 feet), 11-story-over-basement, approximately 74,000 gross square foot (gsf) building at the project site ("Project Site") located at 72 Ellis Street. The proposed building would contain a Hotel Use (a Retail Sales and Service Use), providing one hundred and ninety two (192) tourist guest rooms, and would also contain approximately 5,500 square feet of retail use. Modifications to the previously approved Project include an approximately five-foot height increase (from 125

feet to 130 feet) and a 23% increase in room count (from 156 rooms to 192 rooms). The Project Sponsor is able to incorporate the additional rooms into roughly the same building envelope as the previously approved Project. The Modified Project would not include a restaurant, but instead would provide a food service and bar area on Floor 2. Accessory meeting rooms and retail space would be relocated, but remain aspects of the Project. While no off-street parking is proposed, the Project Sponsor would seek approval by the SFMTA for a combination commercial parking zone ("yellow curb") and passenger loading/unloading zone ("white curb") along the approximately 74-foot frontage along Ellis Street, directly in front of the subject property (same proposal as the originally approved Project).

5. **Section 309 Exception for Bulk (Section 272).** Motion No. 16284 authorized an exception from the requirements for bulk pursuant to Planning Code Section 272. The modified Project retains that exception and incorporates Finding No. 5 of Motion No. 16284 as to bulk, as modified herein. Under Section 272, an exception from otherwise-applicable bulk requirements may be granted where the added bulk does not significantly affect light and air to adjacent buildings.

The project as approved in 2001 required a bulk exception to allow for a length dimension of 110 feet, 7 inches at 80 feet and above. Motion No. 16284 affirms that the exception would not significantly affect light and air to the adjacent buildings. The Project as proposed would have a length of approximately 111 feet. The additional 5 inches of length will similarly not significantly impact light and air to the adjacent buildings.

6. **Section 309 Exception for Height (Section 263.8).** Motion No. 16284 authorized an exception from the requirements for height pursuant to Planning Code Section 263.8. The modified Project retains that exception and incorporates Finding No. 5 of Motion No. 16284 as to height, as modified herein.

Section 263.8 provides that heights up to 130 feet may be permitted so long as (1) the height of the building does not exceed 130 feet; (2) the additional height will not add significant shadows on public sidewalks and parks; (3) the structure provides an appropriate transition to adjacent higher or lower buildings; and (4) the additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

Motion No. 16284 determined that the previous project (at 125 feet tall, and 146 feet inclusive of rooftop features) complied with the four findings required by Section 263.8. The Project Sponsor currently proposes a 130-foot tall building (145 feet, 6 inches inclusive of rooftop features). While the finished roof height has increased by approximately five feet, the overall envelope of the maximum building envelope is actually 6 inches lower. The rooftop enclosures and screening for elevator and mechanical features for the Project are exempt up to 20 feet pursuant to Code Section 260(b)(1)(F)(ii). The modified Project maintains a maximum building height of 130 feet, compliant with Code Section 263.8.

7. **Public Comment.** The Department has received letters of support from Alliance for a Better District 6 and San Francisco Travel.

8. The Commission adopts the findings of the previous Planning Commission Motion No. 16284, as though fully set forth herein and as modified herein.
9. This Commission finds that the Mitigated Negative Declaration adopted and issued by the Planning Department on November 5, 2001 reflects the independent judgment and analysis of the Commission and there is no substantial evidence that the proposed Project, given the implementation of the mitigation measures as stated in the Negative Declaration. Therefore, no additional environmental review is required for the modified Project.
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. This Commission finds that, given the past weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(E) of Motion No. 16284 to extend the performance period of the Project by two years from the effective date of this approval.
12. This Commission hereby finds that granting the proposed amendment to Condition of Approval No. 2(E) of Motion No. 16284 and modifications to the Project in this case would promote the health, safety, and welfare of the City for the reasons set forth in Motion No. 16284 and above.

DECISION

That based upon the Record, Historic Preservation Commission Motion No. 0305, 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 Section 309 Application No. 2017-003134DNX**, subject to the following conditions attached hereto as “EXHIBIT A” and subject to the Conditions of Approval of Planning Commission Motion No. 16284, as amended by this approval, to modify Condition 2(E) to extend the performance period of the project by two years from the effective date of this approval, which are incorporated herein by reference as though fully set forth, and to modify the Project in general conformance with the plans stamped “EXHIBIT B” and on file in Case Docket No. 2017-003134DNX.

The Planning Commission further finds that since the Mitigated Negative Declaration (“MND”) was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND. The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporates herein as part of this Motion by this reference hereto.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of 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 January 25, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 25, 2018

EXHIBIT A

AUTHORIZATION

This authorization is to modify the Project and extend the performance period under Motion No. 16284 for two years from the effective date of this authorization, for a project located at 72 Ellis Street, Block 0327, Lot 011, within the C-3-R Zoning District and the 80-130-F Height and Bulk District to allow the construction of an 11-story, 130-foot tall hotel containing approximately 192 rooms, lobby, accessory meeting rooms, and retail on a site currently used as a surface parking lot, with exceptions for height pursuant to Planning Code Section 263.8 and for bulk pursuant to Planning Code Section 272, and subject to conditions of approval reviewed and approved by the Commission on November 15, 2001, under Motion No. 16284, as amended herein by the Planning Commission on January 25, 2018, under Motion No. XXXXX, and subject to the conditions of approval under Motion No. 16283, as amended by the Planning Commission on January 25, 2018, per Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on January 25, 2018 under Motion Nos. XXXXX and XXXXX.

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 **two (2)** years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this two-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the **two (2)** year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than **two (2)** years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Mitigation Measures.** Mitigation measures described in the MMRP attached hereto as Exhibit C (from Case No. 2000.383E) 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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

10. **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

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

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

12. **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

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

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

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

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

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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

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

16. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **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

PARKING AND TRAFFIC

18. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 8 Class 1 and 11 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 to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
19. **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
20. **Traffic Improvement Measures.** The Hotel shall hire a full-time staff person to manage the curbside passenger and freight loading activities; No vehicles shall be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities; The Project Sponsor shall be required to instruct its hotel guests on available inbound and outbound routes to and from the hotel. Hotel promotional materials and other publications shall also include such routes; Taxis shall be discouraged from waiting within the curbside commercial loading spaces; Due to the length of the curbside passenger loading space, the Project Sponsor shall not permit pre-arranged limousine services; and Pavement markings, such as reflective "dots" shall be placed between the Ellis-O'Farrell Garage immediately to the east of the 2017 Project site and the passenger loading zone to discourage cars exiting the garage from entering the loading area. This Condition, combined with Condition No. 21, supersede Condition Nos. 4(D)(1) and (D)(2) in Motion No. 16284 (2001).

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

21. **Construction Improvement Measures.** The Project Sponsor shall meet with SFMTA, the Fire Department, and the Planning Department to determine feasible traffic improvement measures to reduce traffic congestion and pedestrian circulation impacts during construction of the 2017 Project; and To ensure that construction activities would not impact Muni bus stops in the study area, the Project Sponsor shall coordinate with Muni prior to construction. This Condition, combined with Condition No. 20, supersede Condition Nos. 4(D)(1) and (D)(2) in Motion No. 16284 (2001).

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

PROVISIONS

22. **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

23. **Transit Impact Development Fee.** The Project is subject to the Transit Impact Development Fee (TIDF), as applicable, pursuant to Planning Code Section 411. Pursuant to Planning Code Section 411A.3(d), projects that have a Development Application approved before the effective date of Planning Code Section 411A shall not be subject to the Transportation Sustainability Fee, but shall be subject to the TIDF at the rate applicable.

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

24. **Jobs Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

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

25. **Childcare Requirements - Office and Hotel Development.** The Project is subject to the Childcare Fee for Office and Hotel Development Projects, as applicable, pursuant to Planning Code Section 414.

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

26. **Art.** The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.

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

27. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

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

28. **Art.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

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

29. **Art.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

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

MONITORING - AFTER ENTITLEMENT

30. **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

31. **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

32. **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>
33. **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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
34. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |
| <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) | <input checked="" type="checkbox"/> Public Open Space (Sec. 138) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Transit Impact Development Fee (Sec. 411) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JANUARY 25, 2018

Date: December 26, 2017
Case No.: **2017-003134CUADNXENVPTA**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Daniel Frattin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 303 OF THE PLANNING CODE TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF AN 11-STORY, 130-FOOT TALL BUILDING CONTAINING A HOTEL USE WITH APPROXIMATELY 192 ROOMS, ACCESSORY MEETING ROOMS, AND RETAIL ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the San Francisco Planning Department ("Department"), an Application for Conditional Use Authorization (Case No. 2000.383C), Application for Review of a C-3 (Downtown) project Under Section 309 of the Planning Code (Case No. 2000.383X), and Environmental Evaluation Application (Case No. 2000.383E) for the proposed project ("Project") at 72 Ellis Street. The proposed Project included the demolition of an existing surface parking lot and the construction an 11-story, 125-foot hotel consisting of 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located

at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and for new construction within the Kearny-Market-Mason-Sutter Conservation District.

On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Personality Hotels, Inc. (former "Project Sponsor") filed with the Department an amendment to the Conditional Use Authorization Application and Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code.

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action.

On November 15, 2001, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting for Case No. 2000.383CX and adopted findings relating to the approval of Conditional Use Authorization under Planning Code Section 303 for a hotel with fewer than 200 rooms, and adopted findings relating to the approval of the Code Section 309 Determinations of Compliance and Exceptions (Downtown Project Authorization) from height and bulk limits, and compliance with Section 7 of Appendix E to Article 11, for property in a C-3-R (Downtown, Retail) Zoning District, the 80-130-F Height and Bulk District, Assessor's Block 0327, Lot 011.

On October 6, 2004, Jorge Castillo, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Application No. 2004.1047CX, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On December 2, 2009, Jorge Castillo, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Case No. 2009.1105CX, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105C, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. (former "Project Sponsor"), filed with the Department Case No. 2013.0180CX, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for the previously approved Project.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2013.0180CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for two years (Motions 18954 and 18955), subject to the conditions of the original approval of the Project. One of the conditions of approval required final design review by the Architectural Review Committee (ARC) as part of the Planning Department's review of the project; the project was reviewed by ARC on July 8, 2015. This extension expired on August 15, 2015.

On July 8, 2015, Tuija Catalano, acting on behalf of Highgate Hotels, Inc (former "Project Sponsor"), presented an updated version of the proposed Project to the Architectural Review Committee of the Historic Preservation Commission as an informational item, to fulfill the conditions of approval (design compliance at plan stage) for Case No. 2013.0180C (Motion 18954). No formal action by the Architectural Review Committee of the Historic Preservation Commission was required.

July 16, 2015, Tuija Catalano, acting on behalf of Highgate Hotels, Inc (former "Project Sponsor"), presented an updated version of the proposed Project to the Planning Commission as an informational item, to fulfill the conditions of approval (design compliance at plan stage) for Case No. 2013.0180C (Motion 18954). No formal action by the Planning Commission was required.

On March 15, 2017, Daniel Frattin, acting on behalf of OSIB 72 Ellis Street Properties, Inc. (d.b.a. "citizenM Hotels") ("Project Sponsor") filed with the Department Case No. 2017-003134CUADNXENVPTA, requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to obtain a Permit to Alter from the Historic Preservation Commission, and to extend the performance period for an additional three years for the previously approved Project.

On May 25, 2017, the Department issued a memorandum "Note to File" documenting the prior environmental review and approvals granted for the Project. The memorandum describes the prior approvals granted for the Project and the previous environmental review. Taking into account modifications to the Project since 2001, the memorandum concludes that no substantial changes have occurred since the prior review of the Project that would indicate that the project may result in potentially significant environmental impacts not already considered by the FMND, and therefore, that no subsequent environmental review for this project is warranted.

On June 7, 2017, the Historic Preservation Commission (HPC) reviewed Case No. 2017-003134PTA and adopted findings for a Permit to Alter for new construction determined to be appropriate for and consistent with the purposes of Article 11, to meet the standards of Appendix E in Article 11 and to meet the *Secretary of the Interior's Standards for Rehabilitation* (Motion No. 0305).

In advance of the Planning Commission's consideration of the modified Project, and in response to public request, CHS Consulting Group prepared a technical circulation memorandum under the direction of the Planning Department, analyzing existing multimodal circulation conditions in the Project vicinity, estimating travel demand associated with the Project, and documenting changes to the Project and the transportation network that are ongoing or have occurred since the Project was originally approved. The circulation memorandum concludes that the modified Project would not result in any new transportation impacts because: (1) the Project would occupy approximately the same building envelope with no sidewalk encroachments; (2) the Project would remove an existing curb cut along Ellis Street; (3) the Project would not introduce any new features that would conflict with transit, pedestrian, or bicycle access; (4) the Project is located within an area where existing VMT for all project uses is less than 15 percent below the regional average; and (5) construction of the Project would not substantially interfere with circulation or accessibility with current or future transportation network projects in or around the Project Site.

On November 16, 2017, the Department issued an updated memorandum "Note to File" documenting the prior environmental review and approvals granted for the Project and incorporating the findings of the additional voluntary transportation analysis. The memorandum describes the findings of the environmental review conducted for the previously approved project (Mitigated Negative Declaration, Case No. 2000.383E, adopted November 15, 2001) and describes how the current modifications addressed in the Section 309 (Case No. 2017-003134DNX), Conditional Use Authorization (Case No. 2017-003134CUA) and Permit to Alter (Case No. 2017-003134PTA) and building permit application No. 201508033157 differ from the previously approved project. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

In advance of the Commission's review of the modified Project, the Project Sponsor submitted an economic demand memorandum prepared by Hausrath Economics Group. The memorandum concludes that there are a number of factors that favor tourist hotel use at the Project Site. Among those factors are (1) the location of the Project Site, steps from the Powell Street Cable Car line and midway between Union Square (shopping, theatres, entertainment) and Yerba Buena Gardens / Moscone Convention Center and an easy walk to the Financial District and Transbay District; (2) that the citizenM hotel product is well-known to international travelers who are a significant and growing component of San Francisco's overnight visitor market; and (3) that the citizenM proposal offers a new type of product and price point to the City's boutique hotel inventory.

On January 25, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2017-003134CUA. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period request in Application No. 2017-003134CUA, subject to the conditions of Motion No. 16283, as amended herein, and the conditions contained in “EXHIBIT A,” attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor’s Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny- Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of buildings are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Hallidie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny- Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Project Description.** The Project Sponsor seeks to modify the conditions of approval for a previously approved project (“Project”) in order to extend the performance period for three years. The Project was originally approved by the Planning Commission on November 15, 2001, (Motions Nos. 16283 and 16284), and subsequently extended in 2004 (Motion Nos. 16919 and 16920), in 2010 (Motion Nos. 18053 and 18054); and most recently in 2013 (Motion Nos. 18954 and 18955). The Modified Project (“Modified Project”) would demolish an existing surface parking lot and construct an approximately 130-foot-tall (with exempt features, up to maximum height of 146 feet), 11-story-over-basement, approximately 74,000 gross square foot (gsf) building at the project site (“Project Site”) located at 72 Ellis Street. The proposed building would contain a Hotel Use (a Retail Sales and Service Use), providing one hundred and ninety two (192) tourist guest rooms, and would also contain approximately 5,500 square feet of retail use. Modifications to the previously approved Project include an approximately five-foot height increase (from 125 feet to 130 feet) and a 23% increase in room count (from 156 rooms to 192 rooms). The Project Sponsor is able to incorporate the additional rooms into roughly the same building envelope as

the previously approved Project. The Modified Project would not include a restaurant, but instead would provide a food service and bar area on Floor 2. Accessory meeting rooms and retail space would be relocated, but remain aspects of the Project. While no off-street parking is proposed, the Project Sponsor would seek approval by the SFMTA for a combination commercial parking zone (“yellow curb”) and passenger loading/unloading zone (“white curb”) along the approximately 74-foot frontage along Ellis Street, directly in front of the subject property (same proposal as the originally approved Project).

5. **Public Comment.** The Department has received letters of support from Alliance for a Better District 6 and San Francisco Travel
6. The Commission adopts the findings of the previous Planning Commission Motion No. 16283, as though fully set forth herein and modified herein.
7. This Commission finds that the Mitigated Negative Declaration adopted and issued by the Planning Department on November 5, 2001 reflects the independent judgment and analysis of the Commission and there is no substantial evidence that the proposed Project, given the implementation of the mitigation measures as stated in the Negative. Therefore, no additional environmental review is required for the modified Project
8. In advance of the Commission’s review of the modified Project, the Project Sponsor submitted an economic demand memorandum prepared by Hausrath Economics Group. The memorandum supplements and updates finding No. 5 of Motion No. 16283 as follows:
 - (A) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

There will be 26 full time positions (manager and assistant managers; “ambassador” positions that combine functions of front-desk agents, concierge, food and beverage workers, and meeting room attendants; and engineering/maintenance staff). The hotel employees will be full-time, year-round positions with no seasonal fluctuations in staffing. In addition, CitizenM will contract with local businesses for housekeeping services and food service.

CitizenM will recruit staff from throughout the Bay Area. It is likely that most of the people filling these positions will already live in San Francisco, so there will be no significant increase in demand for housing, transit, child care and other social services. Furthermore, the location is well-served by transit, the hotel will not include any off-street parking, and eight secure Class 1 bicycle parking spaces in the building will help to minimize additional auto trips from employees. Finally, the low employee count for the hotel means that impacts on the housing market, transportation infrastructure, and services will be minimal.

Furthermore, the project will pay applicable impact fees to support affordable housing development, child care services, local schools, transportation, and the arts.

- (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;

CitizenM will participate in San Francisco's First Source hiring program for both the construction phase and on-going hotel operations. 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 for apprentice construction workers or Ambassador and Night Ambassador hotel staff.

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

The Project Sponsor contracted with Hausrath Economics Group to evaluate the viability of the proposed hotel at the Project Site. The report indicates that the long-term outlook for the tourist hotel market in San Francisco is strong. The Project Site is in the heart of the Union/Nob/Moscone subarea used to report lodging statistics. According to the report, data for the month of May 2016 indicate occupancy of 90 percent for rooms in the Union/Nob/Moscone subarea (unchanged from the same month in 2015) and average daily room rates of \$290 (five percent higher than the same month in 2015).

The memorandum concludes that there are a number of factors that favor tourist hotel use at the Project Site. Among those factors are (1) the location of the Project Site, steps from the Powell Street Cable Car line and midway between Union Square (shopping, theatres, entertainment) and Yerba Buena Gardens / Moscone Convention Center and an easy walk to the Financial District and Transbay District; (2) that the citizenM hotel product is well-known to international travelers who are a significant and growing component of San Francisco's overnight visitor market; and (2) that the citizenM proposal offers a new type of product and price point to the City's boutique hotel inventory.

9. 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.
10. This Commission finds that, given the past weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2(E) of Motion No. 16283 to extend the performance period of the Project by two years from the effective date of this approval.
11. This Commission hereby finds that granting the proposed amendment to Condition of Approval No. 2(E) of Motion No. 16283 and modifications to the Project in this case would promote the health, safety, and welfare of the City for the reasons set forth in Motion No. 16283 and above.

DECISION

That based upon the Record, Historic Preservation Motion No. 0305, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-003134CUA** subject to the following conditions attached hereto as “EXHIBIT A” and subject to the Conditions of Approval of Planning Commission Motion No. 16283, as amended by this approval to modify Condition 2(E) to extend the performance period of the project by two years from the effective date of this approval, which are incorporated herein by reference as though fully set forth, and to modify the Project in general conformance with the plans stamped “EXHIBIT B” and on file in Case Docket No. 2017-003134CUA.

The Planning Commission further finds that since the Mitigated Negative Declaration (“MND”) was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND. The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporates herein as part of this Motion by this reference hereto.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 25, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 25, 2018

EXHIBIT A

AUTHORIZATION

This authorization is to modify the Project and extend the performance period under Motion No. 16283 for two years from the effective date of this authorization, for a project located at 72 Ellis Street, Block 0327, Lot 011, within the C-3-R Zoning District and the 80-130-F Height and Bulk District to allow the construction of an 11-story, 130-foot tall hotel containing approximately 192 rooms, lobby, accessory meeting rooms, and retail on a site currently used as a surface parking lot, and subject to conditions of approval reviewed and approved by the Commission on November 15, 2001, under Motion No. 16283, as amended by the Planning Commission on January 25, 2018, under Motion No. XXXXX, and subject to the conditions of approval under Motion No. 16284, as amended by the Planning Commission on January 25, 2018, per Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

EXHIBIT C

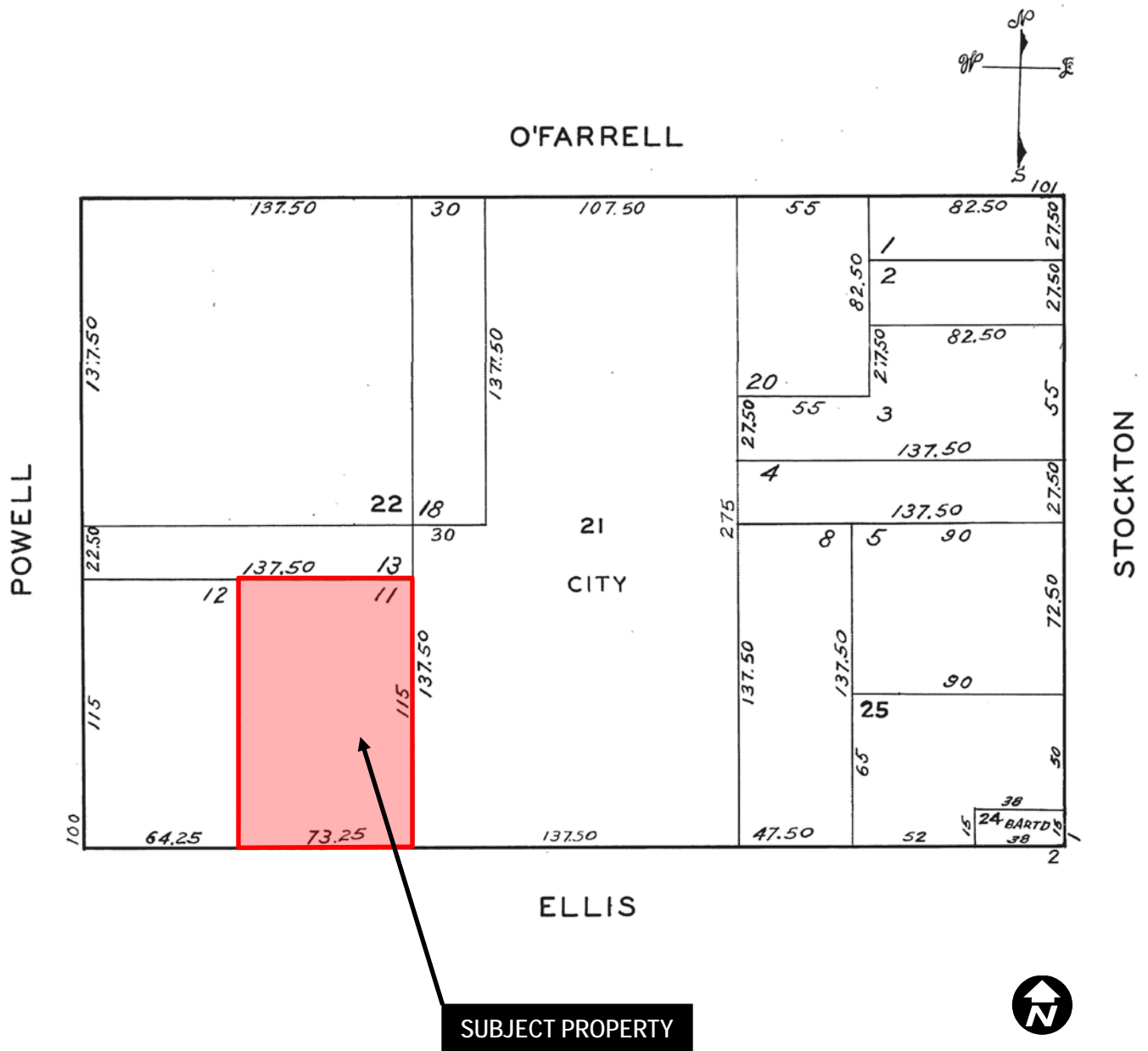
Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
A. MITIGATION MEASURES:					
ARCHAEOLOGICAL RESOURCES The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet. Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken. If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource “ALERT” sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to any soil disturbing activities.
	Project Sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of “ALERT” sheet but prior to any soils disturbing activities.
	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	
	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
	Archeological consultant		Identify and evaluate archeological resources.	Make recommendation to the ERO	

Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		
The project archeological consultant shall submit a 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 monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		
Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 MEA division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

Exhibits

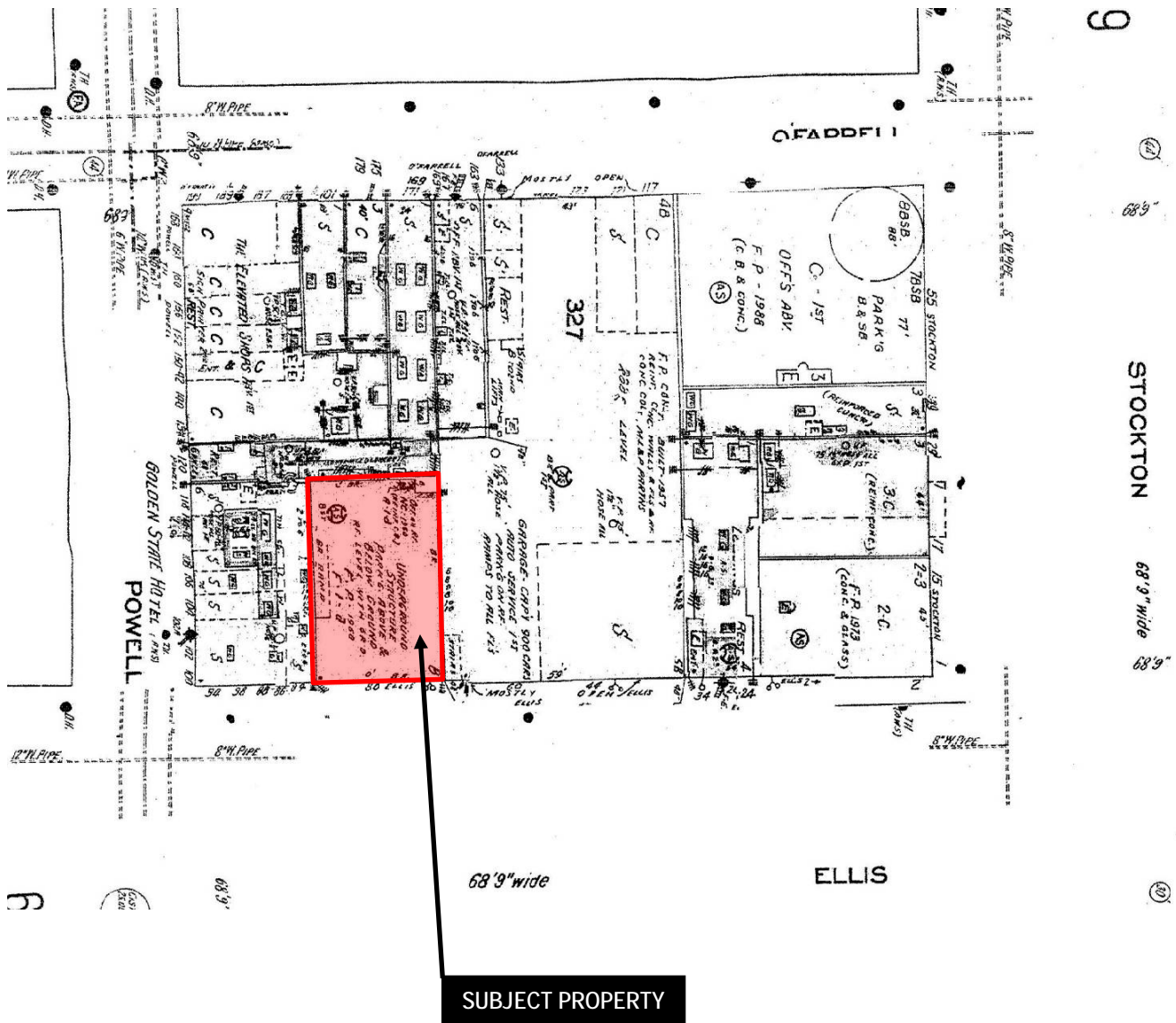
- **Block Book Map**
- **Sanborn Map**
- **Aerial Photograph**
- **Zoning Map**
- **Site Photos**
- **Motion Nos. 18954 & 18955 (Case No. 2013.0180CX)**
- **Motion Nos. 18054 & 18055 (Case No. 2009.1105CX)**
- **Motion Nos. 16919 & 16920 (Case No. 2004.1047CX)**
- **Motion Nos. 16283 & 16284 (Case No. 2000.383CX)**
- **Environmental Determination (Case No. 2000.383E)**
- **Environmental Note to File (November, 2017)**
- **Permit to Alter Case Report and Motion No. 0305 (Case No. 2017-003134PTA)**
- **CUA, DNX, and PTA Applications (Case Nos. 2017-003134CUADNXPTA)**
- **Elevator Height Exemption Request Letter**
- **CPC Hearing Notice**
- **First Source Hiring Affidavit**
- **Public Comment**
- **Project Sponsor Submittal**

Parcel Map



Case Number 2017-003134CUADNXENVPTA
Downtown Project Authorization
Conditional Use Authorization
72 Ellis Street

Sanborn Map*

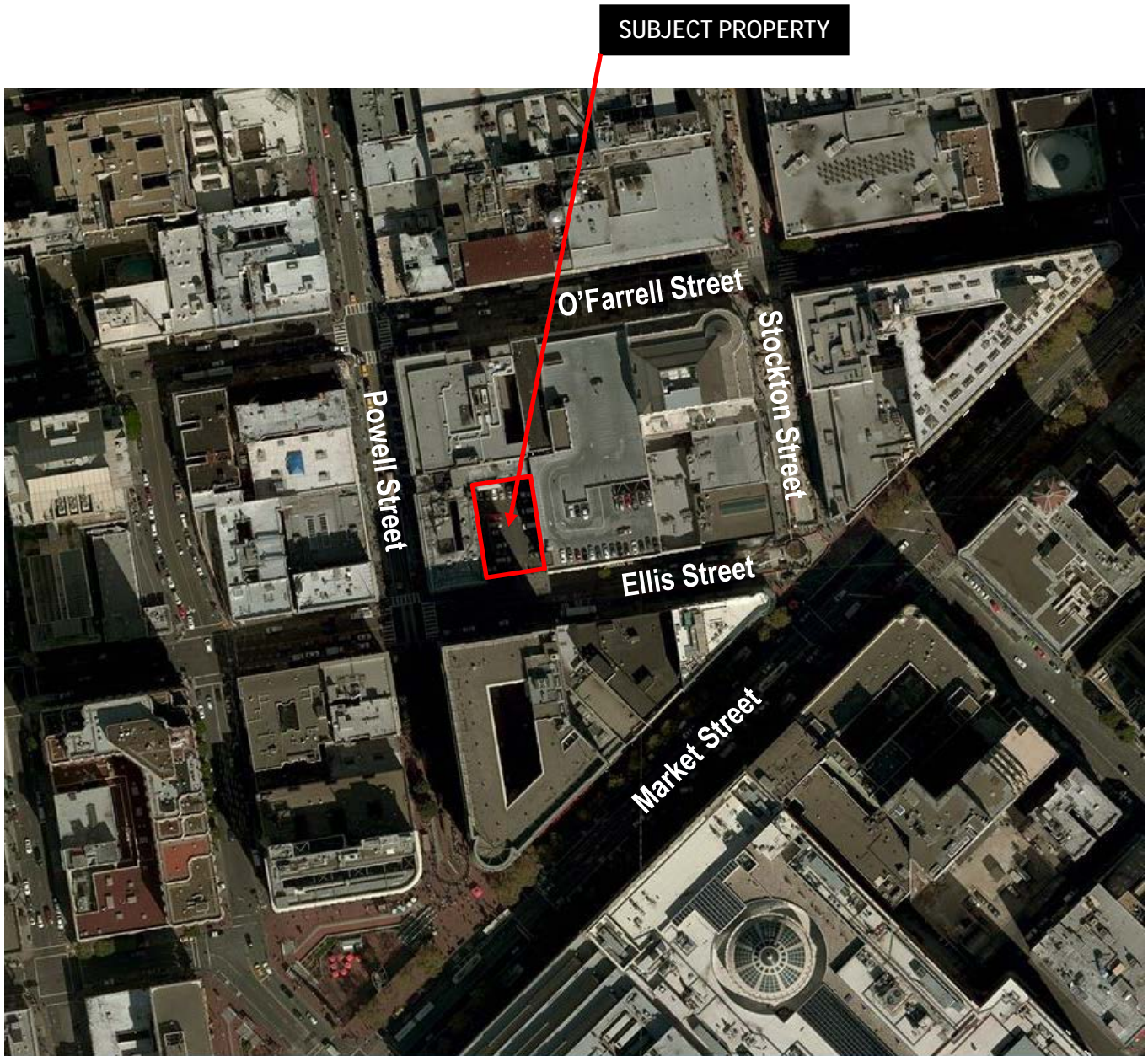


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

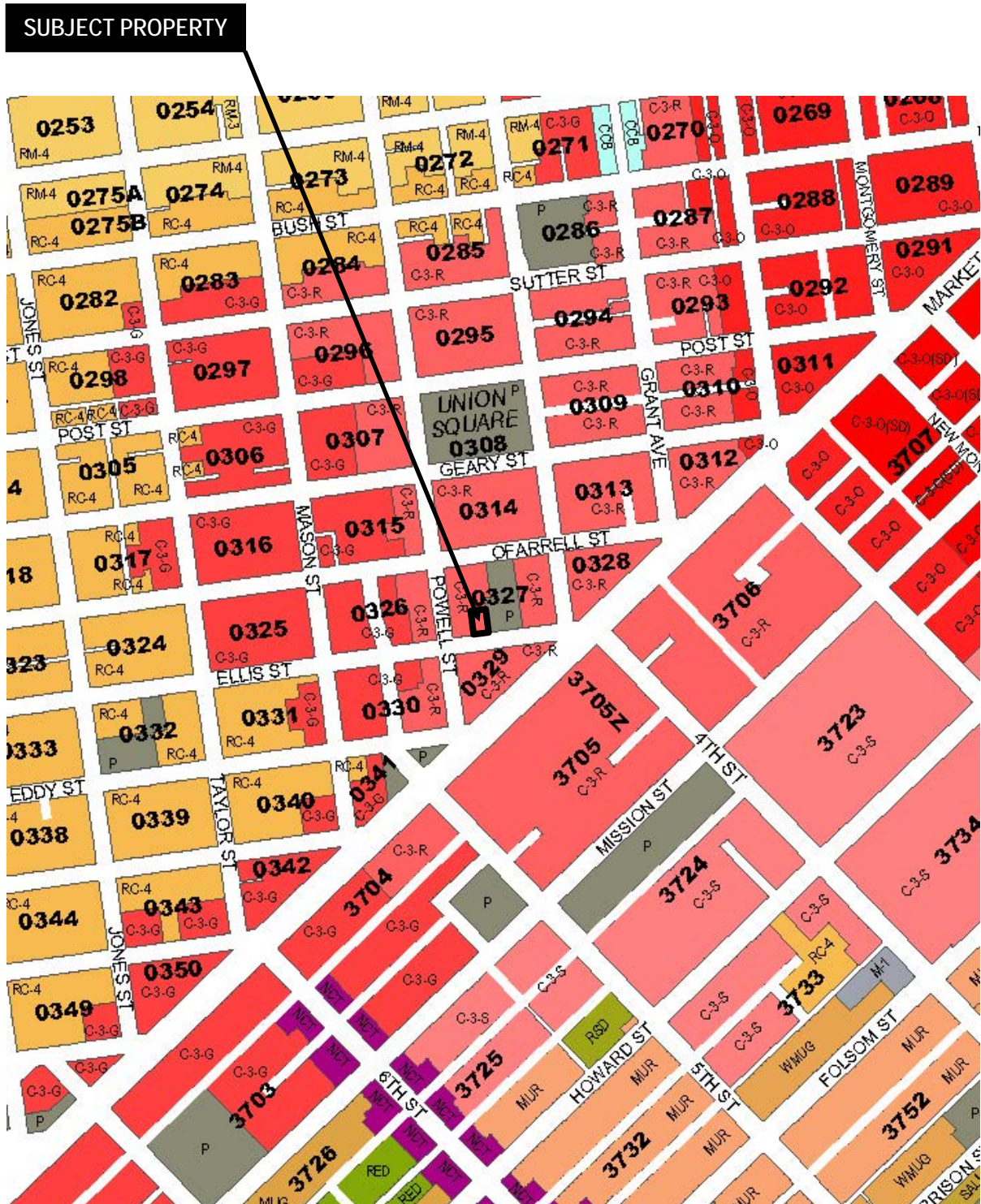


Case Number 2017-003134CUADNXENVPTA
Downtown Project Authorization
Conditional Use Authorization
72 Ellis Street

Aerial Photo

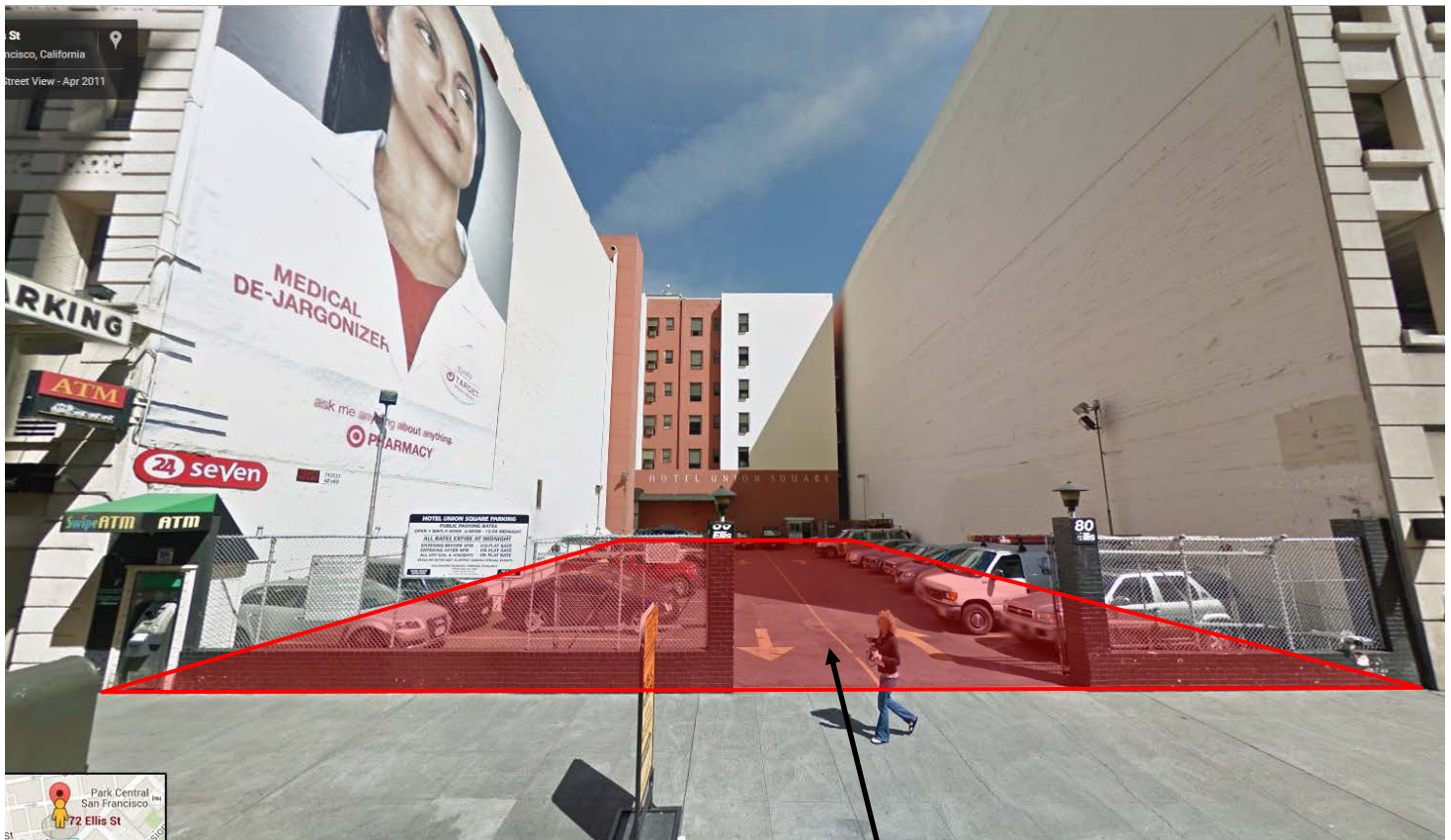


Zoning Map



Case Number 2017-003134CUADNXENVPTA
Downtown Project Authorization
Conditional Use Authorization
72 Ellis Street

Site Photo



SUBJECT PROPERTY

Street View of 72 Ellis Street (view from Ellis Street)

Case Number 2017-003134CUADNXENVPTA
Downtown Project Authorization
Conditional Use Authorization
72 Ellis Street

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Inclusionary Housing | <input checked="" type="checkbox"/> Public Open Space |
| <input checked="" type="checkbox"/> Childcare Requirement | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program | <input checked="" type="checkbox"/> Transit Impact Development Fee |
| <input type="checkbox"/> Downtown Park Fee | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Public Art | |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18954

HEARING DATE: AUGUST 15, 2013

Date: August 1, 2013
Case No.: **2013.0180CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: James A. Reuben
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy– (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY-APPROVED CONDITIONAL USE AUTHORIZATION TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. ("Project Sponsor") submitted a request with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting

rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved (collectively, "Project", Case No. 2013.0180CX).

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105C, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180C. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period pursuant to Application No. 2013.0180C, modifying the previous Conditional Use authorization approved by Motion No. 16283, subject to conditions contained in EXHIBIT A, attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Proposed Project.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to August 15, 2016). The project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
5. **Public Comment.** The Planning Department has received several communications in support of extending the performance period for the Project.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 16283, as though fully set forth herein.
7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to

the character and stability of the neighborhood and would constitute a beneficial development.

8. The Commission finds that, given the weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16283 to extend the performance period of the Project to August 15, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to the performance period of the Project in this case would promote the health, safety, and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Application No. 2013.0180C**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 16283, as amended by this approval to extend the performance period of the project to August 15, 2015, which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2013.0180C.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

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 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.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis, Moore, Sugaya, Wu

NOES:

ABSENT:

ADOPTED: August 15, 2013

Exhibit A

Conditions of Approval

This authorization is modify the previous approval granted by Motion No. 16283 to extend the performance period of the project to August 15, 2015, for a project located at 72 Ellis Street, Lot 011 in Assessor's Block 0327, within the C-3-R District, the 80-130F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District, to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, subject to conditions of approval reviewed and approved by the Commission on November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No 18954. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. The Project shall be completed in general conformity with the plans dated labeled "Exhibit B" on file in Case Docket 2013.0180C, except as modified herein.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No. 18954.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18954 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 and Expiration.** The authorization and right vested by virtue of this action is valid for two years from the effective date of the Motion (until August 15, 2015). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within two (2) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than two (2) years has passed since the Motion was approved.

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

DESIGN – COMPLIANCE AT PLAN STAGE

2. **Final Design.** The Project Sponsor shall continue to work with Planning Department on the building design. The plans submitted for site permit shall be reviewed and approval by Department staff, including Preservation staff. The plans shall be presented at informational hearings before the Planning Commission and the Architectural Review Committee of the Historic Preservation Commission prior to approval by Department staff.

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

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Inclusionary Housing | <input checked="" type="checkbox"/> Public Open Space |
| <input checked="" type="checkbox"/> Childcare Requirement | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program | <input checked="" type="checkbox"/> Transit Impact Development Fee |
| <input type="checkbox"/> Downtown Park Fee | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Public Art | |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 18955

HEARING DATE: AUGUST 15, 2013

Date: August 1, 2013
Case No.: **2013.0180CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: James A. Reuben
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Kevin Guy– (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY-APPROVED DOWNTOWN PROJECT AUTHORIZATION AND REQUESTS FOR EXCEPTIONS UNDER PLANNING CODE SECTION 309 TO EXTEND THE PERFORMANCE PERIOD FOR TWO YEARS TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On February 21, 2013, James A. Reuben, acting on behalf of Personality Hotels, Inc. ("Project Sponsor") submitted a request with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and

construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved (collectively, "Project", Case No. 2013.0180CX).

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180X. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves a two-year extension of the performance period pursuant to Application No. 2013.0180X, modifying the previous Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, as approved by Motion No. 16284, subject to conditions contained in EXHIBIT A, attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.
4. **Proposed Project.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to August 15, 2016). The project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
5. **Public Comment.** The Planning Department has received several communications in support of extending the performance period for the Project.
6. This Commission adopts the findings of the previous Planning Commission Motion No. 16284, as though fully set forth herein.

7. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
8. The Commission finds that, given the weakness in the hotel market due to the fluctuations of the national and global economy since the initial approval of the Project, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16284 to extend the performance period of the Project to August 15, 2015.
9. On balance, the Commission hereby finds that approval of the proposed amendment to the performance period of the Project in this case would promote the health, safety, and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, in accordance with the standards specified in the Code, the Commission hereby **APPROVES Application No. 2013.0180X**, subject to the following conditions attached hereto as "EXHIBIT A", and subject to the Conditions of Approval of Planning Commission Motion No. 16284, as amended by this approval to extend the performance period of the project to August 15, 2015, which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2013.0180X.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this 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 this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304 or call (415) 575-6880.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on August 15, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis, Moore, Sugaya, Wu

NOES:

ABSENT:

ADOPTED: August 15, 2013

Exhibit A

Conditions of Approval

This authorization is modify the previous approval granted by Motion No. 16284 to extend the performance period of the project to August 15, 2015, for a project located at 72 Ellis Street, Lot 011 in Assessor's Block 0327, within the C-3-R District, the 80-130F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District, to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, subject to conditions of approval reviewed and approved by the Commission on November 15, 2001 under Motion No. 16284, as amended by the Planning Commission on August 15, 2013 under Motion No 18955. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. The Project shall be completed in general conformity with the plans dated labeled "Exhibit B" on file in Case Docket 2013.0180X, except as modified herein.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 15, 2001 under Motion Nos. 16283 and 16284, as amended by the Planning Commission on August 15, 2013 under Motion No. 18955.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18955 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 and Expiration.** The authorization and right vested by virtue of this action is valid for two years from the effective date of the Motion (until August 15, 2015). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within two (2) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than two (2) years has passed since the Motion was approved.

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

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☐ Inclusionary Housing (Sec. 315)

☒ Jobs Housing Linkage Program (Sec. 313)

☐ Downtown Park Fee (Sec. 139)

☒ First Source Hiring (Admin. Code)

☒ Child Care Requirement (Sec. 314)

☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18053

HEARING DATE: MARCH 25, 2010

Date: March 19, 2010
Case No.: **2009.1105CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Jorge Castillo
461 2nd Street, Ste 335
San Francisco, CA 94107
Staff Contact: Kevin Guy- (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A CONDITIONAL USE AUTHORIZATION TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT, TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

1. On December 2, 2009, Jorge Castillo ("Project Sponsor"), acting on behalf of Personality Hotels, Inc. (the owner of the subject property) submitted a request (Case No. 2009.1105CX) with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby,

accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District (collectively, "Project"). The Project was granted exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved.

2. On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.
3. On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.
4. On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2009.1105CX, at which time the Commission reviewed and discussed the findings for approval prepared for its review by Department staff.
5. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.
6. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

7. **MOVED**, that the Commission hereby approves the three-year extension of the performance period requested in Application No. 2009.1105CX, subject to the conditions of Motion No. 16283 and the conditions attached hereto as Exhibit A, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to March 25, 2013). The Project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
3. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.

The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located with the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to height stories in height, and exhibit rich detailing and ornamentation.

4. **Public Comment.** To date, the Department has received no correspondence regarding the requested extension.
5. This Commission adopts the findings of the previous Planning Commission Motion No. 16283, as though fully set forth herein.

6. 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.
7. The Commission finds that, given the continuing weakness in the hotel market due to the downturn of the national and global economy, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16283 to extend the performance period of the Project to March 25, 2013.
8. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2. E. of Planning Commission Motion No. 16283 in this case 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 Application No. 2009.1105CX**, subject to the following conditions attached hereto as Exhibit A (Conditions of Approval), which is incorporated herein by reference as though fully set forth, and subject to the Conditions of Approval of Planning Commission Motion No 16283, as amended by this approval to modify Condition 2.E. to extend the performance period of the project to March 25, 2013.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND. The Commission hereby adopts the MND and the Mitigation Monitoring and Reporting Program attached as Exhibit B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this approval of a Conditional Use Authorization application to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18053. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 25, 2010.

Linda Avery

Commission Secretary

AYES: Miguel, Antonini, Borden, Lee, Moore, Sugaya

NAYS: Olague

ABSENT:

ADOPTED: March 25, 2010

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Section 303(e) to extend the performance period under Motion No. 16283 until March 25, 2013. The approved proposal is to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant. No other changes to the project are proposed with this request. All previously granted exceptions and Conditions of Approval of Motion No. 16283 would remain, except as amended herein.

GENERAL CONDITIONS

1. **Performance.** This authorization is valid for a period of three years from the date of approval of the requested extension (until March 25, 2013), amending the expiration date of the performance specified the approval granted per Motion No. 16283. Specific procedures regarding the performance requirement follow Planning Code Section 303(e).
2. **Recordation.** Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
3. **Informational Hearing prior to Building Permit Issuance.** Prior to the issuance of the first site or building permit, the Project Sponsor shall make an informational presentation to the Planning Commission describing any refinements to the details of the Project that have occurred during the review of the first site or building permit by the Planning Department.
4. **Informational Hearing upon Expiration of Performance Period.** If construction of the Project has not commenced by the expiration of this extension of the performance period (on March 25, 2013), the Planning Department shall calendar an informational item at a hearing before the Planning Commission for the Planning Commission to consider revocation of the approvals for the Project.

This page intentionally left blank.

EXHIBIT B

Mitigation Measures

72 Ellis Street

Case No. 2000.383E

Mitigation Measure 1: Construction Air Quality

The Project Sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, and, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 75-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period. [NOTE: Since the adoption of this Mitigated Negative Declaration, Ordinance 176-08 has been adopted by the Board of Supervisor's and supersedes this Construction Air Quality Mitigation Measure]

Mitigation Measure 2: Archaeological Resources

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 Major Environmental Analysis division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
A. MITIGATION MEASURES:					
ARCHAEOLOGICAL RESOURCES The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet. Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken. If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource “ALERT” sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to any soil disturbing activities.
	Project Sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of “ALERT” sheet but prior to any soils disturbing activities.
	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	
	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
	Archeological consultant		Identify and evaluate archeological resources.	Make recommendation to the ERO	

Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		
The project archeological consultant shall submit a 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 monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		
Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 MEA division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☐ Inclusionary Housing (Sec. 315)

☒ Jobs Housing Linkage Program (Sec. 313)

☐ Downtown Park Fee (Sec. 139)

☒ First Source Hiring (Admin. Code)

☒ Child Care Requirement (Sec. 314)

☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18054

HEARING DATE: MARCH 25, 2010

Date: March 19, 2010
Case No.: **2009.1105CX**
Project Address: **72 ELLIS STREET**
Zoning: C-3-R (Downtown, Retail) Zoning District
80-130-F Height and Bulk District
Kearny-Market-Mason-Sutter Conservation District
Block/Lot: 0327/011
Project Sponsor: Jorge Castillo
461 2nd Street, Ste 335
San Francisco, CA 94107
Staff Contact: Kevin Guy- (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A DETERMINATION OF COMPLIANCE TO EXTEND THE PERFORMANCE PERIOD FOR THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT, REQUIRING DETERMINATIONS OF COMPLIANCE AND EXCEPTIONS UNDER PLANNING CODE SECTION 309, INCLUDING A HEIGHT EXCEPTION IN THE 80-130-F HEIGHT AND BULK DISTRICT, A BULK EXCEPTION, AND A HEIGHT EXTENSION FOR A VERTICAL EXTENSION TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT AT 72 ELLIS STREET, WITHIN ASSESSOR'S BLOCK 0327, LOT 011, LOCATED WITHIN THE C-3-R ZONING DISTRICT, THE 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET, MASON, SUTTER CONSERVATION DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

1. On December 2, 2009, Jorge Castillo ("Project Sponsor"), acting on behalf of Personality Hotels, Inc. (the owner of the subject property) submitted a request (Case No. 2009.1105CX) with the City and County of San Francisco Planning Department ("Department") for an amendment to the conditions of approval for a previously approved project in order to extend the performance

period for three years. The project was originally approved by the Planning Commission on November 15, 2001 (Case No. 2000.383CX), and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street ("Project Site"), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District (collectively, "Project"). The Project was granted exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height And Bulk District, a bulk exception, and a height extension for a vertical extension. No modifications are proposed to the design or intensity of the project as originally approved.

2. On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning Commission ("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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2000.383E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.
3. On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.
4. On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2009.1105CX, at which time the Commission reviewed and discussed the findings for approval prepared for its review by Department staff.
5. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

6. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.
7. **MOVED**, that the Commission hereby approves the three-year extension of the performance period requested in Application No. 2009.1105CX, subject to the conditions of Motion No. 16284 and the conditions attached hereto as Exhibit A, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project Sponsor requests an amendment to the conditions of approval for a previously approved project in order to extend the performance period for three years (to March 13, 2013). The project was originally approved by the Planning Commission on November 15, 2001, and would demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street. No modifications are proposed to the design or intensity of the project as originally approved.
3. **Site Description and Present Use.** The Project Site is located on the north side of Ellis Street, between Powell and Market Streets, Assessor's Block 0327, Lot 011. The property is located within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District. The Project Site is currently developed with a surface parking lot.

The Project Site is situated within the Union Square area, a destination retail and entertainment district that draws a considerable number of visitors and serves as the retail core of San Francisco. Ground floor storefronts are typically occupied by retail stores or restaurants, while upper floors of building are generally occupied by tourist-hotels, offices, or upper floors of multi-story retail establishments. Prominent uses and attractions in the area include Union Square (located two blocks to the north), Halladie Plaza and the cable-car turnaround (located one block to the south), and the San Francisco Centre (located one block to the south). The project site is also located within the Kearny-Market-Mason-Sutter Conservation District. This District hosts a substantial number of historically significant buildings, most of which were built following the 1906 earthquake, measure four to eight stories in height, and exhibit rich detailing and ornamentation.

4. **Public Comment.** To date, the Department has received no correspondence regarding the requested extension.
5. This Commission adopts the findings of the previous Planning Commission Motion No. 16284, as though fully set forth herein.

6. 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.
7. The Commission finds that, given the continuing weakness in the hotel market due to the downturn of the national and global economy, which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend condition of approval No. 2. E. of Planning Commission Motion No. 16284 to extend the performance period of the Project to March 25, 2013.
8. On balance, the Commission hereby finds that approval of the proposed amendment to condition of approval No. 2. E. of Planning Commission Motion No. 16284 in this case 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 Application No. 2009.1105CX**, subject to the following conditions attached hereto as Exhibit A (Conditions of Approval), which is incorporated herein by reference as though fully set forth, and subject to the Conditions of Approval of Planning Commission Motion No 16284, as amended by this approval to modify Condition 2.E. to extend the performance period of the project to March 25, 2013.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND. The Commission hereby adopts the MND and the Mitigation Monitoring and Reporting Program attached as Exhibit B.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this determination of compliance to the Board of Appeals within thirty (15) days after the date of this Motion No. 18054. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Appeals. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 25, 2010.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Lee, Moore, Sugaya,

NAYS: Olague

ABSENT:

ADOPTED: March 25, 2010

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is pursuant to Section 309(j) to extend the performance period under Motion No. 16284 until March 25, 2013. The approved proposal is to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant. No other changes to the project are proposed with this request. All previously granted exceptions and Conditions of Approval of Motion No. 16284 would remain, except as amended herein.

GENERAL CONDITIONS

1. **Performance.** This authorization is valid for a period of three years from the date of approval of the requested extension (until March 25, 2013), amending the expiration date of the performance specified the approval granted per Motion No. 16284. Specific procedures regarding the performance requirement follow Planning Code Section 309(j).
2. **Recordation.** Prior to the issuance of any building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
3. **Informational Hearing prior to Building Permit Issuance.** Prior to the issuance of the first site or building permit, the Project Sponsor shall make an informational presentation to the Planning Commission describing any refinements to the details of the Project that have occurred during the review of the first site or building permit by the Planning Department.
4. **Informational Hearing upon Expiration of Performance Period.** If construction of the Project has not commenced by the expiration of this extension of the performance period (on March 25, 2013), the Planning Department shall calendar an informational item at a hearing before the Planning Commission for the Planning Commission to consider revocation of the approvals for the Project.

This page intentionally left blank.

EXHIBIT B

Mitigation Measures

72 Ellis Street

Case No. 2000.383E

Mitigation Measure 1: Construction Air Quality

The Project Sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, and, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 75-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period. [NOTE: Since the adoption of this Mitigated Negative Declaration, Ordinance 176-08 has been adopted by the Board of Supervisor's and supersedes this Construction Air Quality Mitigation Measure]

Mitigation Measure 2: Archaeological Resources

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.

Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 Major Environmental Analysis division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
A. MITIGATION MEASURES:					
ARCHAEOLOGICAL RESOURCES The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet. Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken. If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project sponsor	Prior to any soil disturbing activities	Distribute Planning Department Archeological Resource “ALERT” sheet to Prime Contractor, sub-contractors and utilities firms.	Project sponsor, archaeologist and Environmental Review Officer (ERO)	Prior to any soil disturbing activities.
	Project Sponsor			Submit signed affidavit of distribution to ERO.	Following distribution of “ALERT” sheet but prior to any soils disturbing activities.
	Head Foreman and/or project sponsor	Accidental discovery	Suspend any soils disturbing activity.	Notify ERO of accidental discovery.	
	Project Sponsor	In case of accidental discovery	If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.		
	Archeological consultant		Identify and evaluate archeological resources.	Make recommendation to the ERO	

Mitigation Measures Certified in Final MND	MONITORING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	Implementation of Archeological measure required by ERO.		
The project archeological consultant shall submit a 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 monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project Sponsor	Following completion of any* archeological field program. (* required.)	Submittal of Draft/Final FARR to ERO.		
Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 MEA division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor		Distribution of Final FARR.		

This page intentionally left blank.

**PLANNING COMMISSION
MOTION NO. 16919**

Subject to: (Select with check mark only if applicable)

☐ Inclusionary Housing

☒ Childcare Requirement

☐ Park Fund

☐ Art Fund

☐ Public Open Space Fund

☒ Jobs Housing Linkage Program

☐ Transit Impact Development Fee

☒ First Source Hiring

☐ Other: _____

**Case No. 2004.1047XC
72 ELLIS STREET**

Assessor's Block 0327, Lot 011

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16919

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A DETERMINATION OF COMPLIANCE TO EXTEND THE PERFORMANCE PERIOD FOR AN ADDITIONAL THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT, REQUIRING DETERMINATIONS OF COMPLIANCE AND EXCEPTIONS UNDER PLANNING CODE SECTION 309, INCLUDING A HEIGHT EXCEPTION IN THE 80-130-F HEIGHT AND BULK DISTRICT, A BULK EXCEPTION, AND A HEIGHT EXCEPTION FOR A VERTICAL EXTENSION TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, SMALL ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT, LOCATED IN A C-3-R (DOWNTOWN, RETAIL) ZONING DISTRICT, AN 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT.

RECITALS

1. On October 6, 2004, Jorge Castillo of Personality Hotels filed Application No. 2004.1047XC (hereinafter "Application") requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for a previously approved project (Case No. 2000.383XC), requiring Determinations of Compliance and Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk district, a bulk exception, and a height exception for a

vertical extension and requiring Conditional Use authorization to allow construction of an 11-story, 125-foot tall, 76,600 square-foot hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant on a site currently used as a surface parking lot, located in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District.

2. On December 9, 2004, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Section 309 Exception Application No. 2004.1047X, reviewed and discussed the findings prepared for this review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was previously released in October 13, 2001 for the approved Project. No appeal was filed and a final Negative Declaration was adopted and issued on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.
5. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department Staff, and other interested parties.

FINDINGS

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

1. The above Recitals are accurate and also constitute findings of this Commission.
2. This Commission finds that the Mitigated Negative Declaration adopted and issued by the Planning Department on November 5, 2001 reflects the independent judgment and analysis of the Commission and there is no substantial evidence that the proposed Project, given the implementation of the mitigation measures as stated in the Negative Declaration, could have a significant effect on the environment as shown in the analysis of the Negative Declaration, and therefore the Commission hereby adopts the subject Mitigated Negative Declaration.
3. This Commission adopts the findings of the of the previous Motion No. 16284 of the

former Planning Commission as though fully set forth herein.

4. The Commission finds that, given the continuing weakness in the San Francisco hotel market due to the collapse of the "dotcom" industry and the events of September 11, 2001 which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend Condition of Approval No. 2.E. of Planning Commission Motion No. 16284 to extend the performance period of the Project an additional three years.
5. The Commission finds that granting the proposed amendment to Condition of Approval No. 2.E. of Planning Commission Motion No. 16284 in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth in Motion No. 16284 and above.

DECISION

The Commission, after carefully balancing the competing public and private interests, based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented the public hearing, and all other written materials submitted by all parties, hereby **APPROVES** Application No. 2004.1047X subject to the Conditions of Approval in Exhibit A of Planning Commission Motion Nos. 16283 and 16284 in general conformance with the plans stamped Exhibit B and dated November 18, 2004 and on file in Case Docket Nos. 2000.0383X and .2004.1047X.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on December 9, 2004.

Linda Avery

Commission Secretary

AYES: Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, Olague

NOES: None

ABSENT: W. Lee

ADOPTED: December 9, 2004

This page intentionally left blank.

**PLANNING COMMISSION
MOTION NO. 16920**

Subject to: (Select with check mark only if applicable)

☐ Inclusionary Housing

☒ Childcare Requirement

☐ Park Fund

☐ Art Fund

☐ Public Open Space Fund

☒ Jobs Housing Linkage Program

☐ Transit Impact Development Fee

☒ First Source Hiring

☐ Other: _____

**Case No. 2004.1047XC
72 ELLIS STREET**

Assessor's Block 0327, Lot 011

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16920

ADOPTING FINDINGS TO AMEND THE CONDITIONS OF APPROVAL ON A CONDITIONAL USE AUTHORIZATION TO EXTEND THE PERFORMANCE PERIOD FOR AN ADDITIONAL THREE YEARS FOR A PREVIOUSLY APPROVED PROJECT TO ALLOW CONSTRUCTION OF AN 11-STORY, 125-FOOT TALL HOTEL CONTAINING APPROXIMATELY 156 ROOMS, LOBBY, SMALL ACCESSORY MEETING ROOMS, AND A RESTAURANT ON A SITE CURRENTLY USED AS A SURFACE PARKING LOT, LOCATED IN A C-3-R (DOWNTOWN, RETAIL) ZONING DISTRICT, AN 80-130-F HEIGHT AND BULK DISTRICT, AND THE KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT.

RECITALS

1. On October 6, 2004, Jorge Castillo of Personality Hotels filed Application No. 2004.1047XC (hereinafter "Application") requesting to amend the conditions of approval on a Determination of Compliance and a Conditional Use authorization, to extend the performance period for an additional three years for a previously approved project (Case No. 2000.383XC), requiring Determinations of Compliance and Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk district, a bulk exception, and a height exception for a vertical extension and requiring Conditional Use authorization to allow construction of an 11-story, 125-foot tall, 76,600 square-foot hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant on a site currently used as a surface parking lot, located in a C-3-R (Downtown, Retail) zoning district,

an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District..

2. On December 9, 2004, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Section 309 Exception Application No. 2004.1047C, reviewed and discussed the findings prepared for this review by the staff of the Planning Department of the City and County of San Francisco (hereinafter "Department").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was previously released in October 13, 2001 for the approved Project. No appeal was filed and a final Negative Declaration was adopted and issued on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this proposed project.
5. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the applicant, the Department Staff, and other interested parties.

FINDINGS

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

1. The above Recitals are accurate and also constitute findings of this Commission.
2. This Commission finds that the Mitigated Negative Declaration adopted and issued by the Planning Department on November 5, 2001 reflects the independent judgment and analysis of the Commission and there is no substantial evidence that the proposed Project, given the implementation of the mitigation measures as stated in the Negative Declaration, could have a significant effect on the environment as shown in the analysis of the Negative Declaration, and therefore the Commission hereby adopts the subject Mitigated Negative Declaration.
3. This Commission adopts the findings of the of the previous Motion No. 16283 of the former Planning Commission as though fully set forth herein.
4. The Commission finds that, given the continuing weakness in the San Francisco hotel market due to the collapse of the "dotcom" industry and the events of

September 11, 2001 which is beyond the control of the Project Sponsor, and given the merits of the proposed Project, it is appropriate to amend Condition of Approval No. 2.E. of Planning Commission Motion No. 16283 to extend the performance period of the Project an additional three years.

5. The Commission finds that granting the proposed amendment to Condition of Approval No. 2.E. of Planning Commission Motion No. 16283 in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth in Motion No. 16283 and above.

DECISION

The Commission, after carefully balancing the competing public and private interests, based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented the public hearing, and all other written materials submitted by all parties, hereby **APPROVES** Application No. 2004.1047C subject to the Conditions of Approval in Exhibit A of Planning Commission Motion Nos. 16283 and 16284 in general conformance with the plans stamped Exhibit B and dated November 18, 2004 and on file in Case Docket Nos. 2000.0383C and 2004.1047C.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on December 9, 2004.

Linda Avery

Commission Secretary

AYES: Alexander, Antonini, Bradford-Bell, Hughes, S. Lee, Olague

NOES: None

ABSENT: W. Lee

ADOPTED: December 9, 2004

This page intentionally left blank.

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16283

**ADOPTING FINDINGS RELATING TO THE AUTHORIZATION OF A CONDITIONAL
USE FOR A HOTEL WITH FEWER THAN 200 ROOMS PURSUANT TO SECTION 303
IN A C-3-R (DOWNTOWN RETAIL) DISTRICT AND A 80-130-F HEIGHT AND BULK
DISTRICT, ASSESSOR'S BLOCK 0327, LOT 011.**

RECITALS

1. On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. ("Project Sponsor"), filed with the City and County of San Francisco Planning Department ("Department"), an Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
2. On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Project Sponsor, filed with the Department an amendment to the Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was released in October 13, 2001. No appeal was filed and a final Negative Declaration was approved on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. On October 25, 2001, notice of the hearing on the Application was posted.
5. On November 15, 2001, the Commission conducted a duly noticed public hearing on the Application.
6. The Department and the Commission have reviewed and considered the information contained in the Final Negative Declaration in accordance with the requirements of CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
7. The Commission has also had available to it for its review and consideration the Case Report, studies, letters, plans and other materials pertaining to the Project in the Department's case files, has reviewed and heard testimony and has received materials from interested parties during the public hearings on the Project.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site/Present Use**

The project site is two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, just east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 sq. ft.

The existing use of the project site is an attendant-operated surface parking lot with one level of underground parking, with an overall capacity of 75 spaces. About 22 spaces are currently allocated for overnight use by the Hotel Union Square. About 13 spaces are used for hotel guest parking during the daytime, and the remaining 62 spaces are open to public use during the day. The parking lot would be demolished to accommodate the proposed hotel.

3. **Nature of Project**

The proposed project would consist of the demolition of the existing parking lot with basement and the construction of a hotel, which will be called the M31 Hotel. The façade of the M31 comprises a base of light-colored stone topped by a series of glass and masonry window divisions, each two stories in height. Its architects, designer Michael Gabellini in association with local architect Piero Patri, have designed a forward-looking, completely modern structure that consciously and effectively responds to the design guidelines of the Kearny-Market-Mason-Sutter Conservation District by combining classic architectural elements with a new modern design. The project will enhance the overall streetscape while making a refined and distinguished architectural statement. Dramatic lighting will illuminate the interior and exterior of the hotel, highlighting the restaurant, lobby, lounge areas, the rooftop view terrace, and the guest rooms themselves. The M31 Hotel will utilize natural elements such as water, landscaping, wood, and stone on the interior of the building in areas that will be visible from the exterior, adding warmth and interest to the streetscape.

The proposed 11-story, 125-ft.-tall structure would have 156 rooms, and a semi-enclosed trellis structure on the roof would rise to 146 feet. A basement level, of approximately 5,730 sq. ft., would contain service and mechanical rooms, storage areas, and a restaurant kitchen. The ground floor (first floor) would contain about 2,400 sq. ft. of restaurant space and a lobby/salon area of approximately 1,940 sq. ft. The main lobby would be double height. The ground floor would also include a meeting room/lounge of approximately 600 sq. ft. and a reception area/office space of approximately 380 sq. ft. A business center of

about 400 sq. ft would be on the second floor. Both the conference room and the business center would be for guest use. Floors 2 through 11 would contain 156 hotel rooms; 131 standard rooms ranging from 280 to 310 sq. ft.; 21 executive rooms ranging from 340 to 370 sq. ft.; and four business suites of approximately 450 sq. ft. Executive rooms would be similar to standard hotel rooms, but slightly larger with additional desk space. Business suites would be larger still, with separate sitting and bedroom areas.

The roof would contain a publicly accessible view terrace of approximately 2,780 sq. ft. near the south-facing facade. A semi-enclosed trellis structure would surround the rooftop terrace. In conformance with the General Plan guidelines for publicly accessible rooftop view terrace open spaces, the proposed terrace would also include some form of food service to enliven the space. The rooftop would also contain mechanical equipment screened from view.

The building would be built out to the sidewalk to match the prevailing street wall along Ellis Street (see Figure 5, Front Elevation, and Figure 6, East Elevation). The front elevation would have two-story masonry (most likely Indiana or French limestone) and glass wall divisions above the ground floor. Windows would be recessed 1'-0" to 3'-0" behind the masonry frame. A masonry cornice would project approximately three feet from the facade at the 83-foot elevation level, continuing the cornice line of the adjacent buildings. To further accentuate the cornice line, windows above the 83-ft. elevation (8th to 11th floors) would be recessed further behind the structural frame than those windows below. The ground floor facade walls would be clad in a light-colored stone or similar material, possibly with a granite base. Window and doorway glazing along the length of the building at ground level would be nearly continuous. A canopy would extend over the sidewalk at the hotel entrance.

A 70.5-ft.-long loading zone on the 73-ft.-wide Ellis Street frontage is proposed to provide for passenger and freight loading. With approval from the Department of Parking and Traffic (DPT), most of the existing red zone along the site frontage would be redesignated a white zone to accommodate passenger and freight loading. Approximately 2.5 ft of the curb at the eastern edge of the site frontage would remain red to facilitate vehicles exiting from the Ellis/O'Farrell garage. In addition, pavement markers, such as reflective "dots," would be placed between the garage and the proposed loading zone to discourage drivers leaving the garage from entering the loading area.

An existing sidewalk elevator on Ellis Street within the Hotel Union Square frontage, just west of the project site frontage, is proposed by the project sponsor to be relocated approximately eight feet to the east to provide direct service access to the M-31 Hotel basement. The Hotel Union Square is also owned and operated by the M-31 Hotel Project Sponsor. The sidewalk elevator would be linked within the basement of the M-31 Hotel. After relocation, the elevator opening in front of the Hotel Union Square would be sealed with concrete to match the surrounding sidewalk. In the event that the relocated sidewalk elevator is not permitted by the Department of Parking and Traffic, the Department of Public Works, or the Planning Department, the existing sidewalk

elevator would be reused, with a basement level connection to the M-31 Hotel. This option is complicated by the fact that it would require a grade change at the basement level due to the location of an existing underground sewer line which runs perpendicular to the front property line between the M-31 Hotel site and the Hotel Union Square, and thus may be cost-prohibitive. As a final option, the Project Sponsor is investigating the feasibility of the hotel being serviced through an entrance on the ground floor on the west side of the building frontage. An internal lift would access the hotel basement in this location. However, this last option is not optimal for the aesthetic or functional considerations of the ground floor street frontage, as it would detract from the clean and consistent composition of masonry and glass material, and could cause conflicts between pedestrians entering the restaurant, as well as delivery activities which would then have to cross the main path of pedestrian travel along the sidewalk. The street elevator as it is currently positioned at the curbside minimizes pedestrian conflict by not forcing deliveries to cross the entire width of the public sidewalk.

The total floor area of the project would be 76,600 sq. ft. and the FAR would be 9.0 to 1. Achieving this 9.0 FAR would require the use of approximately 25,000 square feet of transfer of development rights. Construction of the project is anticipated to begin in Spring 2002. The construction period, including demolition, would take approximately 15 months.

The Project Sponsor, Personality Hotels, Inc., has agreed to implement the following measures as part of the project: (1) hire a full-time staff person (valet) to manage the curbside passenger and freight loading activities (seven days a week from 7:00 AM to 11:00 PM), such that no vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities, and (2) during project construction, limit construction truck traffic between 9:00 AM and 3:00 PM to minimize disruption of the general traffic flow on adjacent streets during peak hours.

A Shadow Analysis under Planning Code Section 295 (Proposition K) has found that no new shadows would be cast on any property under the jurisdiction of the Recreation and Parks Commission.

With respect to hazardous materials, as referred in the Preliminary Negative Declaration, a Phase I Environmental Site Assessment of the property concluded that there were no conditions existing on the site which could be considered hazardous.

The Landmarks Preservation Advisory Board ("Landmarks Board") has reviewed the Project on an informational basis and is in support of the proposed Project.

San Francisco Heritage reviewed the Project on September 4, 2001, and supported the design as presented to them at that time.

A Preliminary Negative Declaration was released on October 13, 2001. No appeal was filed, and a final Negative Declaration was approved on November 2, 2001.

4. **Conditional Use Standards**

The Project requires Conditional Use Authorization for a hotel in a C-3-R district.

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission must find that the facts presented are such to establish the findings stated below.

- (A) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

The neighborhood and community for the proposed project is the hotel, retail and convention area of San Francisco, including Union Square, Yerba Buena Gardens, and the Moscone Convention Center. The convention facilities have represented a major investment for San Francisco, and have served to increase the number of visitors to the City. By providing hotel rooms for visitors to the area and to San Francisco, the proposed project is desirable for, and compatible with, the neighborhood and the community. In addition, the hotel will generate funds for the City in the form of the Transient Occupancy Tax. Hotel guests will also support downtown retail establishments in the Union Square area.

- (B) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

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

The existing site is a parking lot in a built-up area. The proposed project will provide a lively street presence by its ground level pedestrian interaction, including a restaurant and the hotel entrance. The building's proposed size and shape is consistent with the general area and will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

- (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 site is well served by a broad range of public transportation services, being within several blocks of BART, Muni Metro, Muni, and the Powell cable car line.

The location will discourage the use of the private automobile by employees and visitors to the site. Guest parking for those visitors arriving by automobile would be provided by valet services that would use available parking spaces at the Hotel Metropolis parking lot at 25 Mason Street, which is also owned by the project sponsor.

The Project is not required to provide any off-street parking or off-street loading. A 73-foot wide loading zone in front of the proposed hotel would provide for passenger and freight loading. The Transportation Study and Negative Declaration establish that this loading area will be sufficient for these purposes. An existing or relocated sidewalk service elevator on Ellis Street would provide freight service for the proposed project. Use of this sidewalk elevator will generally occur in morning hours, when pedestrian traffic is light.

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

The structure will be occupied by hotel and restaurant uses, which by their nature do not create unusual noise, glare, dust or odor. In any event, the Project will comply with all regulations regarding noise, glare, dust and odor. The structure will utilize non-reflective glass. Additionally, regarding noise and dust during construction, any required environmental mitigation measures during construction will be carefully followed.

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

The site currently includes neither landscaping nor street trees. The proposed project will be increasing the amount of on-site landscaping. This will be provided by including greenery on the open space on the roof, and at the street level. Signs will be appropriately designed, and in conformance with the Sign Ordinance. New sidewalk improvements will include a minimum of four street trees and new black micro-fleck sidewalk paving.

- (C) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The property is located in a C-3-R Zoning District. Hotels are permitted as a conditional use. The proposed project will comply with the applicable provisions of the Planning Code and is consistent with relevant objectives of the General Plan, including, among others, the objectives and policies discussed below in Section IV.

5. **Required Conditional Use Finding Pursuant to Section 303(g):**

Pursuant to Section 303(g)(1), with respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) (discussed above), the following:

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

The number of hotel employees will be approximately 45, thus increasing the availability of jobs for the City's unskilled, semi-skilled and skilled workers. It would be the intent of the Project Sponsor that most of these employees will be local residents and will come to the site either on foot or on local public transit during hours that will not coincide with regular peak hour traffic, thereby helping to fill the public transit system during its usual off hours. The Project Sponsor will contribute to the funding of childcare programs of the City. The Project Sponsor will also contribute to affordable housing pursuant to the Jobs Housing Linkage Program, and a portion of the Transient Occupancy Tax is also allocated to housing needs.

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

The project sponsor intends to attract as many of its employees as possible from the immediate neighborhood. The project sponsor will participate in local training programs for San Francisco residents.

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

The project sponsors contracted with RSBA & Associates to evaluate the viability of a proposed hotel at this location. Based on the current and forecasted future strength of the San Francisco market and specifically the Union Square and Moscone Center areas, the report indicated that the potential for the hotel was positive, because of unsatisfied demand and convenient location.

In the last few years, professional evaluations of the San Francisco hotel market have considered it to be sound in view of the strong room rates and the high occupancy levels. There has been a growing demand for smaller "boutique" style hotels nearby, including the hotels owned by the project sponsor. Even with slowing of the Internet economy, San Francisco is limited in the amount of space available for any new hotel construction, which makes new projects and conversion opportunities within San Francisco for hotels viable.

There has been a dramatic increase in hotel vacancies since September 11, 2001. However, the Project Sponsor believes that growth in hotel visits will return to previous trends, especially given the Moscone Center expansion now under construction.

6. **Section 101.1 Priority Policy Findings**

Section 101.1 requires the Project to be consistent with the eight priority policies listed below. The Commission finds that the Project is consistent with these findings as stated below:

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

- The project does not displace any existing retail use. The proposed project will provide a ground floor restaurant, and will hire local residents to the extent possible, thereby enhancing opportunities for resident employment.

(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 hotel project will include a restaurant, and will not reduce existing housing; indeed, it will provide a restaurant that will create an active street frontage along the block face, replacing an unattractive surface parking. The proposed hotel restaurant use is completely consistent with the neighborhood character, which consists primarily of a mix of retail and hotel uses.
- The building's design would help maintain elements of the existing character of the area, such as a consistent street wall, as well as hotel and restaurant uses common to the neighborhood. The Project is designed to add economic diversity to the area by providing a smaller, yet modern, state-of-the-art hotel facility that still fits in with the scale and architectural character of the neighborhood, thereby broadening the range of choices of accommodations for visitors to the city.

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

- The Project would not diminish the City's supply of affordable housing. There is no affordable or other housing on the site.
- The proposed project will participate in the City's Jobs-Housing Linkage Program. This would mean that for hotel, the amount would be \$8.50 per square foot, or \$650,709 (76,600 X \$8.50). The project sponsor may also provide the actual housing units at the rate of .000110 times the gross square footage, or 8 units of housing. The project sponsor is investigating these options, but is likely to opt for paying the in lieu fee.

(4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

- The proposed project is well served by public transit, and includes the type of uses that would be less dependent on the private automobile. As a result, the project will not adversely impact Muni transit or overburden local streets or neighborhood parking. In addition, there is off-site valet parking nearby. The loading zone proposed at the curbside in front of the proposed hotel will be operated and restricted so as to not interfere with Muni Bus 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.

- A private surface parking lot will be displaced. The proposed mixed-use project will provide significant new jobs for the local residential neighborhood.

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

- The proposed project will fully comply with the seismic standards in the Building Code.

(7) That landmarks and historic buildings be preserved.

- There are no landmarks or historic buildings on the site. The Project will be consistent with the policies for new construction in the Kearny-Market-Mason-Sutter Conservation District. While a clearly modern and cutting-edge design, the proposed building respects the design guidelines established for the conservation district. This is accomplished by using rich materials common to the district such as granite and limestone, recessing windows, and

using a classical symmetrical fenestration pattern that reflects the basic patterns and scale of the district. Furthermore, a clearly delineated a base, shaft and top within the façade design relates the building design to other taller buildings in the district.

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

- A Shadow Study has been conducted as part of the program planning process for this proposed project. It indicated that there is no net new shadow on any property under the jurisdiction of the Recreation and Park Department. The proposed project is an infill project that will not significantly affect any scenic vistas.

7. **Consistency with the General Plan**

The project will not adversely affect the General Plan, and will specifically advance the following objectives of the Commerce and Industry Element, the Downtown Area Plan, and the Urban Design Plan, as discussed throughout this report:

COMMERCE AND INDUSTRY ELEMENT

Visitor Trade

OBJECTIVE 8: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Comment: The proposed hotel will fit a niche currently unmet in Downtown San Francisco, in that it is a smaller intimate hotel, but yet it is a cutting edge, ultra modern facility providing state-of-the-art accommodations usually only found in the larger modern hotels, which themselves do not often provide such facilities with the high style and attention to detailing proposed to be provided in this facility.

DOWNTOWN AREA PLAN

Space for Commerce

OBJECTIVE 4: ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.

Policy 1: Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

Comment: The proposed hotel project is located in the primary location for hotels and retail/restaurant uses in the Union Square area. The hotel is designed to be compatible with the scale of the immediate neighborhood.

Urban Form

Height and Bulk

OBJECTIVE 13: CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

Policy 1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 3: Create visually interesting terminations to building towers.

Comment: The hotel is designed to relate appropriately to the height of neighboring buildings through the use of cornice lines and window insets. The top of the building is designed to create visual interest through materials and lighting.

Building Appearance

OBJECTIVE 15: TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.

Policy 1: Ensure that new facades relate harmoniously with nearby façade patterns.

Policy 2: Assure that new buildings contribute to the visual unity of the city.

Policy 3: Encourage more variation in building facades and greater harmony with older buildings through use of architectural embellishments and bay or recessed windows.

Comment: The proposed building façade is designed to relate to the bay size of historic buildings throughout the district. The fenestration is deep set to reflect the depth, texture and character of the district. The façade is also embellished with simple, clean detailing to give the building

a very rich and textured feel characteristic of the district, while not imitating past ornate styles.

Streetscape

OBJECTIVE 16: CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 2: Provide setbacks above a building base to maintain the continuity of the predominant street walls along the street.

Policy 3: Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

Policy 4: Use designs and materials that include activities at the ground floor to create pedestrian interest.

Policy 5: Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

Comment: The proposed building will be built to the street frontage in the downtown San Francisco tradition. The building, which is taller than its neighbors, is articulated with a projecting belt cornice at the prevailing street wall height of the block face, and window bays above this height are more deeply recessed. The ground floor façade is clad in rich materials including granite, limestone, glass, and stainless steel; contains a restaurant and public lobby; and is articulated with large windows that reveal the activity within the building to passers-by on the street. The project will include public art visible from a public space as required by the Planning Code.

9. The Commission finds that granting Conditional Use Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department, the recommendation of the Landmarks Preservation Advisory Board, the

support of San Francisco Architectural Heritage and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2000.383C subject to the conditions attached hereto as EXHIBIT A, which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 15, 2001.

Linda D. Avery
Planning Commission Secretary

AYES: Baltimore, Chinchilla, Fay, Lim, Salinas, Theoharis

NOES: None

ABSENT: Joe

ADOPTED: November 15, 2001

EXHIBIT A

CONDITIONS OF APPROVAL

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is for the construction of an approximately 76,600 square-foot, 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The project as described above is to be in general conformance with the plans dated November 15, 2001 and stamped Exhibit B.

1. COMPLIANCE WITH OTHER REQUIREMENTS

The conditions set forth below are conditions required in connection with the Project. The project is also subject to any conditions imposed by the companion Determination of Compliance Motion No.16284. 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.

2. GENERAL CONDITIONS.

A. Mitigation Measures

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.383E, which was adopted and issued on November 2, 2001, and is incorporated herein by this reference.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
Motion No. 16283
Exhibit A
Page 2**

Prior to the issuance of any new or amended building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Performance

This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). Construction of the project shall commence within three (3) years of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the proposed development.

F. Advertising

No general advertising sign shall be permitted at any time, anywhere on the Project site or on any structure on the Project site.

G. First Source Hiring Program

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
Motion No. 16283
Exhibit A
Page 3**

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT.

A. Design

- (1) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. In no case shall visible daylight transmittance be less than 75 percent. Only clear glass shall be used at pedestrian levels.
- (2) The Project Sponsor and the Project architect shall continue to work on design development with the Planning Department staff to develop further and to refine the design of the proposed project in terms of materials and detailing.
- (3) The Project Sponsor shall develop a signage and storefront program for the ground floor retail uses and submit it for staff approval before submitting any building permits for construction of the Project. All subsequent sign or storefront permits shall conform to the approved signage program.
- (4) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.
- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with the plans identified as Exhibit B and submitted to the Commission on November 15, 2001.

B. Pedestrian Streetscape Improvements

- (1) The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Section 138.1.
- (2) A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works.

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
Motion No. 16283
Exhibit A
Page 4**

C. Open Space

- (1) The Project shall include the open space described generally in this Motion.
- (2) The final open space design, including materials and their treatment, furniture, and planting plan including species shall be submitted for review by, and shall be satisfactory to the Director of the Department. The open space design shall be consistent with the provisions in the open space design guidelines for rooftop view terraces found in the Downtown Element of the General Plan.
- (3) Pursuant to Section 138(h) of the Code, plaques which bear the Downtown Open Space logo which identify the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public, and the name address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on Ellis Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

D. Artwork

- (1) The Project Sponsor and the Project Artist shall consult with the Department during design development. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than 6 months after the date of this approval.
- (2) The proposed artwork shall meet the requirements of Section 149 of the Code and the *Fine Art Guidelines*, and shall be appropriately lit.

E. Jobs Housing Linkage Program

In compliance with Section 313 of the Planning Code, the Project Sponsor shall either construct or cause to be constructed the required number of housing units per Section 313.5, OR pay an in-lieu housing fee per Section 313.6, either option being commensurate with the square footage of gross floor area of the proposed hotel development as submitted for the Project site permit.

F. Other Fees

The Project Sponsor shall pay all fees required by other City agencies or departments, such as, but not limited to, school fees.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Open Space

- (1) The Project Sponsor shall complete the required roof top view terrace public open space.
- (2) The Project Sponsor shall install in the Project open space and shall thereafter maintain a map or diagram that shows the connection between the space and the downtown pedestrian network in the general vicinity of the Project. The materials, content and location of the map or diagram shall be submitted to the Director for approval prior to installation.
- (3) Pursuant to Section 138(h) of the Code, plaques identifying the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public and the name and address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on O'Farrell Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

B. Pedestrian Streetscape Improvements

- (1) The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

C. Childcare Requirement

The Project Sponsor shall pay an in-lieu fee per gross square foot of new office space as required pursuant to Planning Code Section 314.

D. On-Street Loading Zone Along the North Side of Ellis Street

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
Motion No. 16283
Exhibit A
Page 6**

- (1) The Project Sponsor must, in coordination with the Department of Parking and Traffic (DPT), Muni, and Planning Department staff, seek to establish a loading zone and along the Ellis Street frontage that provides unloading space for hotel guests and access to the existing adjacent in-sidewalk elevator doors. The Project Sponsor shall comply with requirements from DPT and Muni in any effort to establish the proposed loading zone in order to insure that any such loading zone does not result in serious Muni or traffic conflicts. This includes appropriate hours of operation and limitation of operation of the loading zone when such zone space is needed for Muni Bus queuing needed from time to time to replace cable car service. The Project Sponsor shall notify Planning staff of the regulations required by DPT and Muni for this specific loading zone when they are established and the loading zone is approved. Such limitations shall apply as a Condition of Approval of this motion as though fully set forth herein.
- (2) The project sponsor shall provide an employee in the main lobby of the hotel as an attendant to monitor use of the Ellis Street curb-side loading area to ensure that no vehicles making deliveries or otherwise associated with the building and/or its operations utilize the loading area in a manner inconsistent with regulations established by DPT and Muni. The attendant shall also ensure that the street elevator is not in operation during normal times of heavy pedestrian activity. The attendant shall inform all operators of vehicles making deliveries, or involved in other activities associated with the operation or use of the building, of the loading regulations, and direct them to leave the loading area if they are in violation of any of these regulations. Such an attendant shall be on duty at all hours that are necessary to ensure proper operation of this curbside loading area. Should trucks or other vehicles that are not in any way associated with deliveries or activities specifically involving the Project site utilize the loading area, the attendant shall report any violations of the regulations of the loading area immediately to DPT. As to be determined by the Zoning Administrator in consultation with DPT, failure on the part of the project sponsor or any subsequent owner or manager of the Project site to ensure proper operation of the curb side loading area along O'Farrell Street will result in enforcement actions and may result in the removal of the curb side loading area and/or the sidewalk loading elevator.

PLANNING COMMISSION

**Case No. 2000.383C
72 Ellis Street
Block 327, Lot 11
Motion No. 16283
Exhibit A
Page 7**

This page intentionally left blank.

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 16284

ADOPTING FINDINGS RELATING TO THE APPROVAL BY THE PLANNING COMMISSION OF CITY PLANNING CODE SECTION 309 DETERMINATIONS OF COMPLIANCE AND EXCEPTIONS FROM HEIGHT AND BULK LIMITS, AND COMPLIANCE WITH SECTION 7 OF APPENDIX E TO ARTICLE 11, FOR PROPERTY IN A C-3-R (DOWNTOWN, RETAIL) DISTRICT AND A 80-130-F HEIGHT AND BULK DISTRICT, ASSESSOR'S BLOCK 0327, LOT 011.

RECITALS

1. On April 26, 2000, Lawrence Chambers, Del Campo and Maru, on behalf of Personality Hotels, Inc. ("Project Sponsor"), filed with the City and County of San Francisco Planning Department ("Department"), an Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
2. On August 7, 2001, Marie Zeller, Patri Merker Architects, on behalf of the Project Sponsor, filed with the Department an amendment to the Application for Review of a C-3 (Downtown) Project Under Section 309 of the Planning Code ("Project").
3. A Preliminary Negative Declaration of Environmental Impact, Case No. 2000.383E, was released in October 13, 2001. No appeal was filed and a final Negative Declaration was adopted and issued on November 5, 2001. By the adoption of the Final Negative Declaration, the Department, in accordance with the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, determined that the proposed project on the subject property could have no significant effect on the environment.
4. On October 25, 2001, notice of the hearing on the Application was posted.
5. On November 15, 2001, the Commission conducted a duly noticed public hearing on the Application.
6. The Department and the Commission have reviewed and considered the information contained in the Final Negative Declaration in accordance with the requirements of CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
7. The Commission has also had available to it for its review and consideration the Case Report, studies, letters, plans and other materials pertaining to the Project in the Department's case files, has reviewed and heard testimony and has received materials from interested parties during the public hearings on the Project.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site/Present Use**

The project site is two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, just east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 sq. ft.

The existing use of the project site is an attendant-operated surface parking lot with one level of underground parking, with an overall capacity of 75 spaces. About 22 spaces are currently allocated for overnight use by the Hotel Union Square. About 13 spaces are used for hotel guest parking during the daytime, and the remaining 62 spaces are open to public use during the day. The parking lot would be demolished to accommodate the proposed hotel.

3. **Nature of Project**

The proposed project would consist of the demolition of the existing parking lot with basement and the construction of a hotel, which will be called the M31 Hotel. The façade of the M31 comprises a base of light-colored stone topped by a series of glass and masonry window divisions, each two stories in height. Its architects, designer Michael Gabellini in association with local architect Piero Patri, have designed a forward-looking, completely modern structure that consciously and effectively responds to the design guidelines of the Kearny-Market-Mason-Sutter Conservation District by combining classic architectural elements with a new modern design. The project will enhance the overall streetscape while making a refined and distinguished architectural statement. Dramatic lighting will illuminate the interior and exterior of the hotel, highlighting the restaurant, lobby, lounge areas, the rooftop view terrace, and the guest rooms themselves. The M31 Hotel will utilize natural elements such as water, landscaping, wood, and stone on the interior of the building in areas that will be visible from the exterior, adding warmth and interest to the streetscape.

The proposed 11-story, 125-ft.-tall structure would have 156 rooms, and a semi-enclosed trellis structure on the roof would rise to 146 feet. A basement level, of approximately 5,730 sq. ft., would contain service and mechanical rooms, storage areas, and a restaurant kitchen. The ground floor (first floor) would contain about 2,400 sq. ft. of restaurant space and a lobby/salon area of approximately 1,940 sq. ft. The main lobby would be double height. The ground floor would also include a meeting room/lounge of approximately 600 sq. ft. and a reception area/office space of approximately 380 sq. ft. A business center of

about 400 sq. ft would be on the second floor. Both the conference room and the business center would be for guest use. Floors 2 through 11 would contain 156 hotel rooms; 131 standard rooms ranging from 280 to 310 sq. ft.; 21 executive rooms ranging from 340 to 370 sq. ft.; and four business suites of approximately 450 sq. ft. Executive rooms would be similar to standard hotel rooms, but slightly larger with additional desk space. Business suites would be larger still, with separate sitting and bedroom areas.

The roof would contain a publicly accessible view terrace of approximately 2,780 sq. ft. near the south-facing facade. A semi-enclosed trellis structure would surround the rooftop terrace. In conformance with the General Plan guidelines for publicly accessible rooftop view terrace open spaces, the proposed terrace would also include some form of food service to enliven the space. The rooftop would also contain mechanical equipment screened from view.

The building would be built out to the sidewalk to match the prevailing street wall along Ellis Street (see Figure 5, Front Elevation, and Figure 6, East Elevation). The front elevation would have two-story masonry (most likely Indiana or French limestone) and glass wall divisions above the ground floor. Windows would be recessed 1'-0" to 3'-0" behind the masonry frame. A masonry cornice would project approximately three feet from the façade at the 83-foot elevation level, continuing the cornice line of the adjacent buildings. To further accentuate the cornice line, windows above the 83-ft. elevation (8th to 11th floors) would be recessed further behind the structural frame than those windows below. The ground floor façade walls would be clad in a light-colored stone or similar material, possibly with a granite base. Window and doorway glazing along the length of the building at ground level would be nearly continuous. A canopy would extend over the sidewalk at the hotel entrance.

A 70.5-ft.-long loading zone on the 73-ft.-wide Ellis Street frontage is proposed to provide for passenger and freight loading. With approval from the Department of Parking and Traffic (DPT), most of the existing red zone along the site frontage would be redesignated a white zone to accommodate passenger and freight loading. Approximately 2.5 ft of the curb at the eastern edge of the site frontage would remain red to facilitate vehicles exiting from the Ellis/O'Farrell garage. In addition, pavement markers, such as reflective "dots," would be placed between the garage and the proposed loading zone to discourage drivers leaving the garage from entering the loading area.

An existing sidewalk elevator on Ellis Street within the Hotel Union Square frontage, just west of the project site frontage, is proposed by the project sponsor to be relocated approximately eight feet to the east to provide direct service access to the M-31 Hotel basement. The Hotel Union Square is also owned and operated by the M-31 Hotel Project Sponsor. The sidewalk elevator would be linked within the basement of the M-31 Hotel. After relocation, the elevator opening in front of the Hotel Union Square would be sealed with concrete to match the surrounding sidewalk. In the event that the relocated sidewalk elevator is not permitted by the Department of Parking and Traffic, the Department of Public Works, or the Planning Department, the existing sidewalk

elevator would be reused, with a basement level connection to the M-31 Hotel. This option is complicated by the fact that it would require a grade change at the basement level due to the location of an existing underground sewer line which runs perpendicular to the front property line between the M-31 Hotel site and the Hotel Union Square, and thus may be cost-prohibitive. As a final option, the Project Sponsor is investigating the feasibility of the hotel being serviced through an entrance on the ground floor on the west side of the building frontage. An internal lift would access the hotel basement in this location. However, this last option is not optimal for the aesthetic or functional considerations of the ground floor street frontage, as it would detract from the clean and consistent composition of masonry and glass material, and could cause conflicts between pedestrians entering the restaurant, as well as delivery activities which would then have to cross the main path of pedestrian travel along the sidewalk. The street elevator as it is currently positioned at the curbside minimizes pedestrian conflict by not forcing deliveries to cross the entire width of the public sidewalk.

The total floor area of the project would be 76,554 sq. ft. and the FAR would be 9.0 to 1. Achieving this 9.0 FAR would require the use of approximately 25,000 square feet of transferrable development rights. Construction of the project is anticipated to begin in Spring 2002. The construction period, including demolition, would take approximately 15 months.

The Project Sponsor, Personality Hotels, Inc., has agreed to implement the following measures as part of the project: (1) hire a full-time staff person (valet) to manage the curbside passenger and freight loading activities (seven days a week from 7:00 AM to 11:00 PM), such that no vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities, and (2) during project construction, limit construction truck traffic between 9:00 AM and 3:00 PM to minimize disruption of the general traffic flow on adjacent streets during peak hours.

A Shadow Analysis under Planning Code Section 295 (Proposition K) has found that no new shadows would be cast on any property under the jurisdiction of the Recreation and Parks Commission.

With respect to hazardous materials, as referred in the Preliminary Negative Declaration, a Phase I Environmental Site Assessment of the property concluded that there were no conditions existing on the site which could be considered hazardous.

The Landmarks Preservation Advisory Board ("Landmarks Board") has reviewed the Project on an informational basis and is in support of the proposed Project.

San Francisco Heritage reviewed the Project on September 4, 2001, and supported the design as presented to them at that time.

A Preliminary Negative Declaration was released on October 13, 2001. No appeal was filed, and a final Negative Declaration was adopted and issued on November 5, 2001.

4. **Section 309 –Permit Review in C-3 Districts**

Because of its location in a C-3 district, the Project is subject to the requirements of Section 309, which requires determination of compliance and allows for exceptions to the City Planning Code.

Compliance

(a) **Section 138 – Open Space**

Code Section 138 requires that, in the C-3-R District, when a project results in the construction of a new building, the project shall provide one square foot of open space for every 100 gross square feet of space. The open space must consist of usable public space open and accessible to the public during daylight hours. Section 138 provides a number of examples of the types of improvements that will satisfy this requirement, including view and sun terraces.

- The Project proposes approximately 76,554 gross square feet of total construction. Therefore, the Project must provide approximately 766 square feet of open space at the required 1:100 ratio for the C-3-R District.
- The Project Sponsor proposes to provide approximately 2,782 square feet of open space on a rooftop view terrace. The minimum space requirement for a view terrace according to the San Francisco Master Plan is 800 square feet. The sun terrace therefore meets the open space requirement and the criteria applicable to a sun terrace.
- The sun terrace will be accessed from the building elevator lobby. The hours during which the sun terrace will be accessible to the public will be concurrent with the hours of the normal operation of the public meeting spaces of the hotel, but at least from 10am to 5pm, Monday through Friday, as required by the San Francisco Master Plan.

*Based on the proposed plans submitted by the project sponsor for the rooftop view terrace, the Commission finds that the Project complies with the requirements of **Section 138**.*

(b) **Section 138.1 - Pedestrian Streetscape Improvements**

Section 138.1(b) requires that when an addition of floor area equal to 20 percent or more of an existing new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under **Section 138.1(c)**, the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

- The Project will satisfy the requirements of **Section 138.1** by providing one or more of the following types of streetscape improvements: paving treatments, trees and plantings depending on site constraints and potential impediments to pedestrian movement.

Draft Motion 2000.986X includes a Condition of Approval which provides that, prior to issuance of the final addendum to the site permit, "[a] final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works."

*As so conditioned, the Commission finds that the Project complies with the requirements of **Section 138.1**.*

(c) Section 139 – Downtown Park Fund

New downtown office developments are required to pay a \$2.00 per square foot fee for the net addition of office space to mitigate the increased demand on existing public parks in the Downtown Area.

- The Project Sponsor is not proposing an office development project and therefore this requirement does not apply.

(d) Section 146 – Shadows on Streets

Section 146 provides that in order to maintain direct sunlight on public sidewalks in C-3 Districts, new structures must be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, so as to reduce substantial shadow impacts on public sidewalks in those areas.

- Although Ellis Street is listed on Table 146, between Cyril Magnin and Stockton Streets, and Cyril Magnin and Grant Streets, the reference is to the south side of the street. The proposed Project is on the north side of Ellis Street. Therefore, this section does not apply.

(e) Section 147 – Shadows on Publicly Accessible Open Spaces

Section 147 sets forth certain requirements and determinations regarding shadows being cast on public or publicly accessible open space. Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

- A shadow study was conducted for the Project. This study indicated that there would be no net new shadow on publicly accessible open space.

*Therefore, the Commission finds that the Project complies with **Section 147**.*

(f) Section 149 – Public Art

In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Section 149 requires a project to include works of art costing an amount equal to one percent of the cost of construction of the building and requires the Commission to approve the type and location of the art work, but not the artistic merits of the specific art work proposed. The types of permitted artwork include sculptures, bas-reliefs, murals, mosaics, decorative water features, or other work permanently affixed to the building.

- The Project proposes new construction of floor area in excess of 25,000 square feet and therefore is subject to the public artwork requirement. The Project's estimated construction cost is \$10,500,000. The Project will provide artwork in the form of a sculpture and/or painting equal in value to \$105,000. The specific type of art is to be determined. It will be located in the lobby at the ground level, at publicly visible sidewalls, or on the sun terrace.

The Commission finds that the project complies with Section 149 subject to a Condition of Approval requiring the project sponsor to return to the Commission within six (6) months of any approval date of a motion determining compliance under Section 309, to present more developed plans for the proposed public art.

(g) Section 102.9(b)(16) – Replacement of Short Term Parking

Section 102.9(b)(16) provides that "gross floor area" shall not include, in C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building.

- The existing private surface parking lot is not being replaced and therefore this section does not apply.

(h) Section 313 – Jobs Housing Linkage Program

Section 313.3 provides that the housing requirements for hotel development projects applies to "any hotel development project proposing the net addition of 25,000 or more gross square feet of hotel space." The current fee for hotel space is \$8.50 per square foot.

- The Project Sponsor proposes to add approximately 76,554 gross square feet of new hotel space, resulting in an affordable housing in lieu fee of approximately \$650,709. The Project Sponsor may also provide the actual housing units at the rate of 0.000110 time the gross square

footage, or 8 units of housing. The Project Sponsor is investigating these options, but will probably opt for paying the in lieu fee.

(i) Section 314 – Child Care

Section 314.3 provides that the childcare requirement for hotel development projects applies to “office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.”

- The Project involves the net addition of more than 50,000 square feet of hotel use. Hotel projects must provide a child care facility which square footage equal 0.1 times the net addition of square feet of hotel space (which is 766 square feet) or 3,000 square feet, whichever is greater. Therefore, if the Project Sponsor were to comply by providing a childcare facility, it must provide a child care facility of at least 3,000 square feet
- As an alternative, hotel projects may pay an in lieu fee equal to \$1.00 per each additional square foot of hotel space. Therefore, the Project Sponsor may pay a fee equal to \$76,554 in lieu of providing a 3,000 square foot child care facility. The Project Sponsor is opting to pay the in lieu fee.

(j) Section 1113 - New Construction in Conservation District

Section 1113 of the Planning Code requires that, “No person shall construct or cause to be constructed any new or replacement structure or add to any existing structure in a Conservation District unless it is found that such construction is compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix which describes the District [in this case, Appendix E].”

Section 7(a) of Article E includes Section 6 by reference and requires that new construction be compatible with the District in general with respect to the building’s composition and massing, scale, materials, and colors, and detailing, and ornamentation, including those features described Section 6.

Conformance With Article 11, Appendix E, Section 7

Since the building is located in the Kearny-Market-Mason-Sutter Conservation District, all construction of new buildings shall be compatible with the District in general with respect to the building’s composition and massing, scale, materials and colors, and detailing and ornamentation. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located.

(1) **Composition and Massing**

The Project maintains the District’s essential character by relating to the prevailing height, mass, proportions, rhythm and composition of existing Significant and Contributory Buildings. The height and massing of the Project

does not alter the traditional scale of existing buildings, streets and open spaces. The Project includes an appropriate street wall height established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings.

The Project is built to the property line in order to maintain the continuity of building rhythms and the definition of the street.

The standard proportions of the Project are established by the prevailing street wall height and width of lots. The Project's design is geared toward it relating the Project's rhythm with those of historic buildings in the area.

The Project's design repeats the prevailing pattern of two- and three-part vertical compositions. A base element is included to define the pedestrian environment. Above the base is a ten-story shaft element, capped by an architectural roof top element that provides partial spatial containment and weather protection for the publicly accessible view terrace. This top element will be appropriately lighted to emphasize the top element of the building.

(2) Scale

The Project's scale is broken into smaller parts by detailing and fenestration, which relate to human scale. The existing scale of the buildings in the vicinity is maintained through continuance of the existing street wall height and incorporation of a base element to maintain the pedestrian environment. The street frontage of the pedestrian level includes a both a lobby entrance and restaurant with large windows and glass doors to create visual entrance by revealing the activity going on within the building.

The Project repeats existing fenestration rhythms and proportions that have been established in the area with a classical deep-set fenestration pattern, and quality, well-detailed materials.

(3) Materials and Colors

The Project uses like materials, such as granite, limestone and glass, which relate it to surrounding buildings. Traditional light colors are used in order to blend in with the character of the district.

(4) Detailing and Ornamentation

The Project relates to the surrounding area by picking up elements from surrounding buildings and developing them. The Project incorporates prevailing cornice lines through a simple 3'-0" projecting cornice designed in the modern vernacular instead of a more ornate traditional style.

*The Project meets the criteria of Appendix E of Article 11. Therefore, Commission finds that the Project complies with **Section 1113** of the Planning Code.*

5. **Exceptions Requested Pursuant to Section 309**

Height

Section 263.8 – Exceptions to Height Limits in 80-130-F and 80-130-X Height and Bulk Districts

Pursuant to Section 309(a)(8) of the Planning Code, exceptions to the 80-foot height limits in the 80-130-F Height and Bulk District may be granted as permitted in Section 263.8. Section 263.8 provides that in the 80-130-F Height and Bulk District, exceptions to the 80-foot height limit up to 130 feet may be approved in appropriate cases in accordance with the provisions of Section 309. The purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. Such height exceptions may be permitted provided that:

- (1) **The height of the building or structure does not exceed 130 feet.**

The resulting structure, excluding the mechanical penthouse, will have a finished roof height of 125 feet, well within the maximum 130-foot height limit. (The rooftop view terrace and structure as well as the mechanical penthouse are exempted from the height limit under Section 260(b)(1)(B and E).)

- (2) **The additional height will not add significant shadows on public sidewalks or parks.**

A shadow study conducted for the Project found that the resulting structure would add no significant shadows on public sidewalks. The Project's location on the north side of Ellis Street limits the amount of shadow cast on the sidewalk. There are no parks near the Project Site that would be affected by any shadows cast by the Project building.

- (3) **The structure provides an appropriate transition to adjacent higher or lower buildings.**

The windows on the upper levels of the building are inset 3 feet 6 inches from the street wall and a simple 3'-0" projecting cornice is provided, both of which occur at the existing street wall height, thereby emphasizing the prevailing street wall height along the Ellis Street frontage. Therefore, the Project provides an appropriate transition to the adjacent buildings. Although the Project will be somewhat higher than the immediately adjacent buildings (Hotel Union Square, Ellis-O'Farrell Garage), the height differential will not be extreme or unusual given the mix of building heights in the Project block. This proposed increase in height above the prevailing street wall is also a typical historic pattern for hotels within the Kearny-Market-Mason-Sutter Conservation District.

- (4) The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant street wall on the block.

While the proposed hotel building is higher than the neighboring buildings on the block face, it is no taller than the James Flood Building across the street, which forms a substantial portion of the Ellis Street street wall. Furthermore, the variation in height is not out of scale per se, but is typical of block faces throughout the district that maintain their historic scale and character. This being the case, a substantial literal setback is not necessary. However, as stated above in item (3), the windows on the upper levels of the building are inset from the street wall and a simple projecting cornice is provided, both of which occur at the existing street wall height, thereby emphasizing the prevailing street wall height along the Ellis Street frontage.

*The Project meets the provisions of **Section 263.8** for granting exceptions to the Height Limit in an 80-130-F Height and Bulk District. Therefore, the Commission hereby grants the requested exception to the Height Limit requirements for the proposed Project.*

Bulk

Section 272 – Bulk Limits: Special Exceptions in C-3 Districts

Pursuant to Section 309(a)(9) of the Planning Code, exceptions to the bulk requirements may be granted as permitted in Sections 270 and 272. Section 272 of the Code states that exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the five criteria listed in Section 272 is met. The Project meets the following criterion listed in Section 272:

Criterion #3: The added bulk does not significantly affect light and air to adjacent buildings.

The bulk limit, which applies above 80 feet, is 110 feet in length and 140 feet in diagonal. At the 80-foot line, the building length is 110 feet 7 inches, which exceeds the maximum permitted length by 7 inches. The additional bulk resulting from the 7 inches is minor, and therefore will not significantly affect light and air to adjacent buildings. Moreover, it should be noted that the windows above the 83-foot elevation level will be recessed further behind from the structural frame than those windows below, which is only 3 feet over the height at which the bulk limits begin. The bulk decreases at that point and the maximum length dimension is no longer exceeded. Therefore, the maximum length dimension is only exceeded by 7 inches for three vertical feet.

The building diagonal is 127 feet 10 inches, which is within the Code limit.

*Because the project meets at least one criterium under **Section 272**, the Commission hereby grants the requested exception to the Bulk Limits for the proposed Project.*

6. **Section 101.1 Priority Policy Findings**

Section 101.1 requires the Project to be consistent with the eight priority policies listed below. The Commission finds that the Project is consistent with these findings as stated below:

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment and ownership of such businesses be enhanced.
 - The project does not displace any existing retail use. The proposed project will provide a ground floor restaurant, and will hire local residents to the extent possible, thereby enhancing opportunities for resident employment.
- (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 hotel project will include a restaurant, and will not reduce existing housing; indeed, it will provide a restaurant that will create an active street frontage along the block face, replacing an unattractive surface parking. The proposed hotel restaurant use is completely consistent with the neighborhood character, which consists primarily of a mix of retail and hotel uses.
 - The building's design would help maintain elements of the existing character of the area, such as a consistent street wall, as well as hotel and restaurant uses common to the neighborhood. The Project is designed to add economic diversity to the area by providing a smaller, yet modern, state-of-the-art hotel facility that still fits in with the scale and architectural character of the neighborhood, thereby broadening the range of choices of accommodations for visitors to the city.
- (3) That the City's supply of affordable housing be preserved and enhanced.
 - The Project would not diminish the City's supply of affordable housing. There is no affordable or other housing on the site.
 - The proposed project will participate in the City's Jobs-Housing Linkage Program. This would mean that for hotel, the amount would be \$8.50 per square foot, or \$650,709 (76,554 X \$8.50). The project sponsor may also provide the actual housing units at the rate of .000110 times the gross square footage, or 8 units of

housing. The project sponsor is investigating these options, but is likely to opt for paying the in lieu fee.

- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
 - The proposed project is well served by public transit, and includes the type of uses that would be less dependent on the private automobile. As a result, the project will not adversely impact Muni transit or overburden local streets or neighborhood parking. In addition, there is off-site valet parking nearby. The loading zone proposed at the curbside in front of the proposed hotel will be operated and restricted so as to not interfere with Muni Bus 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.
 - A private surface parking lot will be displaced. The proposed mixed-use project will provide significant new jobs for the local residential neighborhood.
- (6) That the City achieve the greatest possible preparedness against injury and loss of life in an earthquake.
 - The proposed project will fully comply with the seismic standards in the Building Code.
- (7) That landmarks and historic buildings be preserved.
 - There are no landmarks or historic buildings on the site. The Project will be consistent with the policies for new construction in the Kearny-Market-Mason-Sutter Conservation District. While a clearly modern and cutting-edge design, the proposed building respects the design guidelines established for the conservation district. This is accomplished by using rich materials common to the district such as granite and limestone, recessing windows, and using a classical symmetrical fenestration pattern that reflects the basic patterns and scale of the district. Furthermore, a clearly delineated a base, shaft and top within the façade design relates the building design to other taller buildings in the district.
- (8) That our parks and open space and their access to sunlight and vistas be protected from development.
 - A Shadow Study has been conducted as part of the program planning process for this proposed project. It indicated that there

is no net new shadow on any property under the jurisdiction of the Recreation and Park Department. The proposed project is an infill project that will not significantly affect any scenic vistas.

7. **Consistency with the General Plan**

The project will not adversely affect the General Plan, and will specifically advance the following objectives of the Commerce and Industry Element, the Downtown Area Plan, and the Urban Design Plan, as discussed throughout this report:

COMMERCE AND INDUSTRY ELEMENT

Visitor Trade

OBJECTIVE 8: ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Comment: The proposed hotel will fit a niche currently unmet in Downtown San Francisco, in that it is a smaller intimate hotel, but yet it is a cutting edge, ultra modern facility providing state-of-the-art accommodations usually only found in the larger modern hotels, which themselves do not often provide such facilities with the high style and attention to detailing proposed to be provided in this facility.

DOWNTOWN AREA PLAN

Space for Commerce

OBJECTIVE 4: ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.

Policy 1: Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

Comment: The proposed hotel project is located in the primary location for hotels and retail/restaurant uses in the Union Square area. The hotel is designed to be compatible with the scale of the immediate neighborhood.

Urban Form

Height and Bulk

OBJECTIVE 13: **CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.**

Policy 1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 3: Create visually interesting terminations to building towers.

Comment: The hotel is designed to relate appropriately to the height of neighboring buildings through the use of cornice lines and window insets. The top of the building is designed to create visual interest through materials and lighting.

Building Appearance

OBJECTIVE 15: **TO CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.**

Policy 1: Ensure that new facades relate harmoniously with nearby façade patterns.

Policy 2: Assure that new buildings contribute to the visual unity of the city.

Policy 3: Encourage more variation in building facades and greater harmony with older buildings through use of architectural embellishments and bay or recessed windows.

Comment: The proposed building façade is designed to relate to the bay size of historic buildings throughout the district. The fenestration is deep set to reflect the depth, texture and character of the district. The façade is also embellished with simple, clean detailing to give the building a very rich and textured feel characteristic of the district, while not imitating past ornate styles.

Streetscape

OBJECTIVE 16: **CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.**

Policy 1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 2: Provide setbacks above a building base to maintain the continuity of the predominant streetwalls along the street.

Policy 3: Maintain and enhance the traditional downtown street pattern of projecting cornices on smaller buildings and projecting belt courses on taller buildings.

Policy 4: Use designs and materials that include activities at the ground floor to create pedestrian interest.

Policy 5: Encourage the incorporation of publicly visible art works in new private development and in various public spaces downtown.

Comment: The proposed building will be built to the street frontage in the downtown San Francisco tradition. The building, which is taller than its neighbors, is articulated with a projecting belt cornice at the prevailing street wall height of the block face, and window bays above this height are more deeply recessed. The ground floor façade is clad in rich materials including granite, limestone, glass, and stainless steel; contains a restaurant and public lobby; and is articulated with large windows that reveal the activity within the building to passers-by on the street. The project will include public art visible from a public space as required by the Planning Code.

8. Modification Required By the Commission: Section 309(b) of the Planning Code provides that the Commission may impose additional requirements and limitations in order to achieve the objectives and policies of the General Plan. The Commission does not impose any modifications on the project.
9. The Commission finds that granting the Project Authorization in this case will particularly promote the public welfare, convenience and necessity for the reasons set forth above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department, the recommendation of the Landmarks Preservation Advisory Board, the support of San Francisco Architectural Heritage and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Application for Review of Compliance and Exceptions Pursuant to Section 309, Application No. 2000.383X, subject to the conditions attached hereto as EXHIBIT A, which is incorporated herein by reference as though fully set forth.

PLANNING COMMISSION
Hearing of November 15, 2001

Case No. 2000.383CX
72 Ellis Street
Motion No. 16284
Page 17

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on November 15, 2001.

Linda D. Avery
Planning Commission Secretary

AYES: Baltimore, Fay, Lim, Salinas, Theoharis

NOES: Chinchilla

ABSENT: Joe

ADOPTED: November 15, 2001

EXHIBIT A

CONDITIONS OF APPROVAL

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is for the construction of an approximately 76,554 square-foot, 11-story, 125-foot tall hotel containing approximately 156 rooms, lobby, small accessory meeting rooms, and a restaurant in a C-3-R (Downtown, Retail) zoning district, an 80-130-F height and bulk district, and the Kearny-Market-Mason-Sutter Conservation District. The project as described above is to be in general conformance with the plans dated November 15, 2001 and stamped Exhibit B.

1. COMPLIANCE WITH OTHER REQUIREMENTS

The conditions set forth below are conditions required in connection with the Project. The project is also subject to any conditions imposed by the companion Conditional Use Approval Motion No. 16283. 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.

2. GENERAL CONDITIONS.

A. Mitigation Measures

The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures set forth in the final Negative Declaration for Application No. 2000.383E, which was adopted and issued on November 2, 2001, and is incorporated herein by this reference.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
Motion No. 16284
Exhibit A
Page 2**

C. Recordation

Prior to the issuance of any new or amended building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Performance

This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a permit by the bureau of the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s). Construction of the project shall commence within three (3) years of the date the project is first approved. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the proposed development.

F. Advertising

No general advertising sign shall be permitted at any time, anywhere on the Project site or on any structure on the Project site.

G. First Source Hiring Program

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
Motion No. 16284
Exhibit A
Page 3**

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT.

A. Design

- (1) Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. In no case shall visible daylight transmittance be less than 75 percent. Only clear glass shall be used at pedestrian levels.
- (2) The Project Sponsor and the Project architect shall continue to work on design development with the Planning Department staff to develop further and to refine the design of the proposed project in terms of materials and detailing.
- (3) The Project Sponsor shall develop a signage program for the project and submit it for staff approval before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program.
- (4) Space shall be included for antennae in the building's design to avoid unattractive appendages.
- (5) Final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to insure a high design quality is maintained.
- (6) Except as otherwise provided in this motion, the Project shall be completed in general accordance with the plans identified as Exhibit B and submitted to the Commission on November 15, 2001.

B. Open Space

- (1) The Project shall include the open space described generally in this Motion.
- (2) The final open space design, including materials and their treatment, furniture, and planting plan including species shall be submitted for review by, and shall be satisfactory to the Director of the Department. The open space design shall be consistent with the provisions in the open space design guidelines for rooftop view terraces found in the Downtown Element of the General Plan.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
Motion No. 16284
Exhibit A
Page 4**

- (3) Pursuant to Section 138(h) of the Code, plaques which bear the Downtown Open Space logo which identify the publicly accessible rooftop view terrace open space, the right of the public use, the hours of availability to the public, and the name address of the owner or owner's agent responsible for maintenance shall be installed in publicly conspicuous locations at the main entrance to the building on Ellis Street, in the lobby, elevator(s) and adjacent to the rooftop terrace.
- (4) Also pursuant to Section 138, signage clearly indicating the location of public restrooms shall be installed along with the plaques described in condition (3) above, at the entrance to the building and adjacent to the rooftop terrace.

C. Pedestrian Streetscape Improvements

- (1) The Project shall include pedestrian streetscape improvements generally as described in this Motion and in conformance with Section 138.1.
- (2) A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with the Director of the Department of Public Works.

D. Artwork

- (1) The Project Sponsor and the Project artist shall consult with the Department during design development. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept no later than 6 months after the date of this approval.
- (2) The proposed artwork shall meet the requirements of Section 149 of the Code and the *Fine Art Guidelines*, and shall be appropriately lit.

E. Jobs Housing Linkage Program

In compliance with Section 313 of the Planning Code, the Project Sponsor shall either construct or cause to be constructed the required number of housing units per Section 313.5, OR pay an in-lieu housing fee per Section 313.6, either option being commensurate with the square footage of gross floor area of the proposed hotel development as submitted for the Project site permit.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF TEMPORARY OR PERMANENT CERTIFICATION OF OCCUPANCY.

A. Open Space

- (1) The Project Sponsor shall complete the required rooftop view terrace public open space.
- (2) The Project Sponsor shall install in the Project open space and shall thereafter maintain a map or diagram that shows the connection between the space and the downtown pedestrian network in the general vicinity of the Project. The materials, content and location of the map or diagram shall be submitted to the Director for approval prior to installation.

B. Pedestrian Streetscape Improvements

The Project Sponsor shall complete the required pedestrian streetscape improvements. The Project Sponsor shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

C. Childcare Requirement

The Project Sponsor shall pay an in-lieu fee per gross square foot of new office space as required pursuant to Planning Code Section 314.

D. On-Street Loading Zone Along the North Side of Ellis Street

- (1) The Project Sponsor must, in coordination with the Department of Parking and Traffic (DPT), Muni, and Planning Department staff, seek to establish a loading zone and along the Ellis Street frontage that provides unloading space for hotel guests and access to the existing adjacent in-sidewalk elevator doors. The Project Sponsor shall comply with requirements from DPT and Muni in any effort to establish the proposed loading zone in order to insure that any such loading zone does not result in serious Muni or traffic conflicts. This includes appropriate hours of operation and limitation of operation of the loading zone when such zone space is needed for Muni Bus queuing needed from time to time to replace cable car service. The Project Sponsor shall notify Planning staff of the regulations required by DPT and Muni for this specific loading zone when they are established and the loading zone is approved. Such limitations shall apply as a Condition of Approval of this motion as though fully set forth herein.

PLANNING COMMISSION

**Case No. 2000.383X
72 Ellis Street
Block 327, Lot 11
Motion No. 16284
Exhibit A
Page 6**

- (2) The project sponsor shall provide an employee in the main lobby of the hotel as an attendant to monitor use of the Ellis Street curb-side loading area to ensure that no vehicles making deliveries or otherwise associated with the building and/or its operations utilize the loading area in a manner inconsistent with regulations established by DPT and Muni. The attendant shall also ensure that the street elevator is not in operation during normal times of heavy pedestrian activity. The attendant shall inform all operators of vehicles making deliveries, or involved in other activities associated with the operation or use of the building, of the loading regulations, and direct them to leave the loading area if they are in violation of any of these regulations. Such an attendant shall be on duty at all hours that are necessary to ensure proper operation of this curbside loading area. Should trucks or other vehicles that are not in any way associated with deliveries or activities specifically involving the Project site utilize the loading area, the attendant shall report any violations of the regulations of the loading area immediately to DPT. As to be determined by the Zoning Administrator in consultation with DPT, failure on the part of the project sponsor or any subsequent owner or manager of the Project site to ensure proper operation of the curb side loading area along O'Farrell Street will result in enforcement actions and may result in the removal of the curb side loading area and/or the sidewalk loading elevator.

This page intentionally left blank.



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

NEGATIVE DECLARATION

Date of Publication of Preliminary Negative Declaration: October 13, 2001

Lead Agency: Planning Department, City and County of San Francisco
1660 Mission Street, 5th Floor, San Francisco, CA 94103

Agency Contact Person: Ben Helber

Telephone: (415) 558-5968

Project Title: 2000.383E: 72 Ellis Street - 156-room Hotel

Project Sponsor: Personality Hotels, Inc.

Project Contact Person: Jorge Castillo, Skyline Realty, Inc. **Telephone:** (415) 861-1111

Project Address: 72 Ellis Street

Assessor's Block(s) and Lot(s): Block 327, Lot 11

City and County: San Francisco

Project Description: The project site is at 72 Ellis Street, two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 square feet (sq. ft.). The project site is in a C-3-R (Downtown Retail) Use District and in the Kearny-Market-Mason-Sutter Conservation District. The proposed project would consist of the demolition of an existing parking lot with basement and the construction of a hotel. The proposed 11-story, 125-foot tall structure would have 156 rooms and would be called the M-31 Hotel. A semi-enclosed trellis structure on the roof would rise to 146 feet. The hotel would contain approximately 2,400 sq. ft. of restaurant use on the first floor. Also on the first floor would be lobby areas, restrooms, offices, and a meeting space. A business center on the second floor would be approximately 400 sq. ft. The proposed hotel would have a mixture of guest rooms and business suites on floors 2 through 11. The building would include a publicly-accessible sun terrace on the roof. Total gross floor area would be 76,554 sq. ft. No on-site parking is proposed as part of the project. A 70.5-foot long loading zone on the 73-foot wide Ellis Street frontage is proposed to provide for passenger and freight loading.

Building Permit Application Number, if Applicable: None, yet.

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance) and 15070 (Decision to Prepare a Negative Declaration), and the following reasons as documented in the Environmental Evaluation (Initial Study) for the project, which is attached. Mitigation measures, if any, are included in this project to avoid potentially significant effects: see attached Initial Study, pp. 2-35.

In the independent judgment of the San Francisco Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.

Final Negative Declaration adopted and issued
on November 5, 2001


Paul Maltzer

Environmental Review Officer

cc: Supervisor Chris Daly
Adam Light, NE Quadrant
Distribution List
LFZ/Master Decision File

2000.383E

INITIAL STUDY
2000.383E: 72 ELLIS STREET HOTEL

PROJECT DESCRIPTION

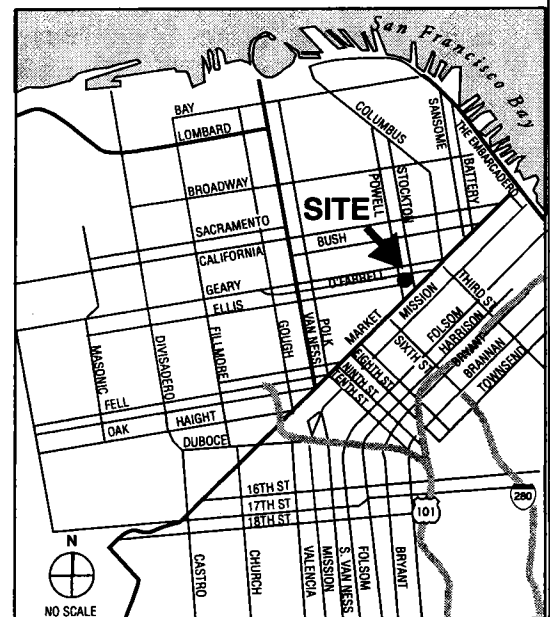
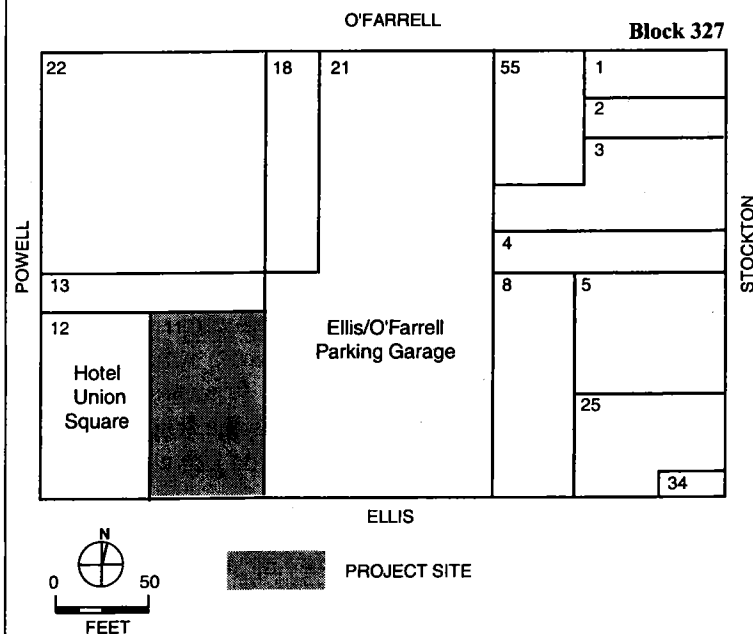
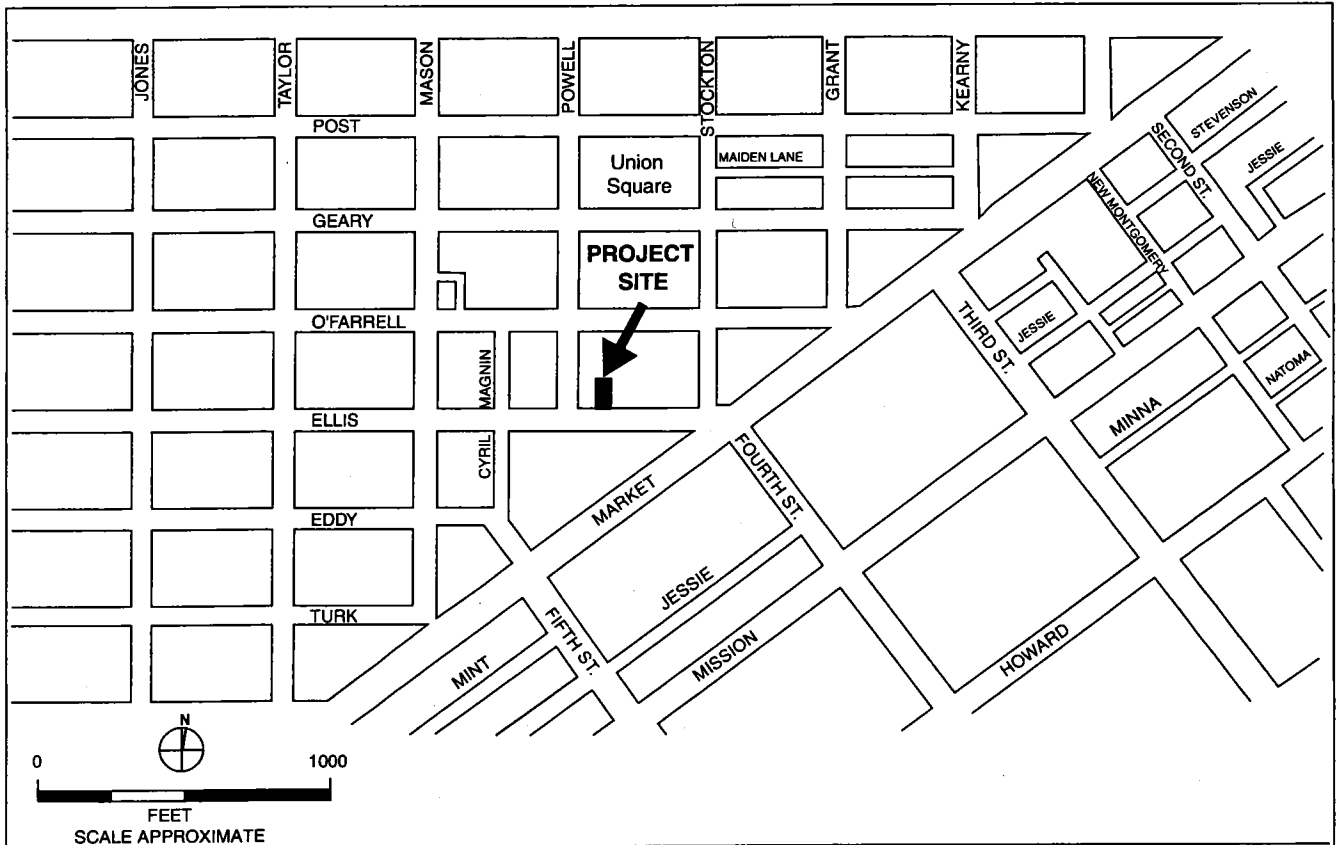
The project site is at 72 Ellis Street, two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 square feet (sq. ft.) (see Figure 1, Project Location). The project site is in a C-3-R (Downtown Retail) Use District and in the Kearny-Market-Mason-Sutter Conservation District. The proposed project would consist of the demolition of an existing parking lot with basement and the construction of a hotel. The proposed 11-story, 125-ft.-tall structure would have 156 rooms and would be called the M-31 Hotel. A semi-enclosed trellis structure on the roof would rise to 146 feet.

A basement level, of approximately 5,730 sq. ft., would contain service and mechanical rooms, storage areas, and a restaurant kitchen. The ground floor (first floor) would contain about 2,400 sq. ft. of restaurant space and a lobby/salon area of approximately 1,940 sq. ft. (see Figure 2, Ground-Floor Site Plan). The main lobby would be double height. The ground floor would also include a meeting room/lounge of approximately 600 sq. ft. and a reception area/office space of approximately 380 sq. ft. A business center of about 400 sq. ft. would be on the second floor. Both the conference room and the business center would be for guest use. Floors 2 through 11 would contain 156 hotel rooms; 131 standard rooms ranging from 280 to 310 sq. ft.; 21 executive rooms ranging from 340 to 370 sq. ft.; and four business suites of approximately 450 sq. ft. Executive rooms would be similar to standard hotel rooms, but slightly larger with additional desk space. Business suites would be larger still, with separate sitting and bedroom areas. A typical floor plan is shown in Figure 3, Typical Floor Plan.

The roof would contain a publicly-accessible sun terrace of approximately 2,780 sq. ft. near the south-facing facade (see Figure 4, Sun Terrace Floor Plan). A semi-enclosed trellis structure would surround the rooftop terrace. The rooftop would also contain mechanical equipment screened from view.

The building would be built out to the sidewalk to match the prevailing street wall along Ellis Street (see Figure 5, Front Elevation, and Figure 6, East Elevation). The front elevation would have two-story structural concrete and glass wall divisions above the ground floor. Windows would be recessed behind the structural concrete frame. A concrete cornice would project approximately three feet from the façade at the 83-foot elevation level, continuing the cornice line of the adjacent buildings. To further accentuate the cornice line, windows above the 83-ft. elevation (8th to 11th floors) would be recessed further behind the structural frame than those windows below. The ground floor would be clad in a light-colored stone or similar material. Window and doorway glazing along the length of the building at ground level would be nearly continuous. A canopy would extend over the sidewalk at the hotel entrance.

The Project Sponsor, Personality Hotels, Inc., has agreed to implement the following measures as part of the project: (1) hire a full-time staff person (valet) to manage the curbside passenger and freight loading activities (seven days a week from 7:00 AM to 11:00 PM), such that no vehicles would be allowed to park or stop at the Ellis Street passenger loading zone unless they are actively involved in loading and unloading activities, and (2) during project construction, limit construction truck traffic between 9:00 AM and 3:00 PM to minimize disruption of the general traffic flow on adjacent streets during peak hours.



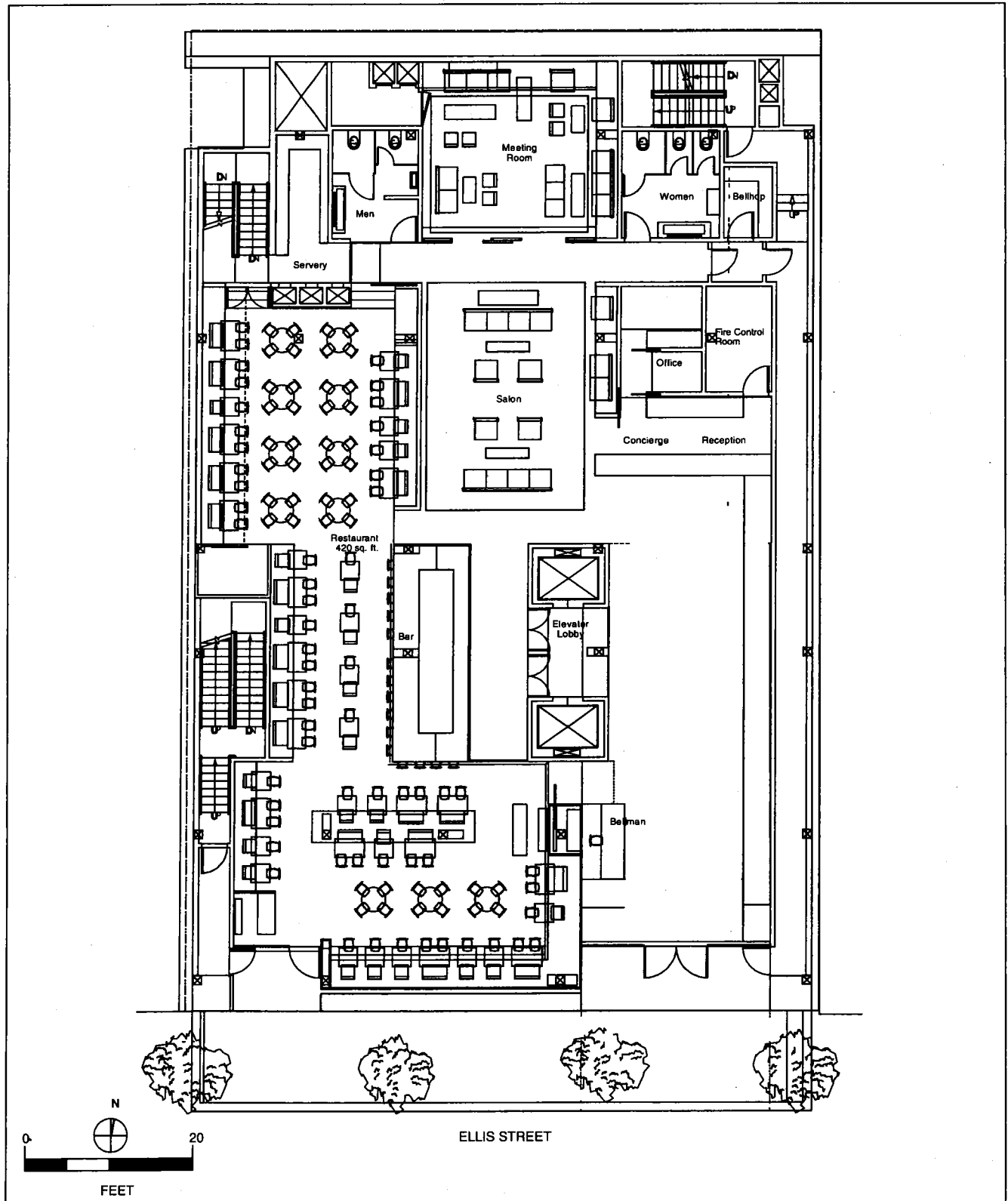
SOURCE: EIP Associates

EIP

M-31 HOTEL

FIGURE 1: PROJECT LOCATION

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION



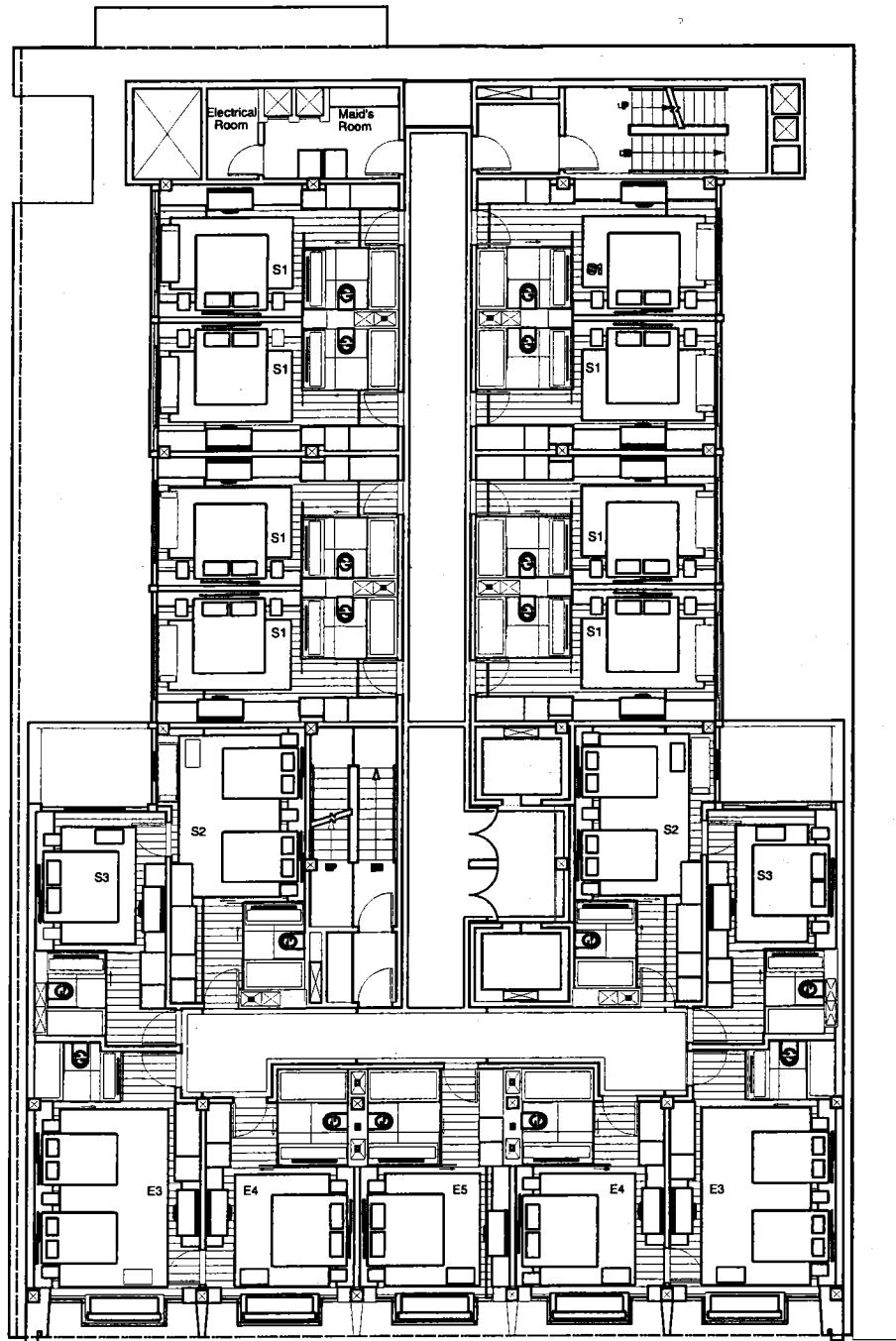
SOURCE: Gabellini Associates

EIP

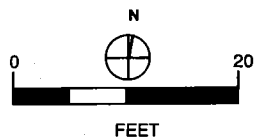
M-31 HOTEL

FIGURE 2: GROUND FLOOR SITE PLAN

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION



ELLIS STREET



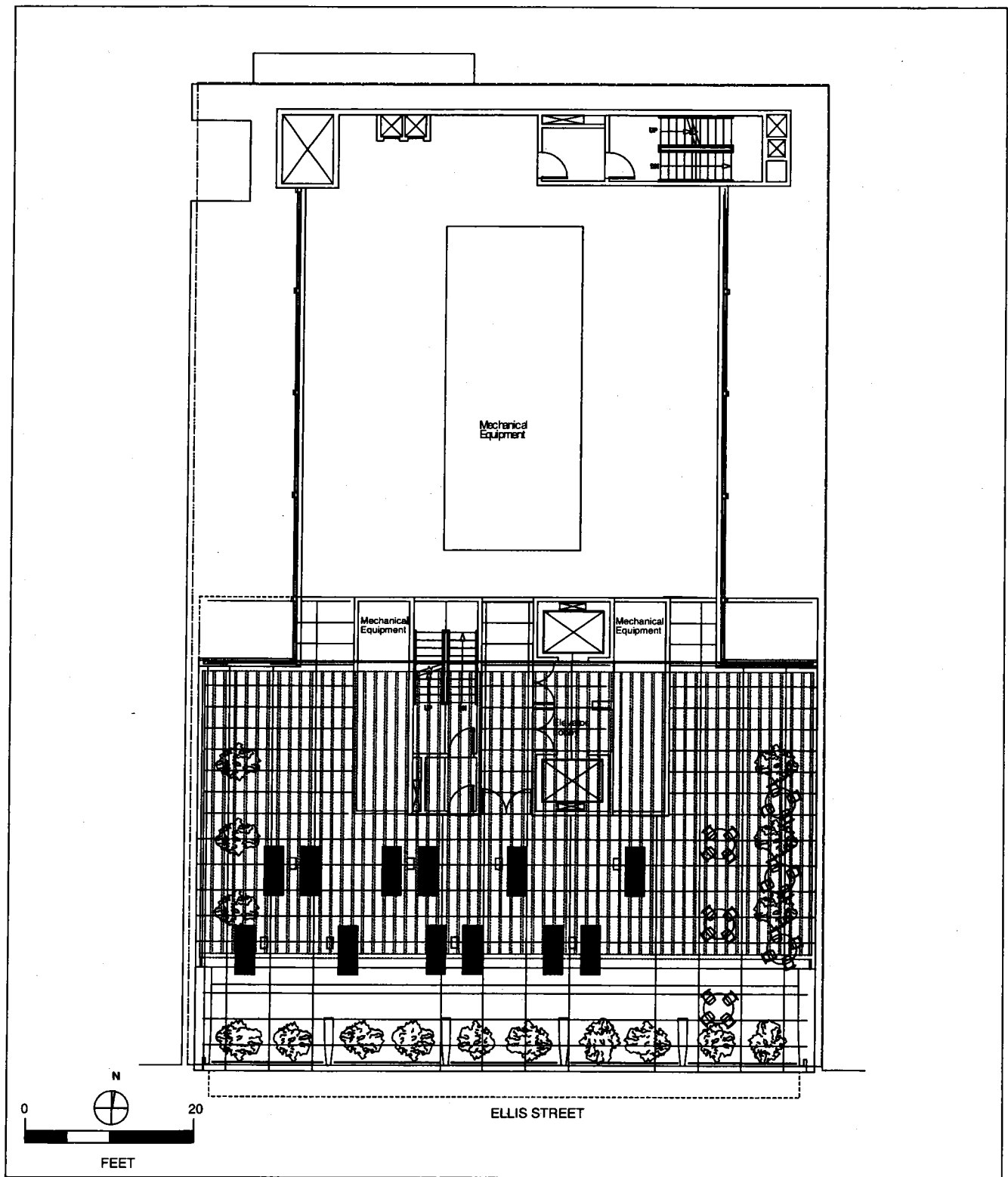
SOURCE: Gabellini Associates

EIP

M-31 HOTEL

FIGURE 3: TYPICAL FLOOR PLAN

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION



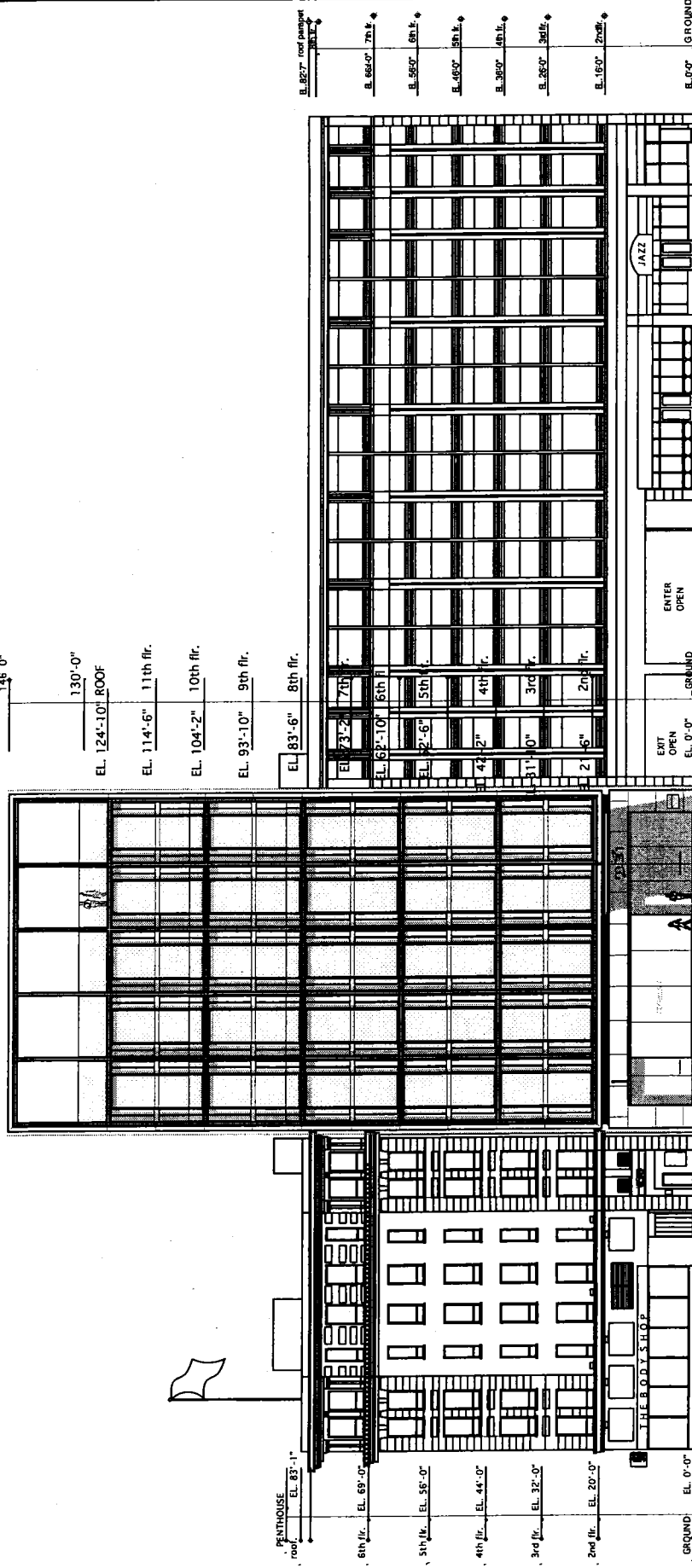
SOURCE: Gabellini Associates

EIP

M-31 HOTEL

FIGURE 4: SUN TERRACE FLOOR PLAN

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION

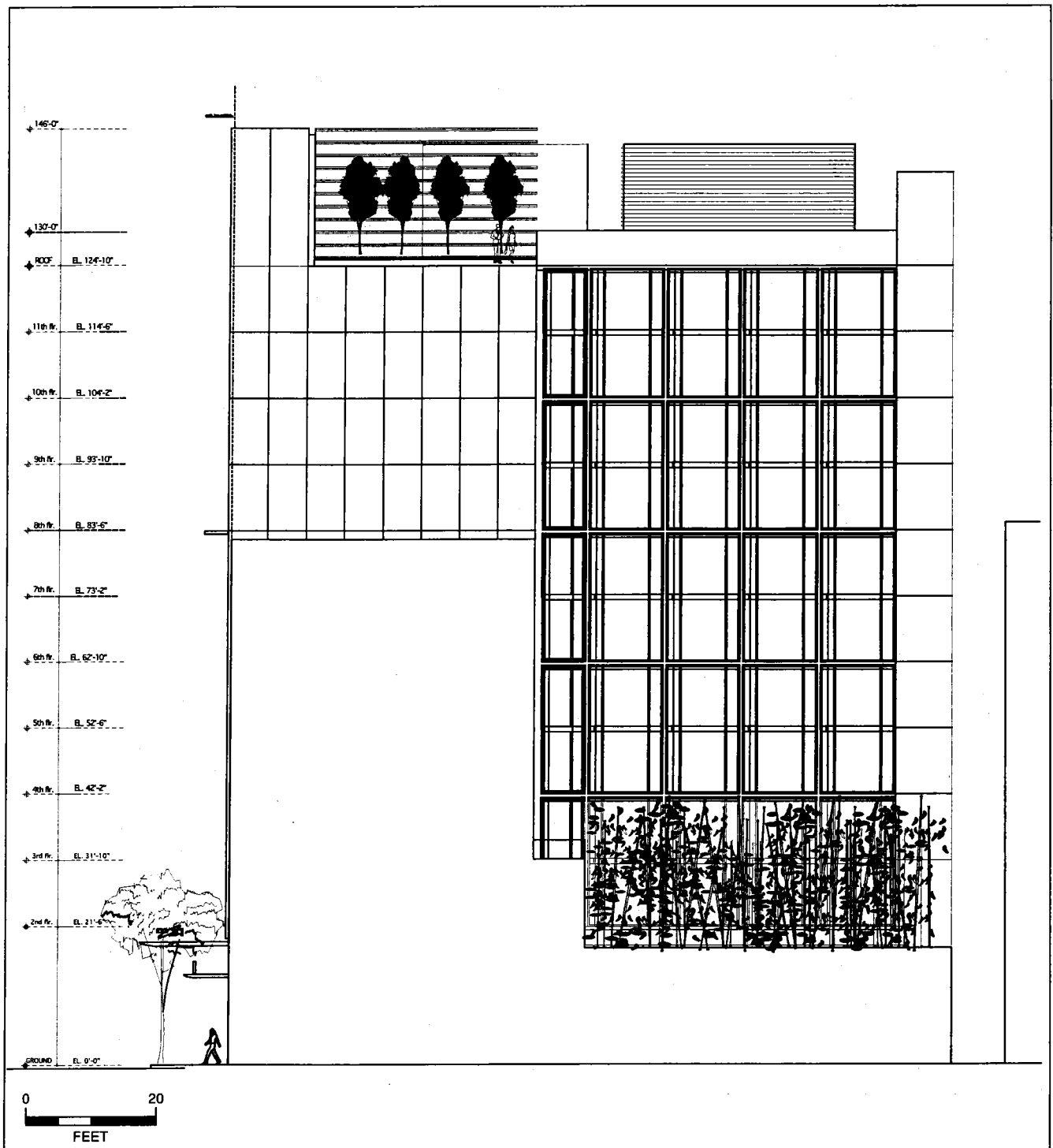


EIP
M-31 HOTEL

FIGURE 5: FRONT ELEVATION

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION

SOURCE: Gabellini Associates



SOURCE: Gabellini Associates

EIP

M-31 HOTEL

FIGURE 6: EAST ELEVATION

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION

A 70.5-ft.-long loading zone on the 73-ft.-wide Ellis Street frontage is proposed to provide for passenger and freight loading. Most of the existing red zone along the site frontage would be redesignated a white zone to accommodate passenger and freight loading. Approximately 2.5 ft of the curb at the eastern edge of the site frontage would remain red to facilitate vehicles exiting from the Ellis/O'Farrell garage. In addition, pavement markers, such as reflective "dots," would be placed between the garage and the proposed loading zone to discourage drivers leaving the garage from entering the loading area.

An existing sidewalk elevator on Ellis Street within the Hotel Union Square frontage, just west of the project site frontage, is proposed to be relocated approximately eight feet to the east to provide direct service access to the M-31 Hotel basement. The Hotel Union Square is also owned and operated by the M-31 Hotel Project Sponsor. The sidewalk elevator would be linked within the basement of the M-31 Hotel. After relocation, the elevator opening in front of the Hotel Union Square would be sealed with concrete to match the surrounding sidewalk. In the event that the relocated sidewalk elevator is not permitted, the existing sidewalk elevator would be reused, with a basement level connection to the M-31 Hotel. As a final option, if neither the existing nor the relocated sidewalk elevators are permitted, the hotel would be serviced through an entrance on the ground floor on the west side of the building frontage. An internal lift would access the hotel basement in this location.

The total floor area of the project would be 76,554 sq. ft. and the FAR would be 9.0 to 1. Construction of the project is anticipated to begin in early 2002. The construction period, including demolition, would take approximately 15 months.

PROJECT SETTING

As shown in Figure 1, the project site is two blocks south of Union Square and one block north of the cable car turn-around at Powell and Market Streets, east of the intersection of Ellis and Powell Streets. The project site occupies Assessor's Block 327, Lot 11, with an area of about 8,400 sq. ft. The project site is in the C-3-R (Downtown Retail) Use District and in the Kearny-Market-Mason-Sutter Conservation District. The C-3-R Use District serves as a regional center for comparison shopper retailing and direct consumer services. The District covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Zoning in the area near the project site is primarily C-3-R, with P (Public District) Zoning Districts to the east for the Ellis/O'Farrell Parking Garage and for Union Square to the north. The C-3-G (Downtown General Commercial) Zoning District lies west of Powell Street; this district is composed of a variety of uses that include retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. The project site is in the 80-130-F Height/Bulk District (80-ft. height limit; 130-ft. height allowed by exception). Office and retail buildings in the area generally range from two to eight stories. The Flood Building at 890 Market Street directly south of the project site is 14 stories. Buildings in the area generally cover the majority of their site and are built out to the sidewalk.

Land uses in the immediate vicinity of the proposed project are a mix of retail, office, hotel, and parking. Office above retail is the predominant use to the north, south, and west of the site. There are approximately 12 hotels within a one-block radius of the site, and immediately west and north of the project site is the Hotel Union Square at 114 Powell Street, also owned by the Project Sponsor. Immediately east of the project site is the Ellis/O'Farrell Parking Garage, owned by the City and County of San Francisco, with capacity for about 820 cars.

The existing use of the project site, owned by the Project Sponsor, is an attendant-operated surface parking lot with one level of underground parking, with a capacity of 75 spaces. About 22 spaces

currently are allocated for overnight use by the Hotel Union Square, and about 13 spaces are used for hotel guest parking during the daytime. The remaining 62 spaces are open to public use during the day. The parking lot would be demolished to accommodate the proposed hotel.

COMPATIBILITY WITH EXISTING ZONING AND PLANS

	<u>Not Applicable</u>	<u>Discussed</u>
1. Discuss any variances, special authorizations, or changes proposed to the City <i>Planning Code</i> or Zoning Map, if applicable.	—	<u>X</u>
2. Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.	—	<u>X</u>

The *San Francisco Planning Code (Planning Code)*, which incorporates by reference the City's Zoning Maps, governs permitted uses, densities, and the configuration of buildings within San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) may not be issued unless either the proposed project conforms to the *Planning Code*, or an exception is granted pursuant to provisions of the *Planning Code*.

The *Planning Code* allows a hotel with fewer than 200 rooms as a conditional use in the C-3-R Use District, which would require the project to obtain a Conditional Use Authorization from the Planning Commission. In addition, the project would require Planning Commission review for compliance with the downtown provisions of Section 309 of the *Planning Code*. As part of this review process, the Planning Department would review the project for conformance with Section 7 of Appendix E to Article 11, which contains the Standards and Guidelines for Review of New Construction and Certain Alterations in the Kearny-Market-Mason-Sutter Conservation District (see Cultural, p. 29 for further discussion). The 80-130-F Height/Bulk District permits construction to a height of 80 ft., and up to 130 ft. with an exception under *Planning Code* Section 263.8. The height of the proposed hotel would be about 125 ft. at the roof, requiring such an exception. The trellis would rise an additional 21 ft. to a height of 146 ft., [this feature would not count towards the building's height per *Planning Code* Section 260(b)].

The total floor area of the project would be 76,554 sq. ft. and the Floor Area Ratio (FAR) would be 9:1. In the C-3-R District, a 6:1 FAR is allowed by right, with a maximum allowable FAR of 9:1 through the use of transferable development rights (TDR) under Section 128 of the *Planning Code*. TDRs are transferred from unused FAR from a site containing a Significant or Contributory building under Article 11. The proposed project would require purchase of TDRs to exceed the base FAR of 6:1, and would need written certification from the Zoning Administrator that the Project Sponsor owns the required number of TDRs prior to the issuance of a site or building permit.

Environmental plans and policies directly address environmental issues and/or contain targets or standards which must be met in order to preserve or improve characteristics of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plans or policies.

The City's General Plan, which provides general policies and objectives to guide land use decisions, contains some policies which relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policy. In general, potential conflicts with the General

Plan are considered by decision makers independently of the environmental review process, as part of the decision whether to approve or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project.

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the *Planning Code* to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action which requires a finding of consistency with the General Plan, the City is required to find that the proposed project is consistent with the Priority Policies. The case report for the Conditional Use Authorization and/or subsequent motion for the Planning Commission will contain the analysis determining whether the proposed project is in compliance with the eight Priority Policies.

ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist have been checked "No," indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion about that particular issue. For all of the items checked "No," without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience, and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's Transportation Impact Analysis Guidelines For Environmental Review, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

1.	<u>Land Use</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Disrupt or divide the physical arrangement of an established community?	—	<u>X</u>	<u>X</u>
b.	Have any substantial impact upon the existing character of the vicinity?	—	<u>X</u>	<u>X</u>

The proposed project would change the use of the project site from parking to a hotel, but would not substantially change the land use in the neighborhood. Land uses in the vicinity include retail, hotel, office, and parking. Most buildings have ground-floor retail space. Retail buildings and office with ground-floor retail and restaurant uses predominate on Ellis Street between Stockton and Mason Streets and on Powell Street, between Market and O'Farrell Streets. The proposed hotel with ground-floor restaurant use would be compatible with the character of the surrounding neighborhood and would not disrupt or divide an established community.

2.	<u>Visual Quality - Could the project:</u>	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Have a substantial, demonstrable negative aesthetic effect?	—	<u>X</u>	<u>X</u>
b.	Substantially degrade or obstruct any scenic view or vista now observed from public areas?	—	<u>X</u>	<u>X</u>
c.	Generate obtrusive light or glare substantially impacting other properties?	—	<u>X</u>	<u>X</u>

Building heights in the project vicinity range from two- to three-story commercial structures, 20 to 45 ft. tall, to seven- to nine-story retail and office buildings, 80 to 120 ft. tall. The Flood Building, directly across Ellis Street from the project site, is 14 stories and approximately 170 feet tall. From the street level on Ellis Street, existing short-range views of the project site are limited to the at-grade parking lot, the Hotel Union Square west and north of the project site, and the Ellis/O'Farrell Parking Garage to the east. Both the Hotel Union Square and the Ellis/O'Farrell Parking Garage are about 83 feet tall. These two buildings to either side of the project site are built out to the sidewalk to a height of about 83 ft. (see Figure 7, View of Ellis Street Looking East). From other public places near the project site, such as Hallidie Plaza, the Powell Street Cable Car turn-around, and Union Square, the project site is not visible. Architectural features on the Hotel Union Square and the Ellis/O'Farrell Parking Garage form a strong cornice line. The ground floors of these buildings also form a strong horizontal beltcourse.

The proposed hotel building would be built out to the sidewalk creating a continuous streetwall with the adjacent buildings. The building would rise to a height of 125 feet, with an open trellis structure rising an additional 21 feet, to approximately 146 feet (see Figure 5). Although the project would be taller than the adjacent Hotel Union Square and the Ellis/O'Farrell Parking Garage, it would not affect any scenic views or vistas from public areas (such as Union Square and Hallidie Plaza) because of existing surrounding development. Because the project site is in the Kearny-Market-Mason-Sutter Conservation District, the project would be reviewed for compatibility with other contributory buildings in that district by Planning Department staff and the City Planning Commission, as provided by Article 11 of the *Planning Code*. In general, the proposed project would continue and reinforce the architectural features of the adjacent buildings. While some of the proposed design features would introduce certain unique or contemporary elements in the Conservation District (i.e. two-story vertical structural and glass wall divisions), the project's composition and massing, scale, materials and colors, and detailing and ornamentation would be generally responsive to the Article 11 design criteria (see Cultural below, for further discussion). As a result, the proposed hotel would not have a substantial adverse impact on aesthetics.

Brightly lit storefronts, signs, and street lighting all contribute to existing nighttime lighting conditions in the project vicinity. Nighttime lighting at the project site would change from security lighting for the existing parking lot to nighttime lighting for the ground-floor restaurant and lobby, and the hotel rooms above, and would not be substantially different from the existing nighttime lighting in the project vicinity. Windows would use non-reflective glass, and would not be a substantial source of glare. Therefore, the proposed project would not create new obtrusive light and glare that would significantly impact other properties.



SOURCE: EIP Associates

EIP

M-31 HOTEL

FIGURE 7: VIEW OF ELLIS STREET LOOKING EAST

PRELIMINARY DRAFT--NOT REVIEWED FOR ACCURACY--SUBJECT TO REVISION

3.	<u>Population</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Induce substantial growth or concentration of population?	—	<u>X</u>	<u>X</u>
b.	Displace a large number of people (involving either housing or employment)?	—	<u>X</u>	<u>X</u>
c.	Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	—	<u>X</u>	<u>X</u>

While potentially noticeable to the immediately adjacent neighbors, the increased pedestrian trips associated with the project would not substantially increase the existing area-wide population, and the resulting density would not exceed levels which are common and accepted in urban areas such as San Francisco. Therefore, the project's contribution to an increase in the area's population would not be considered a significant effect.

The proposed project would generate about 45 new hotel jobs and another 50 restaurant jobs, for a total of approximately 95 new jobs.¹ A maximum of approximately 25 hotel and restaurant employees would be working at the project site at midday. The project would displace one parking attendant job associated with the existing parking lot. However, this individual would be shifted to another parking lot in San Francisco operated by the same company (Execupark, Inc.).² As a result, there would be no loss of employment associated with the project.

Some employees working at the new hotel would already live and work in San Francisco and would merely change job locations to work at the project site. Others may not live in the City but for reasons other than their job location would choose to remain at their present residential location. A few employees in the new hotel may be new to the area; some of these people would find housing in existing vacant units in San Francisco or elsewhere in the Bay Area or in new construction in the City or the rest of the region. As it would not be possible to determine with certainty how many of those employees would seek new residential construction, and where they might live, determination of where that new construction would occur would be speculative. No housing units exist on the project site, and none would be displaced as a result of the project. The project would not create a substantial demand for additional housing nor would it reduce the housing supply. As a result, the project's effect on housing would not be considered significant.

4.	<u>Transportation/Circulation</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	<u>X</u>	<u>X</u>
b.	Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	—	<u>X</u>	<u>X</u>

- | | | | | |
|----|---|---|----------|----------|
| c. | Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity? | — | <u>X</u> | <u>X</u> |
| d. | Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities? | — | <u>X</u> | <u>X</u> |

In the vicinity of the proposed project, Powell Street is designated in the *San Francisco General Plan* as a Transit Oriented street, and Stockton Street and O'Farrell Street are Transit Preferential streets. Ellis Street, between Stockton and Powell Streets, has two eastbound lanes and one westbound lane plus a 135-ft. right-turn lane from the exit of the Ellis/O'Farrell Parking Garage to Powell Street. Ellis Street has on-street parking on both sides of the street. Powell Street is closed to vehicles between Market Street and Ellis Street, where it becomes the cable car turn-around. North of Ellis Street, Powell Street is a north-south roadway with one travel lane in each direction shared by cars and the cable car. Because of existing one-way street patterns in the vicinity, traffic volumes on this block of Ellis Street are relatively low.

Existing traffic volumes on Ellis Street range from 205 vehicles per hour (9:00 AM to 10:00 PM) to 540 vehicles per hour (4:00 to 5:00 PM) in both directions. Compared to its capacity, estimated to be 570 vehicles per direction per hour, the resulting volume to capacity (V/C) ratio is approximately 18% to 47%. Sources of traffic on this block are Stockton Street, the Ellis/O'Farrell Parking Garage, service vehicles at the Flood Building loading entrance on Ellis Street, and the existing site parking lot.

Traffic. Under the supervision of the Planning Department, a transportation study was prepared to evaluate the transportation impacts of the proposed project.³ Based on counts of vehicle trips from the existing parking at the site, vehicle trips made by valet operations, and on trip generation rates in the Planning Department's Transportation Impact Analysis Guidelines,⁴ the proposed project would generate 64 net new vehicle trips during the PM peak hour (32 outbound and 32 inbound). Inbound traffic to the proposed project on Ellis Street would come from Stockton Street, and outbound traffic from the proposed project would use westbound Ellis Street. The transportation study evaluated the effects of these net new trips on two intersections in the project vicinity: Ellis Street/Powell Street, and Ellis Street/Stockton Street/Market Street. Under Existing-Plus-Project conditions, the two study intersections would continue to operate at the same acceptable levels of service (LOS) B as under Existing conditions, with no significant changes to delays at either intersection.

The transportation study also evaluated effects on traffic operations at the study intersections with the implementation of traffic improvement measures on Stockton Street between O'Farrell Street and Ellis Street. These measures are being undertaken by the San Francisco Department of Parking and Traffic with completion expected by late-2001. The improvement measures consist of: 1) removing the existing Muni boarding island on Stockton Street at Ellis Street, 2) relocating that bus stop to the west curb lane of Stockton Street south of O'Farrell Street, 3) changing the lane configuration on the southbound approach of the Ellis Street/Stockton Street/Market Street intersection to two through traffic lanes and one shared right-turn-only bus lane, 4) widening the western sidewalk of Stockton Street by two ft., 5) building bulb-outs at the southwest and southeast corners of Ellis Street/Stockton Street/Market Street, 6) introducing an exclusive pedestrian scramble phase signal at Ellis Street/Stockton Street/Market Street, and 7) extending the existing diamond lane (transit-only) on Stockton Street from O'Farrell Street to Market Street to link eventually with a Fourth Street diamond lane south of Market Street. The analysis indicates that the Ellis Street/Stockton Street/Market Street intersection would operate at the same LOS B with those proposed changes to Stockton Street, with slight reductions in delay of vehicles at these intersections, even with implementation of the proposed

project. The reduced delay at the Ellis Street/Stockton Street/Market Street intersection would be due to the creation of the combined right-turn-only bus lane which might delay cars turning right from the southbound approach of the intersection during bus loading/unloading, but would no longer delay through traffic. Therefore, traffic impacts associated with the project would not be significant relative to the existing or future capacity of the surrounding street system.

Parking. The project site is in the C-3-R District and, under Section 161(c) of the *Planning Code*, is exempt from off-street parking requirements; the project does not propose any off-street parking spaces. Hotel guest parking would be provided by valet service. Valet parking operators would take cars from the project site to the Metropolis Hotel parking lot three blocks away on Mason Street. As part of the proposed project, the Project Sponsor would require the valet parking operator to take Ellis Street westbound to Mason Street, turn left on to Mason Street, and turn right into the parking lot. From the Metropolis Hotel parking lot on Mason Street to the project site, valet operators would use Mason Street southbound, Turk Street westbound, Taylor Street northbound, O'Farrell Street eastbound, Stockton Street southbound and turn right onto Ellis Street to access the project site.

The Project Sponsor also intends to provide hotel guests with the inbound and outbound routes to and from the proposed project site. Coming from the south, hotel guests would be directed to use Third Street, Geary Street, Stockton Street to Ellis Street. Guests leaving the hotel would be directed to use Ellis Street, Powell Street, O'Farrell Street, and Stockton Street to Fourth Street, I-80 or I-280; or Ellis, Powell, and Geary Streets to access western San Francisco; or Ellis, Powell, Post, and Kearny Streets to access northern San Francisco or the North Bay. Hotel promotional materials and other publications would include such route information.

In addition to the existing parking lot at the project site and the Hotel Metropolis parking lot on Mason Street, two major public garages are in the project vicinity: the Ellis/O'Farrell Parking Garage adjacent to the project site and the Union Square Garage two blocks north of the project site. The Union Square Garage is currently operating while park renovations are occurring above-ground. The total number of off-street parking spaces at these four facilities is about 2,133, with a combined 97% weekday midday occupancy and 93% Saturday midday occupancy.

The capacity of the existing site parking lot is 75 cars. Approximately 22 spaces are allocated for overnight use by the Hotel Union Square. During the day, about 13 spaces are used for Hotel Union Square guest parking, and the remaining 62 spaces are open to the public, with midday occupancy of about 58 spaces. Of the 58 spaces, 15 spaces are used by long-term monthly customers and the remaining 43 spaces are used by short-term public parking.

The parking lot at the Hotel Metropolis that is proposed for use by the project also has 75 spaces. About 60 of those spaces are currently used by overnight hotel guests from four San Francisco hotels (Hotel Metropolis, Hotel Diva, Kensington Park Hotel, and Steinhart Hotel) operated by the Project Sponsor. Daytime guest occupancy is about 35 spaces, with the remaining 40 spaces open to the public, with midday occupancy of about 32 spaces. Of the 32 parking spaces, approximately 30 spaces are used by monthly customers and the remaining 2 spaces are used by short-term public parking.

The project parking demand would be represented by the demand generated by the proposed hotel plus the demand generated by the adjacent Hotel Union Square, which currently uses a portion of the parking spaces on the project site. The project proposes to accommodate the parking demand of the proposed hotel and the Hotel Union Square at the Hotel Metropolis parking lot on Mason Street. Based on the methodology in the Planning Department's Transportation Impact Analysis Guidelines, the combined parking demand of the project and the Hotel Union Square would be 61 spaces for overnight hotel guest parking and 34 spaces for daytime parking. Combined with the existing parking

demand (discussed above) at the Hotel Metropolis, the total parking demand of the proposed project, Hotel Union Square, plus the four other hotels managed by the Project Sponsor, would be 121 overnight parking spaces and 69 daytime parking spaces.

With a capacity of 75 spaces, the Hotel Metropolis parking lot would be able to meet the combined demand for daytime hotel guest parking, but would experience a shortfall of 46 overnight spaces. The Project Sponsor proposes to accommodate this overflow of 46 spaces at the garage adjacent to the Hotel Metropolis parking lot. This garage has capacity for 100 cars, and these spaces are generally lightly used in the early evenings and after 11:00 PM. The current occupancy of the adjacent garage is 90 cars on a weekday midday.

While daytime and overnight hotel guest parking could be accommodated by the Project Sponsor's other parking facilities, the project would displace 58 spaces used by the public during midday at the existing parking lot. In addition, the proposed project would displace 26 non-hotel related cars currently parking at the Hotel Metropolis lot by shifting the project demand and the Hotel Union Square demand to the Metropolis lot. As such, the proposed project would result in a deficit of approximately 84 public parking spaces, requiring drivers to compete for a decreased supply of parking relative to demand in the area.

The parking capacity available at the Union Square and the Ellis/O'Farrell garages would be sufficient to accommodate the project's additional combined demand on midday weekends only. On midday weekdays, however, parking occupancy rates could exceed the capacity of these two parking facilities.

This increased parking deficit would force some drivers to look for parking outside the immediate area. The long-term effect of the deficit could be to discourage auto use and encourage the use of local transit; it could also encourage construction of additional parking facilities or measures to increase the supply within existing and proposed facilities. Given the relatively small number of public parking spaces that would be eliminated by the project and the relatively brief period of time when such a deficit would occur, the increased demand would not substantially alter the existing nature of the areawide parking situation. Therefore, the project's impacts on parking would not be considered significant.

In addition, parking shortfalls relative to demand are considered an inconvenience to drivers, but do not constitute impacts on the physical environment, as defined by the California Environmental Quality Act (CEQA). Faced with parking shortages, drivers generally seek and find alternative parking facilities or shift to different modes of travel (e.g., public transit, taxis, or bicycles). Secondary effects of the above described parking deficit could include increased traffic congestion. Because peak-hour traffic conditions would continue to be acceptable with the addition of project traffic and the frequency and extent of the parking deficit would vary depending on the time of day, those secondary effects are not expected to be significant. Therefore, the increase in parking demand resulting from the proposed project would not be considered significant.

Pedestrian Impacts. The Ellis Street/Powell Street and Ellis Street/Stockton Street/Market Street intersections have pedestrian crosswalks at all approaches and a walk signal for pedestrians. Both sidewalk and crosswalk conditions were observed to be operating at acceptable levels of service, allowing for normal walking speeds and freedom to pass. During the weekday PM peak hour, the proposed project would generate 137 new pedestrian trips (69 transit and 68 walk trips). Pedestrians traveling to the proposed project would use Ellis Street. Pedestrians traveling from the project would reach the adjacent intersections and disperse to Powell, Market, and Stockton Streets.

Sidewalk widths on Ellis Street generally range from 10 to 12 ft., and the width of the sidewalk in front of the proposed project on Ellis Street is 12 ft. Freight loading activities are proposed to be accommodated by a sidewalk elevator at the project site (see loading, below, for further discussion). The relocated sidewalk elevator would be approximately six-ft. by five-ft. in size. When opened, the elevator opening would reduce the effective sidewalk width to approximately three to four ft.⁵ The narrowed sidewalk would accommodate one person comfortably, and two persons walking abreast less comfortably. While use of the sidewalk elevator could cause some inconvenience to pedestrians when it is open, this operation would be infrequent and would not substantially impact pedestrian circulation due to the generally low pedestrian volumes on Ellis Street. Therefore, the project would not have a significant impact on pedestrian traffic.

Transit Impacts. The proposed project site is in the heart of a major transit service area. It is one block from the Market Street transportation corridor, and the Powell Street BART and Muni Metro Station, where Muni, Muni Metro, and BART all provide service, one block from the Geary/O'Farrell transportation corridor, and one-half block away from the Stockton Street/Fourth Street transportation corridor. In addition, the project site is located within five blocks of the Transbay Terminal, within 10 blocks of ferry services at the foot of Market Street, and about 10 blocks from the Caltrain depot at Fourth and King Streets. The nearest bus stop to the project site serving the 30 line is located about half a block away on the corner of Ellis and Stockton Streets. The proposed project would generate approximately 69 weekday PM peak-hour transit trips. These 69 transit trips would be spread over 17 Muni bus lines, five Muni-metro lines, two cable car lines and other transit operators that are available in the project vicinity. This increase in transit demand associated with the project would not noticeably affect transit service in the area. Therefore, the proposed project would not have a significant impact on transit.

Loading. The proposed project would have a freight loading demand of 1.0 space during the average loading hour and 1.4 spaces during the peak loading hour. Most of the freight loading demand would be generated by the proposed restaurant, which would account for approximately 71 % of the total daily truck trips. Restaurant delivery hours would usually occur in the morning, with more than 60% of deliveries during this period. According to the Project Sponsor, with experience operating a number of hotels with restaurants in the Union Square area, hotel delivery hours typically occur in the morning.⁶ Sections 152.1 and 153(1) of the *Planning Code* do not require the project to provide any off-street loading spaces, and the project would not include any off-street loading spaces. Peak passenger loading demand would be two spaces, and would likely occur during peak check-in and check-out times, which would occur somewhat later than freight loading activities. The project site frontage has a 73 ft.-long curb space that is currently a red zone. The Project Sponsor proposes to apply to redesignate this curb into 70.5 ft. of white zone for loading, and keep 2.5 ft. of red zone at the eastern edge of the project frontage to facilitate vehicles exiting westbound from the Ellis/O'Farrell Garage. The Project Sponsor would be required to gain approval to redesignate the curb from the Department of Parking and Traffic (DPT) through a DPT petition process.

Based on the calculation of demand, a 70.5 ft. white curb in front of the project site would be sufficient to accommodate both freight and passenger loading for average conditions. The adequacy of the space, however, may be compromised due to a number of factors. For example, during peak check-out periods and late afternoon concentrations of activity, curb space needs may be greater than that which is available. When this occurs, double-parking in front of the project site may occur. To reduce the potential for double-parking, the Project Sponsor intends to hire a full-time valet to manage the curbside passenger and freight loading activities such that no vehicles would be allowed to park or stop at the loading zone unless they were actively involved in loading and unloading activities.

Double-parking in front of the project site may also result as other vehicles, such as limousines and taxis competing for the limited curb space in front of the project site. As a result, drivers making a right turn (exiting westbound) from the Ellis/O'Farrell Garage may have difficulty merging into through traffic. In some cases, they may have to cross over the center line to bypass double parked cars. In a conservative scenario, vehicles would be double parked in the eastbound direction at the same time, leaving only one lane in the eastbound direction by which cars in either direction could travel. Stretch limousines typically serve hotels based on need and have no fixed schedule or route. Consequently, it is difficult to estimate the frequency and duration that these types of vehicles would use the white zone. Stretch limousines were not observed during any field surveys of similar boutique hotels in the area and the frequency of stretch limousines using the white zone is likely to be low. A second type of limousine, typically a normal sized sedan, could also serve the proposed project. These limousines are the same size as typical passenger cars, therefore, would not occupy more than one parking space. Demand generated by these vehicles were accounted for above.

Taxis would also use the project loading zone, potentially contributing to double parking during peak times. Taxis typically make brief stops to pick up and drop off passengers, which would not substantially increase the demand for the white zone. However, the five-minute time limit for passenger loading in white zones is generally loosely managed and enforced and the level of compliance varies. Some hotel doormen allow taxis and limousines to park in a loading zone for an extended period of time. If this occurs there could be a temporary shortage of loading spaces and double-parking may result. As stated previously, the Project Sponsor has agreed to limit queuing at the project site to the extent possible by hiring a full-time valet to manage the curbside, allowing only those vehicles actively involved in loading and unloading operations to remain parked at the loading zone. Due to the relative infrequency of the use of these other types of vehicles, and through strict curbside management, traffic impacts associated with double-parking at the project site are not considered significant.

Finally, freight loading activities combined with passenger loading may also result in double-parking in front of the project site. As mentioned previously, most of the loading activities would take place in the morning, while passenger loading associated with check-in and check-out would occur somewhat later. While there is the potential for overlap of freight and passenger loading, double-parking associated with freight loading would not be considered significant.

To analyze the loading impacts of the proposed project on the operation of the Ellis/O-Farrell Parking Garage, a time lapse camera was used to record traffic activities along Ellis Street between Stockton and Powell Streets on Tuesday, June 26, 2001 between 9:00 AM and 6:00 PM. A total of 48 vehicles were observed double-parking on Ellis Street during the survey period. Most of these vehicles were double parked in the eastbound direction in front of the Flood Building, opposite the project site. About 43 % of the 48 vehicles were large delivery trucks.

The time lapse camera also revealed that 465 vehicles entered and exited the Ellis/O'Farrell Parking Garage from Ellis Street between 9:00 am and 6:00 pm. The peak ingress and egress period was between 4:00-5:00 pm when a total of 73 vehicles were observed (49 outbound and 24 inbound). Sixty-eight percent of the peak-hour outbound vehicles exited westbound to Powell Street, past the project site. Some vehicles exiting the Ellis/O'Farrell Parking Garage west on Ellis Street make a narrow turn to transition into the westbound lane. This could create a potential conflict between vehicles exiting the parking garage and the proposed project's loading zone. The proposed 2.5 ft. of red curb, combined with an existing 2.5 ft. of red curb east of the project site would create a 5 ft. buffer for exiting cars to turn right from the Ellis/O'Farrell Garage. This red zone, combined with the pavement markers, would discourage drivers leaving the garage from entering the loading area, and

would reduce potential loading conflicts. The operation of the loading spaces at the Flood Building would not be affected by vehicle access to and from the proposed project, because the project's inbound and outbound traffic would be limited to the westbound lane on Ellis Street. Use of the eastbound lane to access the proposed hotel would require an illegal U-turn on Ellis Street. Valet parking operators would be required to use a specific route to and from the Hotel Metropolis that would avoid the Flood Building loading area. See discussion under Parking, above.

Because the project site is located directly across from the Flood Building's loading docks, where double-parked delivery trucks and autos are sometimes located on the eastbound side of Ellis Street, additional double-parked vehicles resulting from the project could restrict Ellis Street to one lane, if occurring simultaneously. Double-parking on both sides of Ellis Street could potentially affect vehicles accessing the Ellis/O'Farrell Garage. The traffic volumes and speeds on Ellis Street are relatively low. As a result, this potential scenario would not create a significant traffic impact.

Freight loading activities are proposed to be accommodated by a sidewalk elevator at the project site. The sidewalk elevator would replace the existing sidewalk elevator adjacent to the project site. The Project Sponsor proposes to remove and pave over the existing elevator and construct a replacement elevator approximately eight feet east. This would allow more direct access into the hotel basement. The Project Sponsor would be required to obtain a permit from the Department of Public Works (DPW) to relocate the sidewalk elevator. As part of the permit process, DPW would consult with DPT and the San Francisco Planning Department. Typically, the DPW does not allow construction of new sidewalk elevators and, thus, may not approve the relocation of the existing sidewalk elevator on Ellis Street. If the replacement elevator were not permitted, the existing sidewalk elevator would be used and a basement level connection would be made underneath the sidewalk. The Project Sponsor has proposed the relocation of the existing elevator because of construction difficulties under the sidewalk. There is a six-inch diameter sewer line underneath the sidewalk running perpendicular to the property line between the M-31 Hotel site and Hotel Union Square (immediately south of the existing sidewalk elevator). In order to reuse the existing sidewalk elevator, a grade change would be required at the basement level. In terms of traffic and loading impacts, there would be no difference between the two options.

If neither sidewalk elevator is permitted, freight loading activities would be accommodated through an entrance on the ground floor on the west side of the hotel frontage. To accomplish this, a lift would be included within the building to access the basement kitchen and storage areas. The proposed hotel design has an emergency exit and two sets of stairs in this location. Some internal spaces would need to be modified and some restaurant space would be lost to accommodate the lift. There would be no difference between the sidewalk elevators and the lift in terms of loading impacts. There would be some differences in the pedestrian circulation between these options. An internal lift would not cause a reduction in the sidewalk width; however, hand-carted deliveries could conflict with pedestrian circulation. Operation of the sidewalk elevator or an internal lift would not create a significant impact.

Muni Operations/Tour Buses. Muni currently stages buses at the Ellis Street red zone in the event that Cable Cars on Powell Street are inoperable. This red zone is 96 ft. long, from the crosswalk at Powell Street to the eastern edge of the project site. If the curb in front of the project site is redesignated as a white loading zone as proposed, the 96-ft. red curb currently used by Muni buses during Cable Car shutdowns would be reduced to approximately 62 ft., leaving enough room for only one Muni bus. Muni has stated that they require enough room to park two buses. Two options are available for Muni if the proposed white zone is permitted. As a first option, Muni would continue to use the Ellis Street curb space for passenger loading during Cable Car shutdowns. This alternative would reduce the proposed curb loading spaces in front of the proposed project to two. Project related vehicles would be

directed to use the two yellow loading zones around the corner on Powell Street. A field survey of Powell Street indicated that there are at least two available loading spaces at any time of the day. The Project Sponsor would reach an agreement with DPT to post temporary signs at these two loading spaces on Powell Street for passenger loading. Hotel valet operators would work at both locations to direct vehicles to and from the spaces on Powell Street.

As a second option, one Muni bus loading area would be moved to the two loading spaces on Powell Street, and the other one would remain on Ellis Street during Cable Car shutdowns. This option would not displace any loading space at the project site, but would change Muni's operation.

Both of these options would require an agreement among the Project Sponsor, DPT and Muni. Both would temporarily displace two loading spaces at the Hotel Union Square frontage on Powell Street. The first option would be preferable from a Muni operations standpoint as it would be easier to load and unload passengers from Ellis Street, where there is less pedestrian and vehicular traffic. These arrangements may also create, or exacerbate, potential double-parking during peak loading periods. Due to the temporary and infrequent nature of Muni operations during a cable car shutdown scenario, however, neither option would be considered a significant traffic impact.

With regard to tour bus loading, Section 162 of the *Planning Code* does not require tour bus loading areas for hotels with less than 200 rooms. As this project would have 156 rooms, there is no requirement for a tour bus loading area, nor would the project accommodate tour buses. In addition, customers of small, higher end hotels such as the M-31 Hotel would be less likely to use tour buses.

Construction Traffic. Construction of the project would last approximately 15 months. Excavation during the first month would result in between 4 and 15 daily truck trips to and from the site, and about 6 to 12 workers per day at the site. During the foundation, framing and interior finishing phases of the construction period, there would be between 2 and 20 trucks per day and 8 to 70 workers per day on the site. Construction truck traffic would temporarily decrease street capacity due to the slower movement and large turning-radii of trucks. This reduction in capacity would slow vehicle traffic. Given the relatively low volume of existing traffic on the project block, this would not be a substantial adverse effect. In addition, the Project Sponsor would limit the hours of construction truck movements to non-peak times (i.e. between 9:00 AM and 3:30 PM) to further reduce the impact of construction on local traffic.

During the construction period, contractors would occupy an eight-ft.-wide by 80-ft.-long section of the sidewalk on Ellis Street in front of the project site. The rest of the sidewalk width (four feet) would be used as a pedestrian walkway. Staging and truck unloading activities would occupy a section of the parking/right-turn lane for periods of time.

During the laying of the foundation, there would be up to 20 concrete trucks coming to the site. These trucks would have to come in one or two at a time, pull into the project site, discharge their concrete, then pull out for the next truck to come into the site. The 73-foot-long curb space in front of the proposed project should be sufficient for two trucks. The waiting trucks would need to park at off-site locations to be determined by the contractor. Any closure of the parking lane would need to be coordinated with the San Francisco Department of Parking and Traffic.

The presence of up to 70 construction workers on the project site per day would generate a peak parking demand of the same number. This is a conservative estimate as some construction workers would likely arrive at the project site via public transit or other modes. Worker vehicles would be accommodated in off-street parking spaces.

The nearest bus stop is at the corner of Stockton and Ellis Streets, about half a block from the project site, and would not be affected by construction activities. A bus stop located at the corner of Ellis and Powell Streets is used only if the cable car line along Powell Street is out of service. Construction activity at the project site would affect the bus stop used to substitute for Cable Car service.

As noted above, Muni would require two spaces along Ellis Street in the event of a cable car shutdown. The length of the Muni stop would be reduced to 62 feet during the construction period, which is insufficient for two buses. Temporary impacts on Muni operation would be created if Muni needs to use this stop during the construction period. Due to the uncertainty of cable car shutdowns, the likelihood of this condition cannot be predicted. In the event that the bus stop would need to be temporarily relocated, the Project Sponsor would be responsible for contacting the Muni Chief Inspector for approval prior to the start of construction. In addition, the option of temporarily relocating Muni operations to Powell Street, as discussed above, could also be implemented by the Project Sponsor. For these reasons, construction impacts on Muni operations are not considered significant.

Cumulative Traffic. Future year (2020) traffic conditions were obtained from the San Francisco Transportation Authority's (SFTA's) city wide transportation model, which incorporates population and employment projections from local governments in the region. The proposed project is a relatively small scale development that therefore would be assumed to be included in the SFTA's model of growth. Traffic forecasts show that the intersection of Ellis Street and Stockton Street would operate at LOS C, with delays of approximately 18.8 seconds per vehicle in the future. Traffic operations at the intersection of Powell and Ellis Streets would operate at similar conditions to the Existing-Plus-Project condition in year 2020 (LOS B). This intersection serves only local traffic. The southbound approach to this intersection, Powell Street, is essentially a stub-end intersection. Eastbound and westbound traffic on Ellis Street is not expected to change for the following reasons: Ellis Street between Market and Powell Streets serves only local uses along Ellis Street; access to Ellis Street westbound is limited to traffic from Stockton Street; access to Ellis Street eastbound is limited to traffic from Cyril Magnin Street; Ellis Street becomes a westbound-only street west of Cyril Magnin Street; and there are few sites along Ellis Street for potential development that would generate future new traffic. All study intersections would operate at acceptable levels of service with cumulative growth. The proposed project would not create a substantial contribution to cumulative traffic effects in the project vicinity.

5.	Noise - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Increase substantially the ambient noise levels for adjoining areas?	—	<u>X</u>	<u>X</u>
b.	Violate Title 24 Noise Insulation Standards, if applicable?	—	<u>X</u>	<u>X</u>
c.	Be substantially impacted by existing noise levels?	—	<u>X</u>	<u>X</u>

The existing noise environment of the downtown retail district is dominated by traffic noise. The 1984 EIR for the San Francisco Downtown Plan identifies the project vicinity as having a day-night average daily noise level (Ldn) of 71 - 75 dBA. Project operation would not result in noise levels perceptibly greater than those that presently exist in the vicinity of the site. Noise created by the project operation would be due to additional automobile traffic, truck deliveries, ventilators and other mechanical equipment, and the general coming and going of employees, hotel guests, patrons, and other visitors. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. As discussed above in Transportation/Circulation, the project would add 64 net new vehicles to surrounding streets during the PM peak hour and varying numbers of vehicles at other times of the day. Compared to the existing traffic range of 205 to 540 vehicles on Ellis Street during the PM peak hour, the project's addition of 64 vehicles during the PM peak hour on Ellis Street would not cause a doubling in traffic volumes, and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

Demolition, excavation, and project construction would temporarily increase noise in the project vicinity. Construction phase operations would take about 15 months for completion. During the majority of construction activity, noise levels would be above existing levels in the project area. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. No pile driving would occur with this project. The project's foundation would be constructed with pre-drilled concrete piers. There would be times when noise could interfere with indoor activities in nearby offices, hotels, and other businesses adjacent to the project site. Noise impacts would be temporary in nature and limited to the period of construction. Therefore, construction noise impacts would not be considered significant.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 ft. from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 PM and 7:00 AM, if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. The project demolition and construction operations would comply with the Noise Ordinance requirements. The project would be required to comply with the San Francisco Noise Ordinance, San Francisco Police Code Section 2909, Fixed Source Levels, which regulates mechanical equipment noise. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects (including hotels and motels). The Department of Building Inspection would review the final building plans to ensure that the building wall and floor/ceiling assemblies meet state standards regarding sound transmission. As a result, the proposed project would not substantially impact existing noise levels.

6.	<u>Air Quality/Climate</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	—	<u>X</u>	<u>X</u>
b.	Expose sensitive receptors to substantial pollutant concentrations?	—	<u>X</u>	<u>X</u>
c.	Permeate its vicinity with objectionable odors?	—	<u>X</u>	—

- d. Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?

— X X

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds are based on the minimum size projects which the District considers capable of producing air quality problems due to vehicular emissions. The project would not exceed this minimum standard. Therefore, no significant air quality impacts due to vehicular emissions are anticipated by the proposed project.

The foundation excavation and site grading would create the potential for wind-blown dust to add to the particulate matter in the local atmosphere while open soil is exposed. In order to reduce the quantity of dust generated during site preparation and construction, the Project Sponsor shall implement dust control measures, as described in Mitigation Measure No. 1, on p. 32.

Shadows. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadows upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 ft. unless the City Planning Commission finds the impact to be insignificant. To determine whether this project would conform with Section 295, a shadow fan analysis was prepared by the San Francisco Planning Department on June 7, 2001.⁷ This analysis determined that the project shadow would not shade public areas subject to Section 295. The shortest distance between the northern edge of the shadow fan and Union Square would be approximately 165 feet. The shortest distance between the southern edge of the shadow fan and Hallidie Plaza would be approximately 250 feet.⁸ A copy of the shadow fan analysis is available for review at the Planning Department at 1660 Mission Street.

Because of the proposed building height and the configuration of existing buildings in the vicinity, the net new shading of street and sidewalks which would result from the project's construction would be limited in scope, and would not increase the total amount of shading above levels which are common and generally accepted in urban areas.

Wind. Large structures can affect street-level wind conditions. The proposed project would replace a street-level parking lot with an 11-story hotel building that would be built out to the sidewalk up to a height of 125 feet, with a trellis structure rising another 21 feet above that height. According to a wind review completed for the project, the exposure, massing, and orientation of the proposed design would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site.⁹ Only the upper floors of the proposed project would intercept wind, and the shape and massing of these upper floors can be expected to generate only moderate wind accelerations. These wind accelerations would occur at the level of the rooftops of the adjacent Hotel Union Square and Ellis/O'Farrell Garage buildings, and thus would not affect street-level pedestrian comfort. In addition, the open trelliswork surrounding the rooftop terrace would have minimal wind impacts in terms of ground level wind, and would act as a wind baffle to shelter the public open space on the rooftop.

7.	<u>Utilities/Public Services</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Breach published national, state or local standards relating to solid waste or litter control?	—	<u>X</u>	—
b.	Extend a sewer trunk line with capacity to serve new development?	—	<u>X</u>	—
c.	Substantially increase demand for recreation or other public facilities?	—	<u>X</u>	—
d.	Require major expansion of power, water, or communications facilities?	—	<u>X</u>	<u>X</u>

The project site is well-served by existing utilities and public services. The proposed project would increase demand for and use of public services and utilities on the site and increase water and energy consumption, but not in excess of amounts expected. San Francisco consumers have recently experienced rising energy costs and uncertainties regarding the supply of electricity. The root causes of these conditions are under investigation and are the subject of much debate. Part of the problem is thought to be that the State does not generate sufficient energy to meet its demand and must import energy from outside sources. Another part of the problem may be the lack of cost controls as a result of deregulation. The California Energy Commission (CEC) is currently considering applications for the development of new power-generating facilities in San Francisco, the Bay Area, and elsewhere in the State. These facilities could supply additional energy to the power supply "grid" within the next few years. These efforts, together with conservation, will be part of the statewide effort to achieve energy sufficiency. The project would not be built and occupied until about 2003; therefore, additional generating facilities may have been completed by the time the project is in operation. The project-generated demand for electricity would be negligible in the context of the overall demand with San Francisco and the State, and would not in and of itself require a major expansion of power facilities. Therefore, the energy demand associated with the proposed project would not result in a significant physical environmental effect.

8.	<u>Biology</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Substantially affect a rare or endangered species of animal or plant, or the habitat of the species?	—	<u>X</u>	<u>X</u>
b.	Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	—	<u>X</u>	—
c.	Require removal of substantial numbers of mature, scenic trees?	—	<u>X</u>	<u>X</u>

The project site is currently completely covered with an asphalt parking lot and does not support or provide habitat for any rare or endangered wildlife or plant species. No other important biological resources exist on the project site. No street trees would be removed as part of the project. Therefore, the project would not have significant vegetation and wildlife impacts.

9.	<u>Geology/Topography</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)?	—	<u>X</u>	<u>X</u>
b.	Change substantially the topography or any unique geologic or physical features of the site?	—	<u>X</u>	—

The Community Safety Element of the San Francisco General Plan contains maps that show areas subject to geologic hazards. The project site is located in an area subject to groundshaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3 in the Community Safety Element). The project site is not within an area of liquefaction potential, a Seismic Hazards Study Zone designated by the California Division of Mines and Geology¹⁰, but is immediately adjacent to the boundary as designated on Map 4 of the Community Safety Element. Subsurface soil at the project site consists of about 38 ft. of dune sand over seven ft. of Bay mud over 141 ft. of mixed sand and clay.¹¹ Due to the composition of the subsurface soil, the Department of Building Inspection (DBI) would, in its review of the building permit application, require the Project Sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act. The report would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazards(s). To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on a project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

10.	<u>Water</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Substantially degrade water quality, or contaminate a public water supply?	—	<u>X</u>	<u>X</u>
b.	Substantially degrade or deplete ground water resources, or interfere substantially with ground water recharge?	—	<u>X</u>	<u>X</u>
c.	Cause substantial flooding, erosion or siltation?	—	<u>X</u>	<u>X</u>

Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. During operations, the project would comply with all local wastewater discharge requirements. Therefore, the project would not substantially degrade water quality.

The project site is a parking lot and is entirely paved. The proposed project would entirely cover the project site with the proposed hotel building and would not substantially affect the area of impervious surface at the site or alter site drainage. No use of groundwater currently exists on the site. Therefore, ground water resources would not be substantially degraded or depleted, and the project would not interfere substantially with groundwater recharge.

Any exposure of soil during site preparation would occur below street grade and would have low potential for substantial erosion or siltation. In addition, the project site is relatively level and would have low potential for substantial flooding, erosion, or siltation.

11.	<u>Energy/Natural Resources</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	—	<u>X</u>	—
b.	Have a substantial effect on the potential use, extraction, or depletion of a natural resource?	—	<u>X</u>	—

The project would meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulation enforced by the Department of Building Inspection. Other than natural gas and coal fuel used to generate the electricity for the project, the project would not have a substantial effect on the use, extraction, or depletion of a natural resource. See also the discussion of electricity use under Utilities/Public Services on page 24. For this reason, the project would not cause a wasteful use of energy, and would not have a substantial adverse effect on natural resources.

12.	<u>Hazards</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?	—	<u>X</u>	<u>X</u>
b.	Interfere with emergency response plans or emergency evacuation plans?	—	<u>X</u>	<u>X</u>
c.	Create a potentially substantial fire hazard?	—	<u>X</u>	<u>X</u>

Hazardous Materials Use. The proposed project would involve the development of a hotel, which would require relatively small quantities of hazardous materials for routine business purposes. The development would likely handle common types of hazardous materials, such as cleaners and disinfectants. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers that handle hazardous materials, and adequately training workers. For these reasons, hazardous materials use in the proposed hotel would not pose any substantial public health or safety hazards related to hazardous materials.

The greatest volume of hazardous material expected at the project site would be fuel stored in storage tanks located in the basement to power emergency generators for the proposed hotel. The San Francisco Department of Public Health would oversee the design, installation, and operation of these

fuel storage tanks. Regulations require that provisions be made by operators to contain possible spills. The Bay Area Air Quality Management District would oversee potential air emissions from testing the emergency generators. As a result of this regulatory oversight and required leak prevention and control measures, the presence of fuel on site for emergency purposes would not pose any substantial public health or safety hazards.

Soil and Groundwater. Historically, the project site has been used for retail stores, restaurants, a billiard parlor, a bowling alley, a sports club, an investment company, and the present parking lot. According to a Phase I and II Environmental Site Assessment undertaken for the site, these activities do not appear to have resulted in the release of any contaminants into the underlying soil or groundwater.¹² The report lists current and past operations, reviews environmental agency databases and records, identifies site reconnaissance observations, and summarizes potential contamination issues. The report also includes laboratory test results for a limited number of soil and groundwater samples from the site. The site does not appear on the State of California Hazardous Waste and Substances Sites List, but the nearby site of the Ellis O'Farrell Garage at 123 O'Farrell Street does appear on the list due to a leaking underground storage tank.¹³ Soil and groundwater tests indicate that this leak has not substantially affected conditions at the project site.¹⁴ Approximately 3,500 cubic yards of material would be removed from the site. The proposed project would excavate an area approximately 10 ft. by 20 ft. in the basement of the existing parking lot by about two ft. to accommodate the elevator pits in the approximate center of the site. Because soil and groundwater at the site do not appear to be contaminated, the excavation would be unlikely to disturb potentially hazardous constituents. No soil would be excavated to accommodate the underground service passage from either the proposed or the optional sidewalk elevator to the site due to the existence of a sidewalk vault located along the proposed project street frontage.¹⁵

Building Materials. The existing parking facility at the project site was constructed in 1960; therefore, it may contain hazardous materials, such as asbestos, polychlorinated biphenyls (PCBs), lead, mercury, or other hazardous materials.¹⁶ In the past, asbestos, PCBs, and lead were commonly installed in such materials as fire proofing, fluorescent light ballasts, and paint. Mercury is common in electrical switches and fluorescent light bulbs. If such hazardous materials exist in the basement structure when it is demolished, they could pose hazards to workers, neighbors, or the natural environment. In accordance with the legal requirements of the San Francisco Department of Public Health, a licensed hazardous building materials abatement contractor shall remove all identified hazardous materials prior to and/or during demolition activities. When all hazardous materials have been removed from the project site, the Project Sponsor would be required to submit to the San Francisco Planning Department and the Department of Public Health (and any other agency identified by the Department of Public Health) a report stating that all hazardous materials have been removed from the project site, and describing the steps taken to comply with this measure. Any verifying documentation would be attached to the report. The report would be certified by a Registered Environmental Assessor or similarly qualified individual.

Compliance with existing regulations applicable to the management of any potentially hazardous building components would reduce the potential health risks associated with asbestos, PCBs, lead, mercury, or other hazardous materials by securing the investigation, removal, and disposal of these materials prior to building demolition. For example, the Bay Area Air Quality Management District regulates airborne asbestos and is to be notified ten days in advance of any proposed demolition. It randomly inspects asbestos removal operations. The California Division of Occupational Safety and Health is also to be notified of asbestos abatement operations. It oversees requirements placed on asbestos abatement contractors whenever asbestos-related work involves 100 sq. ft. or more of asbestos-containing material. Because buildings constructed prior to 1979 are assumed to contain lead-

based paint, demolition activities involving lead-based paint are to comply with Chapter 36 of the San Francisco Building Code. The ordinance requires that containment barriers be at least as protective of human health and the environment as those in the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards promulgated by the U.S. Department of Housing and Urban Development.¹⁷ PCBs are regulated under the federal Toxic Substances Control Act of 1976, and mercury is regulated as a hazardous waste. These existing laws and regulations would help to ensure the health and safety of workers, neighbors, and the natural environment.

Emergency Response Plans. The Project Sponsor would develop an evacuation and emergency response plan in consultation with the Mayor's Office of Emergency Services to ensure coordination between San Francisco's emergency planning activities and the Project Sponsor's plan to provide for building occupants in the event of an emergency. The Project Sponsor's plan would be reviewed by the Office of Emergency Services and implemented before the Department of Public Works issued final building permits. Occupants of the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the Building and Fire Codes which require additional life-safety protections for high-rise buildings.

Fire Hazards. San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. New buildings are required to meet standards contained in these codes. The proposed project would conform to these standards, which (depending on building type) may also include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process.

Potential health and safety issues related to potentially contaminated building components, soil and groundwater conditions, and future use of hazardous materials on site would not be considered significant with implementation of existing laws which regulate such substances.

13.	<u>Cultural</u> - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
a.	Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community, ethnic or social group; or a paleontological site except as a part of a scientific study?	—	<u>X</u>	<u>X</u>
b.	Conflict with established recreational, educational, religious or scientific uses of the area?	—	<u>X</u>	—
c.	Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the <i>City Planning Code</i> ?	—	<u>X</u>	<u>X</u>

Prior to the 1906 earthquake and fire, the Union Square area was a thriving retail shopping district, which included a number of department stores and household goods establishments. Powell Street was the location of many theaters and restaurants. After the 1906 fire, the area was rebuilt with more retail

establishments and several hotels. The proposed project would excavate the lower level of the existing parking lot by about 2 feet to accommodate the elevator pits in the approximate center of the site. Excavation for the elevator pits would take place on a site previously disturbed by construction of the existing parking structure and is located in a non-fill area. As a result, the likelihood of encountering subsurface cultural resources is low. Given the history of the area, however, there is a possibility of pre-1906 historical artifacts being discovered during project excavation activities. The proposed project would require excavation to a depth of about 2 feet below the current basement. If archaeological resources are unexpectedly encountered during project excavation or during other construction, the Project Sponsor would implement Mitigation Measure No. 2 – Archaeological Resources, p. 32 to reduce any potentially significant disturbance, damage, or loss of archaeological resources to a level of non-significance.

The project site is in the Kearny-Market-Mason-Sutter Conservation District, as defined by Article 11, Appendix E of the *Planning Code*. The District delineates the City's retail and tourist sector, established after the 1906 Earthquake and Fire, and contains a concentration of fine shops, department stores, theaters, hotels, and restaurants. As described in Appendix E, Section 5, the district is characterized by "small-scaled, light-colored buildings predominantly four to eight stories in height. The height and scale provide for a streetscape which is attractive to the pedestrian because of the comfortable scale and sunlit sidewalks." Because the entire area was built in less than 20 years, and the major portion in less than 10 years, buildings were designed in similar styles by architects schooled in the classical Beaux Arts tradition, and constructed in similar structural technology. In addition to their individual architectural features, the scale and design of buildings in the district relate very well with neighboring buildings, streets and open spaces. This effect is achieved in large part by the alignment of cornice and beltcourse lines. The buildings use compatible detailing, colors, materials, massing, and scale. Ornament is derived mostly from Classical, Renaissance, Gothic and Romanesque sources, and to a lesser extent, from early Spanish Colonial models.

The project site is currently a parking facility and does not contain any buildings. Therefore, the proposed project's potential to affect historic and architectural resources of significance would be limited to its potential effect on adjacent properties. As required by Section 7 of Appendix E to Article 11, which contains the Standards and Guidelines for Review of New Construction and Certain Alterations in the District, the project must be compatible with the District with respect to the proposed building's composition and massing, scale, materials and colors, and detailing and ornamentation. Section 7 emphasizes compatibility with buildings in the area in which the new or altered building is located. The project would be required to undergo a project review process as set forth in Section 309 of the *Planning Code* to determine conformance with the standards in Section 7. Compliance with these standards would be reviewed by Department staff and the City Planning Commission. The project was presented to the San Francisco Landmarks Preservation Advisory Board on August 15, 2001 to receive comments on the design and remarks on compliance with Article 11 of the *Planning Code*. The board members' comments indicated that the proposed building would be considered generally compatible with the Conservation District.

In general, the proposed project would not substantially affect the character of significance of the Kearny-Market-Mason-Sutter Conservation District because the overall district, centered on Union Square and extending across Market Street to the south, is relatively large and comprised of 324 buildings, with 144 architecturally significant and 140 contributory buildings. The building design would refer to the classical, three-part division of base, shaft, and capital found throughout the District. The proposed fenestration patterns would follow the two-story vertical divisions of the structural concrete frame, with glass walls recessed behind the frame. A concrete cornice would project approximately three feet from the façade at the 83-foot elevation, continuing the cornice line of the

adjacent buildings. To accentuate the cornice line, windows would be recessed approximately four feet further behind the frame above the 83-foot elevation (8th to 11th floors). In addition, the ground floor elevation would continue the horizontal beltcourse that is formed by the base of the adjacent buildings. While some of the proposed design features would introduce certain unique or contemporary elements in the Conservation District (i.e., two-story vertical structural and glass wall divisions), the project's composition and massing, scale, materials and colors, and detailing and ornamentation would be generally responsive to the Article 11 design criteria for replacement buildings in a conservation district. As a result, the project would not conflict with the preservation of a building or district subject to Article 10 or Article 11 of the *Planning Code*.

Summary of Neighborhood Concerns

Individuals expressed concern regarding possible effects of the project on parking conditions due to the lack of on-site parking proposed by the project; effects of additional automobile, bus, and taxi traffic on Ellis Street, potential conflicts with vehicles exiting the Ellis/O'Farrell Parking Garage (westbound), and effects on loading operations at the Flood Building. These issues have been addressed in the Transportation/Circulation section, above.

Conclusions

While local concerns or other planning considerations may be grounds for modification or denial of the proposal, in the independent judgment of the Planning Commission, there is no substantial evidence that the project could have a significant effect on the environment.

OTHER - Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
Require approval and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from regional, state, or federal agencies?	—	<u>X</u>	—

MITIGATION MEASURES	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Discussed</u>
1. Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	—	—	<u>X</u>
2. Are all mitigation measures necessary to eliminate significant effects included in the project?	<u>X</u>	—	—	<u>X</u>

Mitigation Measure 1: Construction Air Quality

The Project Sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsors would require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

Mitigation Measure 2: Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the Project Sponsor shall immediately notify the Environmental Review Officer (ERO) and shall suspend any excavation which the ERO determined could damage such archaeological resources. Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction. After notifying the ERO, the Project Sponsor shall select an archaeologist to assist the Major Environmental Analysis group in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the Project Sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archaeologist directly to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. Three copies of the final archaeology report(s) shall be submitted to the Major Environmental Analysis group accompanied by copies of the transmittals documenting its distribution to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center.

MANDATORY FINDINGS OF SIGNIFICANCE**Yes No Discussed**

- | | | | | |
|----|---|---|----------|---|
| 1. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | - | <u>X</u> | - |
| 2. | Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | - | <u>X</u> | - |
| 3. | Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.) | - | <u>X</u> | - |
| 4. | Would the project cause substantial adverse effects on human beings, either directly or indirectly? | - | <u>X</u> | - |


ON THE BASIS OF THIS INITIAL STUDY:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

X I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DATE: October 12, 2001


Paul Maltzer
Environmental Review Officer
For
Gerald G. Green
Director of Planning.

REFERENCES/ENDNOTES

- ¹ Patrick Sampson, Personality Hotels, on April 4, 2001, telephone conversation with Brad Brewster, EIP Associates.
- ² Patrick Sampson, Personality Hotels, on April 2, 2001, telephone conversation with Brad Brewster, EIP Associates.
- ³ CHS Consulting Group, *72 Ellis Street Transportation Study, Case No. 2000.383*, prepared for City and County of San Francisco Planning Department, October 11, 2001. A copy of this report is available for public review at the Planning Department, 1660 Mission Street, 5th Floor.
- ⁴ San Francisco Planning Department, *Interim Transportation Impact Analysis Guidelines for Environmental Review*, Interim Edition, January 2000. A copy of this document is available for public review at the Planning Department, 1660 Mission Street, 5th Floor.
- ⁵ The effective sidewalk width accounts for the two-to three- foot distance pedestrians place between themselves and an obstruction such as a sidewalk or elevator.
- ⁶ Jorge Castillo, Personality Hotels, on October 11, 2001, telephone conversation with Brad Brewster, EIP Associates.
- ⁷ Michael Li, San Francisco Planning Department, Letter to Brad Brewster, EIP Associates re: Case No. 2000.383K, 72 Ellis Street (Shadow Study), June 7, 2001. This letter is on file and available for public review at the Planning Department, 1660 Mission Street, 5th Floor.
- ⁸ The shadow fan study assumes there are no existing buildings between the project site and Union Square and Hallidie Plaza. In reality, there are many buildings between the project site and these public open spaces. As a result, the shadow fan study is a very conservative estimate of potential shadow impacts.
- ⁹ Donald Ballanti, Certified Consulting Meteorologist, Letter to Brad Brewster, EIP Associates, re: Wind Impact Evaluation of the Proposed 72 Ellis Street Hotel Project, San Francisco, May 5, 2001. This letter is on file and available for public review at the Planning Department, 1660 Mission Street, 5th Floor.
- ¹⁰ City and County of San Francisco, Community Safety Element, San Francisco General Plan, April 1997.
- ¹¹ Schlocker, J.C., *Geology of the San Francisco North Quadrangle*, California, United States Geological Survey, Professional Paper 782, Washington, D.C., 1974, Plate 1, map scale 1:24 000.
- ¹² PSC Associates Inc., *Environmental Site Assessment Phases I and II*, 72-80 Ellis Street, San Francisco, California, prepared for Personality Hotels, Inc., June 6, 2000. This study is on file and available for public review at the Planning Department, 1660 Mission Street, 5th Floor.
- ¹³ California Department of Toxic Substances Control, *State of California Hazardous Waste and Substances Sites List*, April 1998, p. 243.
- ¹⁴ PSC Associates Inc., *Environmental Site Assessment Phases I and II*, 72-80 Ellis Street, San Francisco, California, prepared for Personality Hotels, Inc., June 6, 2000, p. 14.
- ¹⁵ Jorge Castillo, Personality Hotels, on April 4, 2001, telephone conversation with Brad Brewster, EIP Associates.

-
- ¹⁶ PSC Associates Inc., *Environmental Site Assessment Phases I and II, 72-80 Ellis Street, San Francisco, California*, prepared for Personality Hotels, Inc., June 6, 2000, p. 13.
- ¹⁷ PSC Associates Inc., *Environmental Site Assessment Phases I and II, 72-80 Ellis Street, San Francisco, California*, prepared for Personality Hotels, Inc., June 6, 2000, p. 13.

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 16, 2017
To: File
From: Rick Cooper, Senior Environmental Planner
RE: 72 Ellis Street (Case No. 2000.383E and 2017-003134CUA)

This memorandum documents the prior environmental review and approvals granted for a proposed hotel use at 72 Ellis Street (Assessor Block 0327, Lot 011) in downtown San Francisco. It describes the findings of the environmental review conducted for the previously approved project (Mitigated Negative Declaration, Case No. 2000.383E, adopted November 15, 2001) and describes how the current modifications addressed in the Section 309 (Case No. 2017-003134DNX), Conditional Use Authorization (Case No. 2017-003134CUA) and Permit to Alter (Case No. 2017-003134PTA) and building permit application no. 201508033157 differ from the previously approved project. It then explains, for the reasons set forth herein, why the modifications sought under the above referenced permit applications do not warrant subsequent environmental review. This memorandum, and the transportation study completed November 10, 2017, support the conclusion in the May 25, 2017 memorandum that no subsequent environmental review is required, nor are any additional mitigation measures required beyond those included in the Mitigation Monitoring and Reporting Program adopted on March 25, 2010.

SETTING

The project site is a single parcel located at 72 Ellis Street, on the north side of Ellis Street between Powell Street to the west, Stockton Street to the east and O'Farrell Street to the north. The project site has an approximately 73-foot frontage along Ellis Street and a lot area of about 8,420 square feet. It is currently occupied by a publicly available surface parking lot with an additional below-grade parking level. To the west of the site is a six-story commercial building with ground-floor retail use. To the east is the 7-story Ellis-O'Farrell parking garage, also with ground-floor commercial use. Across Ellis Street to the site's south is the historic Flood Building (870 Market Street) consisting of 12 stories of office use. The 72 Ellis Street site is located within the Downtown Retail (C-3-R) Zoning District, an 80-130-F Height and Bulk District, and the Kearny-Market-Mason-Sutter Conservation District (KMMS Conservation District) within San Francisco's downtown core.

DESCRIPTION OF APPROVED PROJECT AND APPROVAL EXTENSIONS

The previously approved hotel use was granted authorization under Planning Code Section 309 in 2001 (Planning Commission Motion Nos. 16283 and 16284), and was subsequently extended in 2004 (Motion No. 16919), in 2010 (Motion No. 18054), and again in 2013 (Motion No. 18955).

The approved 2001 project consists of construction of a 75,810-gross-square-foot, 11-story structure that would accommodate hotel uses. The building would be 130 feet tall, up to 146 feet above ground level with semi-enclosed roof features, and would comply with the Planning Code's 9:1 floor-area-ratio (FAR) for the site. The hotel would include 156 rooms as well as a lobby, retail space, accessory meeting rooms, and a restaurant. A combination of 18 Class I and II bicycle parking spaces would be provided at the site and loading would occur along the north side of Ellis Street in a white zone that would be established as part of the project.

In 2013, the Planning Commission authorized a Conditional Use permit, as well as granted a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk District, a bulk exception, and a height extension for a vertical extension.¹ No substantial modifications were proposed to the design or intensity of the project as originally approved in 2001. The 2013 Section 309 authorization was subject to a performance condition requiring issuance of a building permit to construct the project within two years of the approval, by August 15, 2015 (Motion No. 18955). The current application, 2017-003134ENV addresses Motion No. 18955 and seeks to construct the previously approved project, as modified.

Modified Project

Proposed modifications to the project include a five-foot height increase and a 23-percent increase in room count, from 156 to 192 rooms. Due to a more efficient layout and with room sizes ranging from 226-293 square feet, the project sponsor has incorporated the additional rooms into roughly the same building envelope as the project approved in 2013. The project sponsor seeks exceptions for building height and bulk similar to those granted for the project previously approved in 2001. The modified project would not include a restaurant, but instead would provide a bakery and bar area on the second floor. Proposed accessory meeting rooms and retail space would be relocated, but remain elements of the project.

¹ When the project was initially approved in 2001, exceptions were granted pursuant to Planning Code Section 309 from (1) Planning Code Section 263.8 to allow a structure greater than 80 feet tall within the 80-130-F Height and Bulk District; and from (2) Planning Code Section 272 to allow a minor exception to the applicable bulk limitation, which limits building length to 110 feet above 80 feet in height—the approved project proposed a length of 110 feet, 7 inches above 80 feet in height.

ENVIRONMENTAL EFFECTS

Prior Environmental Review

On October 13, 2001, the Planning Department published a Draft Initial Study/Preliminary Mitigated Negative Declaration for the project for public review. On November 5, 2001, the Planning Commission ("Commission") reviewed and considered the Final Mitigated Negative Declaration ("FMND") and its content and procedures through which the FMND was prepared, publicized, and reviewed - complied with the California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code. In so doing, the Commission adopted the MND and approved the project.

In 2010, the Planning Commission approved an extension to the performance conditions and included two mitigation measures deemed necessary to mitigate potential impacts to less-than-significant levels. These measures include **Mitigation Measure 1, Construction Air Quality**,² which requires construction contractors to (1) to reduce airborne particulate matter during earth-moving and grading activities by wetting down affected surfaces with non-potable water as a means of minimizing dust; and (2) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by prohibiting idling motors when equipment is not in use or when trucks are waiting in queues and to develop similar programs during the construction period.

Mitigation Measure 2, Archeological Resources addresses reducing potential damage to archeological resources associated with earth-moving and soils-disturbing activities during construction. The measure requires the Project Sponsor to notify the Environmental Review Officer (ERO) of evidence of archaeological resources found during ground-disturbance and to select an archaeologist to assist the Environmental Planning group in determining the significance of the find. If applicable, steps that could minimize damage to the find should be implemented, such as a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. The March 25, 2010 Planning Commission approval included the adoption of the MND and the Mitigation Monitoring and Reporting Program noted above.

In terms of historical resources, the MND for the original proposal in 2001 found no significant adverse environmental effects related to the compatibility of the proposed new construction with the character-

² Subsequent the adoption of the MND in 2001, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (No. 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work and to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the MND's Mitigation Measure 1 is superseded, and the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

defining features of the Kearny-Market-Mason-Sutter Conservation District. Similarly, as detailed in the staff report prepared for the Permit to Alter (ref. Case No. 2017-003134PTA), the modified project is deemed to be in general conformity with the character of the KMMS Conservation District, meaning its design (massing, composition, scale, materials, colors, details and ornamentation) would not result in significant adverse environmental impacts to the KMMS Conservation District. The modified project would have the same less-than-significant impact on historic resources as the previously approved project studied in the 2001 MND.

Recent Additional Environmental Review for Transportation

On November 10, 2017, the Planning Department completed a transportation study that provides additional transportation analysis for the proposed 2017-003134ENV project. The study analyzes existing multimodal circulation conditions in the project vicinity, estimated travel demand associated with the 2017 project, and documents changes to the 2017 project and the transportation network that are ongoing or have occurred since the 2017 project was originally approved in 2001 (Case No. 2000.383, herein referred to as the “2001 project”). Additionally, the study evaluates potential construction impacts relative to ongoing and overlapping construction of the 2017 project and local transportation projects.

The 2001 project’s transportation study concluded that the 2001 project did not result in any significant transportation impacts to the transportation network, and therefore did not include any transportation mitigation measures. The 2017 project as proposed would not result in any new or substantially greater impacts than those found for the 2001 project, due to the following:

- The 2017 project would have the same building envelope as the 2001 project, with no sidewalk encroachments;
- The 2017 project would remove an existing curb cut along Ellis Street, reducing potential vehicle conflicts with pedestrians;
- The 2017 project would not introduce any new features that would conflict with transit, pedestrian, or bicycle access to and from the 2017 project site;
- The 2017 project’s on-street loading provision would meet the demand;
- The 2017 project is located in a Traffic Analysis Zone (TAZ) with a Vehicles Miles Traveled (VMT) amount that is more than 15-percent below the regional average; and
- Construction would not substantially interfere with circulation or accessibility with current or future transportation network projects in or around the 2017 project site.

CONCLUSION

San Francisco Administrative Code Section 31.19(c)(1) states that a modified project must be reevaluated and that “If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.” For the reasons articulated above, this memorandum provides sufficient documentation that no further environmental review is required for the modified project.

In the extension approvals, the Planning Commission has expressly found, each time, that “there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.” The finding is cited from the Planning Commission’s motion in 2013 granting an extension of the project’s Downtown Project authorization. The Commission has made similar environmental findings in its extension motions, in 2004, 2010, and 2013. No substantial changes have occurred since the prior review of the proposal that would indicate that the project, as modified and presented in Motion No. 18955 may result in potentially adverse environmental impacts not already considered by the FMND adopted for this project. Therefore, no subsequent environmental review for this project is required.

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

Permit to Alter Case Report

HEARING DATE: JUNE 7, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Filing Date: March 15, 2017
Case No.: **2017-003134PTA**
Project Address: **72 ELLIS STREET**
Conservation District: Kearny-Mason-Market-Sutter Conservation District
Zoning: C-3-R (Downtown Retail) District
80-130-F Height and Bulk District
Block/Lot: 0327/011
Owner : OSIB 72 Ellis Street Properties, LLC
citizenM Hotels
79 Madison Avenue, 2nd Floor
New York, NY 10016
Project Contact: Daniel Frattin, Reuben Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Marcelle Boudreaux - (415) 575-9140
Marcelle.boudreaux@sfgov.org
Reviewed By Tina Tam – (558) -6325
Tina.tam@sfgov.org

PROPERTY DESCRIPTION

The proposed 8,420-square-foot subject site area, Lot 011 of Assessor's Block 0327, is currently a surface parking lot used for commercial parking located within the Kearny-Market-Mason-Sutter (KMMS) Conservation District and the C-3-R (Downtown Retail) Zoning and the 80-130-F Height and Bulk Districts.

PROJECT DESCRIPTION

The proposed project involves construction of a 192-room hotel in approximately 130-foot tall building with 11 stories over a basement-level gym and approximately 8,420 square feet of retail space on the first floor and mezzanine level. The building footprint will occupy a majority of the project site, with setbacks at upper levels at the rear of the building, for hotel room light and air. The Ellis Street façade is the primary visible façade; there are visible side (secondary) elevations due to short height of adjacent structures. The building is proposed to be constructed to the property line.

Specifically, the new construction will include:

- The proposed hotel building will replicate the prevailing three-part vertical compositions found throughout the District, with a height of approximately 130 feet. Its primary façade will be divided into three vertical bays, defined by a rhythmic fenestration pattern organized by vertical

piers of limestone-clad rainscreen system enhanced by aluminum extrusion casing projecting approximately seven inches from the face of the glazing at the shaft level, and reinforced by a storefront glazing system at the base.

- The “base” consists of the ground-floor and mezzanine level commercial space, approximately 22 feet 8 inches tall, and will be expressed through storefront glazing systems within the three bay module. The primary hotel entrance of glazed double doors will be located in the eastern-most bay. The commercial retail entrance of glazed double doors will be located in the western-most bay, with additional storefront glazing for the commercial space in the center module. A demountable awning, clad in the light grey metal panel and projecting approximately 3 feet 10 inches from the property line, is proposed within each of the bays created by the vertical piers.
- The building’s “shaft” will feature a rhythmic fenestration pattern created through the repetitive use of clear insulated glazing and glass spandrel panel, accented by light grey metal panels projecting approximately 2 inches from the glazing in both vertical and horizontal bands. Every three floors, at the base of levels six and nine, the horizontal metal band projects an additional 2 inches from the face of glazing and is emphasized with the darker grey metal panel.
- The “capital” consists of a contemporary, open cornice element approximately 15 feet 8 inches, framed by the limestone-clad rainscreen system. The vertical piers extend up through this level, continuing the three bay module created at the base and shaft. Privately-owned public open space is provided on the roof at the Ellis Street elevation, and at this elevation the POPOS is defined by a glazed guardrail. A 3-foot thick horizontal band terminates the building.

OTHER ACTIONS REQUIRED

On July 13, 2017, the Planning Commission will hear a request to extend the performance period of the Project (Case No. 2017-003434DNX/CUA) at a regularly scheduled meeting. In addition, the proposed project will require a Building Permit.

BACKGROUND

On November 15, 2001, the Planning Commission approved a project (Case No. 2000.383CX) to demolish an existing surface parking lot and construct an 11-story, 125-foot hotel consisting of approximately 156 rooms, a lobby, accessory meeting rooms, and a restaurant, located at 72 Ellis Street (“Project Site”), within the C-3-R Zoning District, the 80-130-F Height and Bulk District, and for new construction within the Kearny-Market-Mason-Sutter Conservation District. The Project was previously granted a Conditional Use Authorization, as well as a Downtown Project Authorization and Requests for Exceptions under Planning Code Section 309, including a height exception in the 80-130-F Height and Bulk District, a bulk exception, and a height extension for a vertical extension.

On December 9, 2004, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2004.1047CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 16919 and 16920), subject to the conditions of the original approval of the Project. This extension expired on December 9, 2007.

On March 25, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2009.1105CX, a request to extend the performance period of the Project for

three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for three years (Motions 18503 and 18504), subject to the conditions of the original approval of the Project. This extension expired on March 25, 2013.

On August 15, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No 2013.0180CX, a request to extend the performance period of the Project for three years. The Commission reviewed and discussed the findings for approval prepared for its review by Department staff, and approved the extension of the performance period for two years (Motions 18954 and 18955), subject to the conditions of the original approval of the Project. One of the conditions of approval required final design review by the Architectural Review Committee (ARC) as part of the Planning Department's review of the project; the project was reviewed by ARC on July 8, 2015. This extension expired on August 15, 2015.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project is in general compliance with all other provisions of the Planning Code.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 11

Pursuant to Section 1110 of the Planning Code, unless delegated to the Planning Department Preservation Staff through the Minor Permit to Alter process pursuant to Section 1111.1 of the Planning Code, the Historic Preservation Commission is required to review any applications for the construction, alteration, removal, or demolition for Significant buildings, Contributory buildings, or any building within a Conservation District. In evaluating a request for a Permit to Alter for a replacement structure in the Conservation District, the Historic Preservation Commission must find that the proposed work is in compliance with the *Secretary of the Interior's Standards for Rehabilitation*, Section 1113 of the Planning Code, as well as the designating Ordinance and any applicable guidelines, local interpretations, bulletins, related appendices, or other policies.

SECTION 1113 OF THE PLANNING CODE

Section 1113 of the Planning Code outlines the specific standards and requirements the Historic Preservation Commission shall use when evaluating Permits to Alter for new and replacement structures in Conservation Districts. These standards, in relevant part(s), are listed below:

- (a) Within Conservation Districts, new or replacement structure is compatible in scale and design with the District as set forth in Sections 6 and 7 of the Appendix that describes the District.

The applicable provisions are outlined in Sections 6 and 7 of Appendix E of Article 11 for the Kearny-Market-Mason-Sutter Conservation District. Specifically, these sections outline the Composition and Massing, Scale, Materials and Colors, and Detailing and Ornamentation that characterize the District and should be reflected in projects proposing new construction within the District.

Massing and Composition. The compositions of the building facades reflect the different architectural functions of the building. For the most part, building facades in the district are two- or three-part

vertical compositions consisting either of a base and a shaft, or a base, a shaft and a capital. In addition, the facade of a building is often divided into bays expressing the structure (commonly steel and reinforced concrete) beneath the façade. This was accomplished through fenestration, structural articulation or other detailing that serves to break the facade into discrete segments. A common compositional device in the District is an emphasis placed upon either the end bays or the central bay.

The vertical tripartite design as proposed is consistent with the surrounding buildings that are composed of well-defined components of a base, shaft and capital. The delineation of the interior building function is expressed through the treatment of the façade. At each floor level, the use of horizontal metal panel banding breaks the façade plane into smaller, regular parts. Lighter grey metal panels are proposed as horizontal bands and vertical bands in aggregate which create regular, discrete façade segments creating uniform upper stories. At every third floor, a protruding band, emphasized by the darker grey panel, introduces an intermediate horizontal band consistent with buildings in the District. The use of a distinct base, tower and contemporary cornice element are in keeping with three-part vertical compositions found throughout the district.

Overall, the proposed building is consistent with the Massing and Composition characteristic of buildings in the District, and as proposed appears to be in conformance with the requirements of Article 11.

Scale. The buildings are of small to medium scale. The bay width is generally from 20 feet to 30 feet. Heights generally range from four to eight stories, although a number of taller buildings exist. The wider frontages are often broken up by articulation of the facade, making the buildings appear narrower. The base is generally delineated from the rest of the building giving the District an intimate scale at the street.

With the exception of the recessed hotel entrance, the building is designed to extend out to the front property line to meet the prevailing block face and in compatibility with other commercial storefronts in the district. Located directly across from the 11-story Flood Building, the scale relates to the higher density department store and hotel buildings in the district, and is in keeping with the 1:2 width-to-height massing ratio in the district.

Overall, the façade is broken into smaller parts through bay modules and through a rhythmic fenestration pattern. The façade of the proposed building will be divided into three bays, characteristic of the District, demarcated by vertical piers that extend from grade to termination. At the street level, each bay module is defined by a coated aluminum storefront glazed system. The continuous vertical piers are expressed through the limestone clad columns at the base, and extends as limestone clad building face flanked by aluminum extrusion casing which defines each bay module. At the level of the capital, the vertical pier is expressed as again as limestone clad column.

Overall, the proposed building is consistent with the Scale characteristic of buildings in the District, and as proposed appears to be in conformance with the requirements of Article 11.

Materials and Colors. Buildings are usually clad in masonry materials over a supporting structure.

The cladding materials include terra cotta, brick, stone and stucco. Wood, metal and metal panels are not facade materials, although painted wood and metal are sometimes used for window sash and ornament. The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color.

To express the mass and weight of the structure, masonry materials are used on multidimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.

A limestone rainscreen system in a buff color is proposed as the exterior cladding at the frame. Metal architectural panels in light grey and dark grey are proposed to define the subordinate vertical lines and horizontal beltcourses at the shaft. The metals are proposed with non-reflective finishes. Each module is defined with clear insulated glazing and a glass spandrel panel at the bottom of the module. At the visible side elevations, level five and above, at the front portion of the lot, a through-colored fibre-cement Equitone panel is proposed in a light buff color equivalent to the stone panel.

Overall, the proposed building is consistent with the Materials and Colors characteristic of buildings in the District, and as proposed appears to be in conformance with the requirements of Article 11.

Detailing and Ornamentation. Buildings use the expression of texture and depth on masonry material (e.g., rustication, deep window reveals) to simulate the appearance of load-bearing walls. The buildings are not constructed in a single style, but with ornament drawn from a variety of historical sources, primarily Classical and Renaissance. Gothic detailing is also well represented. Popular details include arches, columns, pilasters, projecting bracketed cornices, multiple belt-courses, elaborate lintels and pediments, and decorated spandrels. Details were used to relate buildings to their neighbors by repeating and varying the ornament used in the surrounding structures.

The new construction proposes to respond to the Detailing and Ornamentation characteristic in the District in a contemporary manner through utilization of contemporary and traditional materials. The shaft is defined by regularly-sized glazed modules, generally defined by light grey metal panels between floors; the light grey metal panel clads the intermediate vertical lines which also divides the hotel rooms. A protruding horizontal band is expressed every third floor and emphasized by darker grey metal panels creating an intermediate horizontal definition. A rainscreen-system clad in limestone frames the entire structure from base to capital and defines the primary vertical piers. An aluminum extrusion casing defines each of the three modules at the shaft level with a 7-inch projecting frame. At the base, a projecting awning is proposed within each of the bays created by the vertical piers, or columns as they reach the ground; the awnings create an intermediate horizontal band and are expressed as an integrated design elements, not as a continuous element that interrupts vertical expression. Overall, the interplay of the metal and stone provides texture and depth, a detail which is compatible with the prevailing architectural style of the surrounding buildings and the District. As proposed, the Detailing and Ornamentation appear generally consistent with the requirements of Article 11.

THE SECRETARY OF THE INTERIOR'S STANDARDS

Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Rehabilitation Standards provide, in relevant part(s):

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials and features that characterize the building. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

In compliance with Rehabilitation Standard 9, the proposed design exhibits a contemporary design vocabulary that distinguishes it from the contributing buildings in the KMMS Conservation District. Its contemporary use of materials such as metal panels interlaced with a more traditional limestone cladding allows it to be recognized as a building from its own time. The proposal is compatible with the size, scale and proportion, and massing of the adjacent contributing properties within the District.

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Should any of the proposed work be removed in the future, the essential form and integrity of the building and conservation district would be unimpaired, in compliance with Rehabilitation Standard 10.

PUBLIC/NEIGHBORHOOD INPUT

The Department has received no objection or support from the public.

STAFF ANALYSIS

Staff has determined that the proposed work will be in conformance with the requirements of Article 11 and the *Secretary of Interior's Standards for Rehabilitation*. Proposed work will not damage or destroy distinguishing qualities or character of the Conservation District. Staff finds that the historic character of the Conservation District will be retained and preserved.

On July 8, 2015, a similar contemporary replacement structure proposing a hotel use was reviewed by the Architectural Review Committee (Case No. 2000.0383CX). Department staff utilized input from that ARC review to guide the current proposal, which takes cues from the previous proposal in terms of Composition and Massing, Scale, Materials and Colors, and Detailing and Ornamentation. (See attached ARC Meeting Notes and elevation of previous proposal).

The proposed ground floor base is a double-height commercial space approximately 19 feet in height, defined by storefront display glazing system and awnings, which are compatible with the District defined as a retail destination. The larger glazing at the base is indicative of commercial storefronts in the historic retail sector. The entrances for the two separate building uses are separated and distinct to

identify the uses; the entry area to the hotel use is slightly recessed to allow for more gracious entry sequence whereas the commercial storefront systems are pulled to the outer bays, both arrangements in keeping with the placement of ground floor entrances throughout the district.

The building's fenestration at the upper floors both draws upon the vertically oriented massing identified as an important characteristic of the district and provides a uniform treatment of the upper stories. Strong vertical piers are creating layers of depth, referencing design language in the

The open-frame structure, which incorporates a band of negative space at the top of each vertical bay, is a design approach that references historic cornices in the district while maintaining transparency at the rooftop viewing terrace. Although the glazed guardrail is compatible with the building design, the primary vertical piers should be incorporated into the guardrail design to further enhance the verticality.

- (1) The final design shall incorporate vertical piers (clad in limestone rainscreen) that continue up and terminate at the top of the 42" guardrail.

Although, the limestone panel rainscreen is generally compatible with the District, the details of the panel sizes and the panel variation are still to be fully reviewed.

- (2) The Project Sponsor shall continue to work with the Planning Department on building design. The final design, including but not limited to the final color, size of stone panels, finishes, textures, glazing details and storefront display and entry details, shall be reviewed and approved by the Planning Department prior to the issuance of architectural addenda.

ENVIRONMENTAL REVIEW STATUS

On October 31, 2001, the Draft Initial Study/Mitigated Negative Declaration for the Project was prepared and published for public review. On November 15, 2001, the Planning 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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. Department staff prepared a Mitigation Monitoring and Reporting Program, which was made available to the public and the Commission for the Commission's review, consideration, and action.

Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

The Planning Department is the custodian of records, for case no. 2017-003134PTA, located in the File at 1650 Mission Street, Fourth Floor, San Francisco, California.

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends APPROVAL WITH CONDITIONS of the proposed project as it appears to meet the provisions of Article 11 of the Planning Code regarding Replacement Structures and the *Secretary of the Interior Standards for Rehabilitation*.

1. **Guardrail.** The final design shall incorporate vertical piers (clad in limestone rainscreen) that continue up and terminate at the top of the 42" guardrail.
2. **Final Materials.** The Project Sponsor shall continue to work with the Planning Department on building design. The final design, including but not limited to the final color, size of stone panels, finishes, textures, glazing details and storefront display and entry details, shall be reviewed and approved by the Planning Department prior to the issuance of architectural addenda.
3. **Signs.** The Project Sponsor shall submit an exterior signage plan to the Planning Department. The proposed signage plan shall be reviewed by the Planning Department as a Minor Permit to Alter pursuant to delegation for such review outlined by the Historic Preservation Commission in Motion No. 0289, unless the scope exceeds parameters of said delegation.

ATTACHMENTS

- A. Draft Motion
- B. Sections 6 and 7 of Appendix E of Article 11
- C. Parcel Map
- D. Sanborn Map
- E. Aerial Photo
- F. Zoning Map
- G. Site Photos
- H. For Reference Only: **Prior Proposal:** ARC Meeting Notes; Elevation of Version 2
- I. Project Sponsor submittal
 - a. Sponsor Letter
 - b. Plans
 - c. Renderings
 - d. Alternative Elevation Options A & B



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Motion No. 0305 Permit to Alter NEW CONSTRUCTION HEARING DATE: JUNE 7, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2017-003134PTA
Project Address: 72 ELLIS STREET
Conservation District: Kearny-Mason-Market-Sutter Conservation District
Zoning: C-3-R (Downtown Retail) District
80-130-F Height and Bulk District
Block/Lot: 0327/011
Owner : OSIB 72 Ellis Street Properties, LLC
citizenM Hotels
79 Madison Avenue, 2nd Floor
New York, NY 10016
Project Contact: Daniel Frattin, Reuben Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Marcelle Boudreaux - (415) 575-9140
Marcelle.boudreaux@sfgov.org
Reviewed By Tina Tam – (558) -6325
Tina.tam@sfgov.org

ADOPTING FINDINGS FOR A PERMIT TO ALTER FOR NEW CONSTRUCTION DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 11, TO MEET THE STANDARDS OF APPENDIX E IN ARTICLE 11 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE NEW BUILDING LOCATED ON LOT 011 IN ASSESSOR'S BLOCK 0327, THE SUBJECT SITE IS WITHIN A C-3-R (COMMERCIAL-RETAIL) ZONING DISTRICT, AN 80-130-F HEIGHT AND BULK DISTRICT AND KEARNY-MASON-MARKET-SUTTER CONSERVATION DISTRICT.

PREAMBLE

WHEREAS, on March 15, 2017, Daniel Frattin, Reuben Junius Rose LLP ("Applicant") filed an application on behalf of the Owner with the San Francisco Planning Department (hereinafter "Department") for a Permit to Alter for new construction of one new building, on the subject property located on Lot 011 in Assessor's Block 0327.

WHEREAS, on November 15, 2001, the San Francisco Planning Commission (Planning Commission) adopted the 72 Ellis Mitigated Negative Declaration, Case No. 2000.383E, (FMND); and

WHEREAS, Since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

The Planning Department is the custodian of records, located in the File for Case No. 2017-003134PTA at 1650 Mission Street, Fourth Floor, San Francisco, California;

The Historic Preservation Commission (hereinafter "Commission") has reviewed and concurs with said determination.

WHEREAS, on June 7, 2017, the Commission conducted a duly noticed public hearing on Permit to Alter application no. 2017-003134PTA ("Project").

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby **APPROVES WITH CONDITIONS** the Permit to Alter, in conformance with the architectural plans dated June 7, 2017, and labeled Exhibit A on file in the docket for Case No. 2017-003134PTA based on the following findings:

CONDITIONS OF APPROVAL

1. **Final Materials.** The Project Sponsor shall continue to work with the Planning Department on building design. The final design, including but not limited to the final color, size of stone panels, finishes, textures, glazing details and storefront display and entry details, shall be reviewed and approved by the Planning Department prior to the issuance of architectural addenda.
2. **Signs.** The proposed signage shall be reviewed by the Planning Department as a Minor Permit to Alter pursuant to delegation for such review outlined by the Historic Preservation Commission in Motion No. 0289, unless the scope exceeds parameters of said delegation.
3. **Elevation.** Staff and Project Sponsor shall work together to determine appropriate elevation design from the alternatives proposed in Exhibit A.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 11:

The Commission has determined that the proposed work is compatible with the exterior character-defining features of the Conservation District and meets the requirements of Article 11 of the Planning Code:

- The project proposes construction of one new Replacement Building which respects the character-defining features of and is generally in conformance with the Conservation District;
- That the proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Compliance.** The proposed Permit to Alter is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

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

POLICY 1.3

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

OBJECTIVE 2

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

POLICY 2.4

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.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Permit to Alter is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Permit to Alter and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the subject property for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed project will not have an impact on neighborhood serving uses. The new hotel use may provide employment opportunities for surrounding residents.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed project will strengthen neighborhood character by respecting the character-defining features of the District in conformance with the Secretary of the Interior's Standards

- C) The City's supply of affordable housing will be preserved and enhanced:

The project does not have impact on housing as the site is an existing surface parking lot.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed will not have any impact on industrial sector jobs as there are none on the site. A large retail use and hotel use is proposed, therefore providing opportunities in the service sector.

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

All construction will be executed in compliance with all applicable construction and safety measures pursuant to requirements of Department of Building Inspection.

- G) That landmark and historic buildings will be preserved:

The proposed project is in conformance with Article 11 of the Planning Code and the Secretary of the Interior's Standards.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for the parks and open space.

5. For these reasons, the proposal overall, appears to meet *Secretary of Interior's Standards* and the provisions of Article 11 of the Planning Code regarding new construction of a replacement structure(s) within the Kearny-Market-Mason-Sutter Conservation District.

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 **GRANTS WITH CONDITIONS a Permit to Alter** for the property located at Lot 011 in Assessor's Block 0327 for proposed work in conformance with the renderings and architectural sketches dated June 7, 2017, and labeled Exhibit A on file in the docket for Case No. 2017-003134PTA.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Permit to Alter shall be final unless appealed within thirty (30) days after the date of this Motion No. 0305. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals in person at 1650 Mission Street, (Room 304) or call (415) 575-6880.

Duration of this Permit to Alter: This Permit to Alter is issued pursuant to Article 11 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historic Preservation Commission ADOPTED the foregoing Motion on June 7, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Hyland, Johns, Matsuda, Pearlman

NAYS: None

ABSENT: Hasz, Johnck, Wolfram

ADOPTED: June 7, 2017

This page intentionally left blank.

APPLICATION FOR Conditional Use Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
PROPERTY OWNER'S ADDRESS:	TELEPHONE: ()
	EMAIL:
APPLICANT'S NAME:	
Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE: ()
	EMAIL:
CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:
CROSS STREETS:		
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):
/	73.97' x 115'	
ZONING DISTRICT:		HEIGHT/BULK DISTRICT:

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify:	ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE:	
		PROPOSED USE:	
		BUILDING APPLICATION PERMIT NO.:	DATE FILED:

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings				
Height of Building(s)				
Number of Stories				
Bicycle Spaces				
GROSS SQUARE FOOTAGE (GSF)				
Residential				
Retail				
Office				
Industrial/PDR <i>Production, Distribution, & Repair</i>				
Parking				
Other (Specify Use)				
TOTAL GSF				

Please describe any additional project features that are not included in this table:
 (Attach a separate sheet if more space is needed)

5. Action(s) Requested (Include Planning Code Section which authorizes action)

By this application, the Project Sponsor requests a modification and extension of the conditional use authorization approved on August 15, 2013 (Motion No. 18954). See Attachment A for additional details.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - (b) 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;
 - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

See Attachment B; prior conditional use authorizations and extensions (Planning Commission Motions 16283, 16920, 18053, and 18954) .

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

See Attachment B; prior conditional use authorizations and extensions (Planning Commission Motions 16283, 16920, 18053, and 18954) .

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

See Attachment B.

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

See Attachment B.

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

See Attachment B.

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;

See Attachment B.

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

See Attachment B.

7. That landmarks and historic buildings be preserved; and

See Attachment B.

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

See Attachment B.

Estimated Construction Costs

TYPE OF APPLICATION: Conditional Use Authorization, Modification and Extension	
OCCUPANCY CLASSIFICATION: R-1,M	
BUILDING TYPE: Type 1-A	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 76,299 square feet	BY PROPOSED USES: Retail
	Hotel
ESTIMATED CONSTRUCTION COST: \$30,000,000	
ESTIMATE PREPARED BY: Project Sponsor	
FEE ESTABLISHED: \$676 (Modification of CU: (\$1,106x1/2)+\$123 BOS appeal surcharge)	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____



Date: _____

3/15/17

Print name, and indicate whether owner, or authorized agent:

Chloe Angelis
Owner / Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/> N/A
Address labels (original), if applicable	<input type="checkbox"/> N/A
Address labels (copy of the above), if applicable	<input type="checkbox"/> N/A
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Section 303 Requirements	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

NOTES:

- ☐ Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- ☒ Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- ☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

This page intentionally left blank.

APPLICATION FOR Downtown Project Authorization

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

APPLICANT'S NAME:	
Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:
CROSS STREETS:		

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
/				

3. Project Description

(Please check all that apply) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input type="checkbox"/> Other Please clarify: _____	ADDITIONS TO BUILDING: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard	PRESENT OR PREVIOUS USE:	
		PROPOSED USE:	
		BUILDING APPLICATION PERMIT NO.:	DATE FILED:

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings				
Height of Building(s)				
Number of Stories				
Bicycle Spaces				
GROSS SQUARE FOOTAGE (GSF)				
Residential				
Retail				
Office				
Industrial/PDR <i>Production, Distribution, & Repair</i>				
Parking				
Other (Specify Use)				
TOTAL GSF				
<p>Please describe any additional project features that are not included in this table: (Attach a separate sheet if more space is needed)</p>				

5. Action(s) Requested (Include Planning Code Section which authorizes action)

Downtown Project Authorization - Compliance

Pursuant to Planning Code Section 309, the Zoning Administrator is required to determine that the project complies with Planning Code Section 138 (Open Space), Section 412 (Downtown Park Fund), Section 146 (Shadows on Streets), Section 147 (Shadows of Publicly Accessible Open Spaces), Section 429 (Public Art), Section 102.8 (b) (16) (Replacement Short-term Parking), Section 413 (Office Affordable Housing Production Program) and Section 414 (Child Care). Please address the following requirements:

1. Size and Open Space. Please submit a full set of dimensioned floor plans of the project identifying areas excluded from the calculation of gross floor area from which the open space requirement is derived.
2. Design of Open Space. Please describe the type of open space being provided (i.e. Urban Park, plaza, Greenhouse, etc.) Include a plan of the open space drawn to scale on 11" X 17" sheets:
 - Dimensions of open space including the calculations used to determine the amount of space.
 - Notations as to all levels, if appropriate
 - Calculations of all requirements that have to be quantified (e.g. number of sitting spaces, tables, etc.)
 - Trees and massing of plant material
 - Notations of materials (e.g. for paving)
 - Indication of paving patterns
 - Location and type of food services (cart, separate fixed structure, within project building)
 - Location of rest rooms
 - Diagrams, to demonstrate sun exposure during critical hours appropriate for type of open space
 - Statement of hours of availability
 - Other elements as provided in the Design Guidelines by type (e.g. movable walls for greenhouses etc.)
3. Downtown Park Fund (Planning Code Section 412).
 - Please include the amount of square footage applicable to the Downtown Park Fund
 - Please also state the total payment to the Downtown Park Fund
4. Shadows on Streets (Planning Code Section 146). Certain streets in the downtown have setback requirements and exceptions may be granted from the requirements (see the exceptions section of this application). On other streets, massing of new construction shall be shaped to minimize shadow impacts on public sidewalks, consistent with good design.
 - Describe streets which are shadowed by the Project, and times of year and hours of such shadows.
5. Shadows on publicly accessible Open spaces (Planning Code Section 147). Massing of new construction shall be shaped to minimize shadow impacts on publicly accessible open space not subject to Planning Code Section 295 (Proposition K) requirements consistent with good design.
 - Describe publicly accessible open spaces which are shadowed by the Project, in terms of the amount of area shadowed, the duration of such shadows, and the importance of sunlight to the type of open space being shadowed.
6. Public Art (Planning Code Section 429). Projects shall supply publicly visible art work equal to 1% of the construction cost. Describe the work of art or art concept including:
 - Type of art piece (e.g. sculpture, relief, tapestry)
 - Medium (e.g. marble, wood, fiber)
 - Approximate Dimensions
 - Artist's residence by City
 - Budgeted cost for art piece
 - Construction cost of building as determined by the Department of Building Inspection
7. Office Affordable Housing Production Program (Planning code Section 413). Describe the number of housing credits required or amount of fee paid. If housing project selected for housing credit purchase, please identify.
8. Child Care Provision (Planning Code Section 414). Please describe the method for compliance with the Child Care Provisions. In the case of fee payment, include the amount of fee. For direct provision, describe location and size of facility.

Downtown Project Authorization - Compliance (cont.)

Please address the requirements from the previous page (add additional sheets if necessary):

Lined area for providing additional information or requirements.

Pursuant to Planning Code Section 309, projects may seek specific exceptions to the provisions of this Code as provided for below. Please describe how the project meets specified criteria, complete with justifications.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

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

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

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

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

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

7. That landmarks and historic buildings be preserved; and

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

Estimated Construction Costs

TYPE OF APPLICATION:	
Section 309 Authorization, Modification and Extension	
OCCUPANCY CLASSIFICATION:	
R-1, M	
BUILDING TYPE:	
Type 1-A	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
76,299 square feet	Retail
	Hotel
ESTIMATED CONSTRUCTION COST:	
\$30,000,000	
ESTIMATE PREPARED BY:	
Project Sponsor	
FEE ESTABLISHED:	
\$578 (((\$1,106x1/2))+ \$25 BoA surcharge)	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____



Date: _____

3/15/17

Print name, and indicate whether owner, or authorized agent:

Chloe Angelis

Owner / Authorized Agent (circle one)

Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input checked="" type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/> N/A
Address labels (original), if applicable	<input type="checkbox"/> N/A
Address labels (copy of the above), if applicable	<input type="checkbox"/> N/A
Site Plan	<input checked="" type="checkbox"/>
Floor Plan	<input checked="" type="checkbox"/>
Elevations	<input checked="" type="checkbox"/>
Photographs (including montages and streetscape)	<input checked="" type="checkbox"/>
Section 309 Compliance Responses	<input checked="" type="checkbox"/>
Request for Planning Code Section 309 Exceptions (if applicable)	<input checked="" type="checkbox"/>
Prop. M Findings	<input checked="" type="checkbox"/>
Historic photographs (if possible), and current photographs	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Original Application signed by owner or agent	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

☐ Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)

☐ Typically would not apply. Nevertheless, in a specific case, staff may require the item.

☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

This page intentionally left blank.

APPLICATION FOR Major Permit to Alter

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: OSIB 72 ELLIS STREET PROPERTIES LLC	
PROPERTY OWNER'S ADDRESS: citizen M Hotels 79 Madison Avenue, 2nd Floor New York, NY 10016	TELEPHONE: () EMAIL: citizenmenno@citizenm.com
APPLICANT'S NAME: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: () EMAIL:
CONTACT FOR PROJECT INFORMATION: Daniel Frattin; Reuben, Junius & Rose, LLP <div style="text-align: right;">Same as Above <input type="checkbox"/></div>	
CONTACT PERSON'S ADDRESS: One Bush Street, Suite 600 San Francisco, CA 94104	TELEPHONE: (415) 567-9000 EMAIL: dfrattin@reubenlaw.com

2. Location and Classification

STREET ADDRESS OF PROJECT: 72 Ellis Street		ZIP CODE: 94102
CROSS STREETS: Between Powell Street and Stockton Street		
ASSESSORS BLOCK/LOT: 0327 /011	LOT DIMENSIONS: 73.97' x 115'	LOT AREA (SQ FT): 8,506.5 sf
ZONING DISTRICT: C-3-R		HEIGHT/BULK DISTRICT: 80-130-F
ARTICLE 11 CLASSIFICATION V - Unrated		CONSERVATION DISTRICT: Kearny-Market-Mason-Sutter

3. Project Description

Construction of a new 11-story over basement, 192-room hotel, with roof terrace. Comprises 76,299 square feet. No on-site parking is provided. Approximately 8,406 square feet of retail is provided at the ground and mezzanine levels.

Building Permit Application No. 201508033157

Date Filed: August 3, 2015

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

GROSS SQUARE FOOTAGE (GSF)	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
Residential	0	0	0	0
Retail	0	0	8,406 SF	8,406 SF
Office	0	0	0	0
Industrial	0	0	0	0
PDR Production, Distribution, & Repair	0	0	0	0
Parking	8,506.5 SF	0	0	0
Other (Specify Use)	0	0	67,893 SF (hotel)	67,893 SF (hotel)
Total GSF	8,506.5 SF	0	76,299 SF	76,299 SF

PROJECT FEATURES	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
Dwelling Units	0	0	0	0
Hotel Rooms	0	0	192	192
Parking Spaces	75	0	0	0
Loading Spaces	0	0	0	0
Number of Buildings	0	0	1	0
Height of Building(s)	0	0	130'	130'
Number of Stories	0	0	11 over basement	11 over basement

Please provide a narrative project description, and describe any additional project features that are not included in this table:
See Attachment A.

Findings of Compliance with General Preservation Standards

In reviewing applications for Major Permits to Alter the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* as an additional evaluative standard for Major Permit to Alter. The *Standards* are contained in the Preserving the Past section of the Downtown Plan, a component of the San Francisco General Plan. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. The property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships;

N/A. The property has housed a surface and below-grade parking structure for more than 25 years. The existing structure and its use do not contribute to the character of the Kearny-Market-Mason-Sutter (KMMS) Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided;

N/A. The existing parking structure does not contain distinctive materials, features and spaces that characterize the KMMS Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District.

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken;

N/A. The proposed structure is a distinctly modern building designed with sensitivity to its placement within the KMMS Conservation District. The building takes important design cues from the District including the motivation behind its bulk, relationship to the street wall, bay structure, horizontal and vertical articulation and street-level use. The form language with which these are expressed is contemporary.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved;

N/A. The existing parking structure does not contain distinctive materials, features and spaces that characterize the KMMS Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District.

5. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved;

N/A. The existing parking structure does not contain distinctive materials, features and spaces that characterize the KMMS Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence;

N/A. The existing parking structure does not contain distinctive materials, features, and spaces that characterize the KMMS Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used;

N/A. The existing parking structure does not contribute to the character of the KMMS Conservation District and contains no historic materials that would require careful restoration.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken;

N/A. No known archaeological features are present on this site. The existing parking structure features one below grade level. Any archaeological features would have been removed during its construction.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;

N/A. The existing parking structure does not contain distinctive materials, features and spaces that characterize the KMMS Conservation District. The proposed structure has been designed to meet the requirements of the KMMS Conservation District. The building takes important design cues from the District including the motivation behind its bulk, relationship to the street wall, bay structure, horizontal and vertical articulation and street-level use.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired;

N/A. The existing parking structure does not contribute to the essential character of the KMMS Conservation District and contains no historic features or spaces whose restoration would be sought in the future.

PLEASE NOTE: For all applications pertaining to buildings located within Conservation Districts, the proposed work must comply with all applicable standards and guidelines set forth in Section 6 and 7 of the Appendix which describes the District, in addition to the applicable standards and requirements set forth in Section 1111.6. In the event of any conflict between the standards of Section 1111.6 and the standards contained within the Appendix which describes the District, the more protective shall prevail.

Major Permit to Alter Findings

In reviewing applications for Major Permits to Alter, the Historic Preservation Commission, Planning Department staff, Board of Permit Appeals and/or Board of Supervisors, and the Planning Commission (where applicable) shall be governed by the following requirements set forth in Planning Code Section 1111.6. Please describe below how the project is consistent with each requirement (Note: Attach continuation sheets, if necessary). Each requirement must have a response. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. The distinguishing original qualities or character of the building may not be damaged or destroyed. Any distinctive architectural feature which affects the overall appearance of the building shall not be removed or altered unless it is the only feasible means to protect the public safety;

N/A. The existing parking structure does not contain distinctive materials, features and spaces that characterize the Kearny-Market-Mason-Sutter (KMMS) Conservation District.

2. The integrity of distinctive stylistic features or examples of skilled craftsmanship that characterize a building shall be preserved.;

N/A. The existing parking structure does not contain distinctive materials, features and examples of craftsmanship that characterize the KMMS District.

3. Distinctive architectural features which are to be retained pursuant to Paragraph (1) but which are deteriorated shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, if available, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replacement of non-visible structural elements need not match or duplicate the material being replaced.;

N/A. The existing parking structure does not contain distinctive materials, features and examples of craftsmanship that characterize the KMMS Conservation District.

4. Contemporary design of alterations is permitted, provided that such alterations do not destroy significant exterior architectural material and that such design is compatible with the size, scale, color, material and character of the building and its surroundings;

N/A. The existing parking structure does not contain significant exterior architectural material that contributes to the KMMS Conservation District.

5. The degree to which distinctive features need be retained may be less when the alteration is to exterior elements not constituting a part of a principal facade or when it is an alteration of the ground-floor frontage in order to adapt the space for ground-floor uses;

N/A. The existing parking structure does not contain significant exterior architectural material that contributes to the KMMS Conservation District.

6. In the case of Significant Buildings - Category I, any additions to height of the building (including addition of mechanical equipment) shall be limited to one story above the height of the existing roof, shall be compatible with the scale and character of the building, and shall in no event cover more than 75 percent of the roof area;

N/A. The existing parking structure is not a Significant Building or a Contributory Building to the KMMS Conservation District.

7. In the case of Significant Buildings - Category II, a new structure or addition, including one of greater height than the existing building, may be permitted on that portion of the lot not restricted in Appendix B even if such structure or addition will be visible when viewing the principal facades at ground level, provided that the structure or addition does not affect the appearance of the retained portion as a separate structure when so viewing the principal facades and is compatible in form and design with the retained portion. Alteration of the retained portion of the building is permitted as provided in Paragraphs (1) through (6) of this Subsection (b);

N/A. The existing parking structure is not a Significant Building or a Contributory Building to the KMMS Conservation District.

Estimated Construction Costs

TYPE OF APPLICATION: Permit to Alter	
OCCUPANCY CLASSIFICATION: R-1,M	
BUILDING TYPE: Type 1-A	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION: 76,299 square feet	BY PROPOSED USES: Retail Hotel
ESTIMATED CONSTRUCTION COST: \$30,000,000	
ESTIMATE PREPARED BY: Project Sponsor	
FEE ESTABLISHED: \$4,822 = [(\$9,594x1/2)+\$25 BoA surcharge]	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: 

Date: 3/15/17

Print name, and indicate whether owner, or authorized agent:

Chloe Angelis
Owner / Authorized Agent (circle one)



March 14, 2017

San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: 72 Ellis Street
Assessor's Block/Lot: 0327/011

Dear Sir or Madam:

OSIB 72 ELLIS STREET PROPERTIES LLC ("Owner") is the owner of the property at 72 Ellis Street, San Francisco, CA (0327/011) ("Property"). By this letter, Owner authorizes Reuben, Junius & Rose LLP and its constituent attorneys and consultants to take any and all necessary action, including, but not limited to, the signing and/or filing of applications and other documents in furtherance of the processing of any and all entitlements and approvals for the Property.

Very truly yours,

A large, stylized handwritten signature in black ink, which appears to read "Menno Hilberts". The signature is written over a horizontal line.

By:

Menno Hilberts

Title:

Project Director citizenM

This page intentionally left blank.



LERCH BATES

Building Insight

August 9, 2017

Mr. Case Creal
Gensler - Seattle
1200 Sixth Avenue, Suite 500
Seattle, WA 98101

Re: CitizenM, San Francisco, California

Dear Case:

The elevators at the CitizenM project employ machine-room-less (MRL) technology, wherein the machines for the elevators are located within the hoistway, rather than in a machine room located above the hoistway. As a result of this technology, designed specifically to address tall elevator penthouses on commercial buildings, they have the shortest total vertical overrun required for traction elevators.

The total vertical overruns necessary on this project are derived by the dimensional requirements of each of the major elevator bidders, based on their engineering calculations in order to meet the requirements of the California State Elevator Code CCR Title 8, itself referencing the National Elevator Code A17.1.

Sincerely,

LERCH BATES INC.
Elevator Consulting Group

Daniel L. Bennett
Consultant



Title 8

Elevator Safety Orders

§ 3141.7

§ 3141.1. Maintenance, Repair, and Replacement.

Maintenance, repairs, and replacements of conveyances shall comply with ASME A17.1-2004, section 8.6.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.2. Alterations.

(a) Alterations made to conveyances shall comply with ASME A17.1-2004, section 8.7.

(b) When alterations are made pursuant to ASME A17.1-2004, section 8.7, conveyances shall comply with ASME A17.1-2004, section 8.4.

(1) When alterations are made pursuant to ASME A17.1-2004, sections 8.7.2.27.4, 8.7.2.27.5, or 8.7.2.27.6, conveyances shall comply with ASME A17.1-2004, section 8.4.10.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.3. Static Controls.

(a) The installation of static controls shall comply with the requirements of ASME A17.1-2004 applicable to the conveyance involved.

(b) The Certified Qualified Conveyance Company (CQCC) installing static controls shall provide the Division with verification that the control complies with the requirements of ASME A17.1-2004. This information shall be in the form of:

(1) Electrical schematic diagrams or block diagrams of the control and safety circuits; and

(2) A written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection.

(c) The results of the Electromagnetic Interference (EMI) testing required by ASME A17.1-2004 shall be submitted to the Division for review. The test shall include any wireless communication system used.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.4. Acceptance Inspections and Tests.

(a) Acceptance inspections and tests shall comply with the parts of ASME A17.1-2004, section 8.10, that are applicable to the type of conveyance installed or altered.

(b) Private residential conveyances installed, or that have undergone major alterations, located in a multi-unit residential building serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with applicable provisions in ASME A17.1-2004, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

NOTE: Authority cited: Sections 142.3, 7317 and 7323, Labor Code. Reference: Sections 142.3, 7317 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.5. Periodic Inspections.

Periodic inspections shall comply with ASME A17.1-2004, section 8.11, except section 8.11.1.1, applicable to the type of conveyance inspected.

EXCEPTION: Conveyances addressed in section 3141.4(b) are not subject to periodic inspections.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.6. Periodic Tests.

(a) Periodic testing shall comply with the parts of ASME A17.1-2004, section 8.11, that are applicable for the type of conveyance involved with the following frequencies:

(1) Category One Tests shall be completed once every 12 months; and
(2) Category Three Tests shall be completed once every 36 months; and

(3) Category Five Tests shall be completed once every 60 months.

(b) Whenever a Category One Test is performed, the test procedure shall include earthquake protective devices in addition to the items specified by ASME A17.1-2004, section 8.11.

(c) Test tags per ASME A17.1-2004, section 8.11.1.6, are required. Tags shall be installed in a machinery space when machine rooms are not available.

(d) Periodic tests shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC).

(e) Periodic tests shall be witnessed, as required by ASME A17.1-2004, section 8.11.1.1.2, by a Certified Competent Conveyance Inspector (CCCI) or by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

(1) The name of the CCCI witnessing the test;
(2) Type of test performed as contained in ASME A17.1-2004, section 8.11;

(3) Name of the CQCC and CCCM who performed the test;

(4) The date of the test; and

(5) Results of the test.

(f) All statements on the form shall be made under penalty of perjury.

(g) If an elevator fails a periodic test, it shall be removed from service until a satisfactory test result is achieved.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.7. General Requirements.

(a) Conveyances shall comply with the following general requirements:

(1) Hoistway door unlocking devices described in ASME A17.1-2004, section 2.12.6, are prohibited on all conveyances;

(2) Emergency doors in blind hoistways as described in ASME A17.1-2004, section 2.11.1.2, and access panels as described in ASME A17.1-2004, section 2.11.1.4, are prohibited;

(3) All electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code in effect at the time of installation;

(A) The light switch shall be located inside the machine room on the strike side of the machine room door;

(B) The light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the elevator pit is through the lowest landing door;

(C) Fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway;

(4) The dimension specified as 4 inches by ASME A17.1-2004, section 2.1.6.2, shall be 2 inches. The maximum permissible distance for freight elevators that are not equipped with horizontal swinging doors and that are not accessible to the general public is 6 inches instead of 6.5 inches as specified by ASME A17.1-2004, section 2.14.4.5.1(d);

(5) Door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), 3108(f), and 3110(a);



(6) An audible signaling device complying with ASME A17.1-2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch;

(7) The car shall be capable of moving only one floor to re-establish absolute car position upon resumption of power (normal, emergency, or standby), instead of the unspecified number of floors allowed by ASME A17.1-2004, section 2.27.3.4.

(8) Counterweight guards addressed in ASME A17.1-2004, section 2.3.2.2(e), if perforated, shall reject a 1/2 inch ball;

(9) The speed governor and safety marking plates shall contain the manufacturer's model number;

(10) A reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1-2004 is permissible if the factor of safety as related to the strength necessary to activate the safety is 5 or greater;

(11) Scissor type collapsible gates are prohibited;

(12) The guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c)(1);

(13) Water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d);

(14) Elevators in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of elevators will interfere with security;

(15) Guarding of exposed equipment shall comply with Group II, section 3014;

(16) Partitions not less than 6 feet (1.83 m) high from the pit floor shall be provided between the pits of adjacent hoistways;

(A) If openings are provided in the partition, they shall reject a 2-inch ball;

(B) The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 ft. (2.13 m);

(17) Looped pull straps are prohibited; and

(18) Access switches described in ASME A17.1-2004, section 2.12.7, are required regardless of the rated speed and shall be installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches (914 mm) nor more than 78 inches (1.98 m) above floor level.

(b) Medical Emergency Service.

Elevators utilized to provide medical emergency service shall comply with Group II, section 3041(e).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.8. Electric Conveyances.

Electrical conveyances shall comply with the following:

(a) A means of access to the governor from outside the hoistway as required by ASME A17.1-2004, section 2.1.3.1.2(b)(1), is not required provided that:

(1) The governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway;

(2) The governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway;

(3) There is a mechanical means to secure the car during governor or governor rope replacement or removal, and signs requiring that the car be secured before removal of the governor rope are clearly visible and located in the vicinity of the governor. Instructions in the use of this means shall be available on site for use by a CCCM;

(4) It is not possible to reset the governor switch from inside the hoistway;

(5) Additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area; and

(6) Written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CCCC providing the service on the elevator and upon request to the Division.

(b) A hoistway is not required to have a floor above it per ASME A17.1-2004, section 2.1.3.1.1, if there is no machine room or other room above the hoistway that requires entry to perform functions such as maintenance, inspections, estimates by consultants, etc.

(c) A stop switch complying with section 2.26.2.5(a) through (c) of ASME A17.1-2004 shall be placed at a readily accessible location adjacent to the elevator driving machine if the driving machine is located in the hoistway.

(d) A car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.9. Limited-Use/Limited-Application Conveyances.

Limited-use/limited-application conveyances shall comply with ASME A17.1-2004, section 5.2.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

§ 3141.10. Conveyances Used for Construction.

(a) Conveyances used for construction covered in ASME A17.1-2004, section 5.10, shall comply with the following:

(1) A trained and authorized person shall be stationed at, and operate the controls in, the elevator car at all times while the elevator is accessible and available for use. Training shall include at least conveyance operation and emergency procedures such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations.

(2) There shall be an effective means of two-way voice communication between the operator and a second person at a different location on the jobsite available at all times while the elevator is staffed by an operator.

(3) There shall be an effective means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable at all times while the elevator is in use, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

(4) An emergency plan and procedure to include items such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations shall be developed and made available to the Division during any inspection.

(5) When permanent doors are installed, approved interlocks shall be provided.

(6) A durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the elevator car indicating that:

(A) The conveyance is for construction use only.

(B) The conveyance shall be operated only by an authorized person.

(7) Durable signs with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted at all landings instructing the elevator user how to summon the conveyance.

(8) The conveyance shall be parked and secured against unauthorized access after working hours.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

HISTORY

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).



2.2.4.2–2.3.2.1

ASME A17.1–2004

object in back of the ladder shall be provided. When unavoidable obstructions are encountered, the distance shall be permitted to be reduced to 115 mm (4.5 in.). Siderails, if provided, shall have a clear distance of not less than 115 mm (4.5 in.) from their centerline to the nearest permanent object. The nearest point of the ladder shall be within 1 000 mm (39 in.), measured horizontally from the means to unlock the egress door from the pit.

Pit access by a ladder shall not be permitted when the pit floor is more than 3 000 mm (120 in.) below the sill of the access door, except where there is no building floor below the bottom terminal landing, this height shall be permitted to be greater but not more than 4 200 mm (165 in.).

2.2.4.3 Pits shall be accessible only to elevator personnel.

2.2.4.4 Separate pit door, when provided, shall be subject to the following requirements:

(a) If the door swings into the pit, it shall be located so that it does not interfere with moving equipment.

(b) If the door swings out, and the lowest structural or mechanical part, equipment, or device installed beneath the car platform, except guide shoes or rollers or safety jaw assemblies, projects below the top of the separate pit access door opening when the car is level with the bottom terminal landing

(1) an electric contact conforming to 2.26.2.26 shall be provided to prevent operation of the elevator when the door is open

(2) the door shall be provided with a vision panel(s) that is glazed with clear wired glass not less than 6 mm (0.25 in.) thick, will reject a ball 150 mm (6 in.) in diameter, and have an area of not more than 0.03 m² (47 in.²)

(c) The door shall provide a minimum opening of 750 mm (29.5 in.) in width and 1 825 mm (72 in.) in height.

(d) The door shall be equipped with a barrier conforming to 2.11.1.2(i), where the door sill is located more than 300 mm (12 in.) above the pit floor.

(e) The door shall be self-closing and provided with a spring-type lock arranged to permit the door to be opened from inside of the pit without a key. Such doors shall be kept closed and locked. The key shall be of Group 1 Security (see 8.1).

2.2.5 Illumination of Pits

A permanent lighting fixture shall be provided and shall conform to 2.2.5.1 through 2.2.5.3.

2.2.5.1 The lighting shall provide an illumination of not less than 100 lx (10 fc) at the pit floor and at a pit platform, when provided.

2.2.5.2 The light bulb(s) shall be externally guarded to prevent contact and accidental breakage.

2.2.5.3 The light switch shall be so located as to be accessible from the pit access door.

2.2.6 Stop Switch in Pits (ED)

An enclosed stop switch(es), meeting the requirements of 2.26.2.7 and 2.2.6.1 through 2.2.6.3, shall be installed in the pit of each elevator.

2.2.6.1 The stop switch shall be so located as to be accessible from the pit access door. Where access to the pits of elevators in a multiple hoistway is by means of a single access door, the stop switch for each elevator shall be located adjacent to the nearest point of access to its pit from the access door. (ED)

2.2.6.2 In elevators where access to the pit is through the lowest landing hoistway door, a stop switch shall be located approximately 450 mm (18 in.) above the floor level of the landing, within reach from this access floor and adjacent to the pit ladder, if provided. When the pit exceeds 1 700 mm (67 in.) in depth, an additional stop switch is required adjacent to the pit ladder and approximately 1 200 mm (47 in.) above the pit floor.

2.2.6.3 Where more than one switch is provided, they shall be wired in series.

2.2.7 Minimum Pit Depths Required

The pit depth shall be not less than is required for the installation of the buffers, compensating sheaves, if any, and all other elevator equipment located therein and to provide the minimum bottom car clearance and runby required by 2.4.1.

2.2.8 Access to Underside of Car

Where the distance from the pit floor to the underside of the plank channels or slings exceeds 2 100 mm (83 in.), with the car at the lowest landing, a means shall be permanently installed or permanently stored in the pit to provide access to the equipment on the underside of the car.

SECTION 2.3 LOCATION AND GUARDING OF COUNTERWEIGHTS

2.3.1 Location of Counterweights

Counterweights shall be located in the hoistway of the elevator that they serve, or in a remote hoistway subject to the limitations and requirements of 2.3.3.

2.3.2 Counterweight Guards

2.3.2.1 Metal guards shall be installed in the pit and/or machine room located underneath the hoistway on all open sides of the counterweight runway, except that

(a) the guard, or portion thereof, is not required on the side facing the car where there is no space greater



ASME A17.1-2004

2.3.2.1-2.4.1.3

than 500 mm (20 in.) between compensating ropes (chains), or between compensating ropes (chains) and counterweight rails, or between compensating ropes (chains) and guards

(b) where pit-mounted buffers are used, the guard is not required where the bottom of the counterweight resting on its compressed buffer is 2 130 mm (84 in.) or more above the pit floor, or above the machine or control room floor if located underneath the hoistway

2.3.2.2 Guards shall

(a) extend from the lowest part of the counterweight assembly when the counterweight is resting on the fully compressed buffer to a point not less than 2 100 mm (83 in.) and not more than 2 450 mm (96 in.) above the pit floor

(b) be the full width of the area being guarded

(c) not prevent determination of the counterweight runby

(d) be fastened to a metal frame reinforced and braced to be at least equal in strength and stiffness to 2 mm (0.074 in.) thick sheet steel

(e) if perforated, reject a ball 25 mm (1 in.) in diameter

2.3.3 Remote Counterweight Hoistways

Where elevators are not provided with either compensating means or counterweight safeties, the counterweights shall be permitted to be located in a remote hoistway conforming to 2.3.3.1 through 2.3.3.6.

2.3.3.1 The hoistway shall be fully enclosed and shall be fire resistive, conforming to 2.1.1.1 if it penetrates separate fire-resistive areas of the structure.

2.3.3.2 Construction at the top and bottom of the hoistway shall conform to 2.1.2.

2.3.3.3 Permanent means shall be provided for inspection, repair, and maintenance of the counterweight, deflecting and secondary sheaves, hoistway, ropes, counterweight guide rails, and counterweight buffers or bumpers. Entry doors into the separate counterweight hoistway shall be provided at top, bottom, and center of counterweight hoistway, but in no case shall the entry doors be more than 11 m (36 ft) from sill to sill. Doors shall be located and of such width to provide unobstructed access to the space between the counterweight guides. The height of the door shall be at least 1 975 mm (78 in.). Doors shall conform to 2.11.1.2(b) through (e), inclusive. An enclosed stop switch, meeting the requirements of 2.26.2.5(a), (b), and (c), a permanent electric light switch, outlet, and light shall be provided in the hoistway immediately inside the entry door.

2.3.3.4 Ropes and sheaves leading to the separate counterweight hoistways shall be protected against unauthorized access.

2.3.3.5 Not more than four counterweights shall be located in a single separate counterweight hoistway.

Multiple counterweights located in a single hoistway shall be separated by means of an unperforated metal guard at the top, bottom, and center of the hoistway. Guards shall extend a minimum of 2 450 mm (96 in.) in length opposite the entry door. Doors and all other means described in 2.3.3.3 shall be provided for each counterweight.

2.3.3.6 There shall be a clearance of not less than 600 mm (24 in.) between the weight in the counterweight frame and the wall containing the entry door.

2.3.4 Counterweight Runway Enclosures

Where a counterweight is located in the same hoistway as the car, the runway for the counterweight shall be permitted to be separated from the runway for the car, provided it conforms to 2.3.4.1 and 2.3.4.2.

2.3.4.1 The partition shall be noncombustible. Unperforated metal partitions shall be equal to or stronger than 1.2 mm (0.047 in.) thick sheet steel. Openwork partitions shall be either wire grille at least 2.2 mm (0.087 in.) in diameter or expanded metal at least 2.2 mm (0.087 in.) in thickness.

2.3.4.2 The counterweight runway shall be permitted to be fully enclosed for the full height, provided that the partitions are removable in sections weighing not more than 25 kg (55 lb), which permit inspection and maintenance of the entire counterweight assembly and the inspection of the counterweight guide rails and guide-rail brackets. (ED)

SECTION 2.4 VERTICAL CLEARANCES AND RUNBYS FOR CARS AND COUNTERWEIGHTS

2.4.1 Bottom Car Clearances

2.4.1.1 When the car rests on its fully compressed buffers or bumpers, there shall be a vertical clearance of not less than 600 mm (24 in.) between the pit floor and the lowest structural or mechanical part, equipment, or device installed beneath the car platform, except as specified in 2.4.1.2.

2.4.1.2 The 600 mm (24 in.) clearance does not apply to

(a) any equipment on the car within 300 mm (12 in.) horizontally from any side of the car platform

(b) any equipment located on or traveling with the car located within 300 mm (12 in.) horizontally from either side of the car frame centerline parallel to the plane of the guide rails

(c) any equipment mounted in or on the pit floor located within 300 mm (12 in.) horizontally from either side of the car frame centerline parallel to the guide rail

2.4.1.3 In no case shall the available refuge space be less than either of the following:



2.4.1.3--2.4.6.2

ASME A17.1-2004

(a) a horizontal area of 600 mm × 1 200 mm (24 in. × 48 in.) with a height of 600 mm (24 in.)

(b) a horizontal area of 450 mm × 900 mm (18 in. × 35 in.) with a height of 1 070 mm (42 in.)

2.4.1.4 Trenches and depressions or foundation encroachments permitted by 2.2.2.2 shall not be considered in determining these clearances.

2.4.1.5 When the car is resting on its fully compressed buffers or bumpers, no part of the car, or any equipment attached thereto or equipment traveling with the car, shall strike any part of the pit or any equipment mounted therein.

2.4.1.6 In any area in the pit, outside the refuge space, where the vertical clearance is less than 600 mm (24 in.), that area shall be clearly marked on the pit floor. Markings shall not be required in the area under the platform guard and guiding means if that is the only area in the pit where the vertical clearance is less than 600 mm (24 in.). The marking shall consist of alternating 100 mm (4 in.) diagonal red and white stripes. In addition, a sign with the words "DANGER LOW CLEARANCE" shall be prominently posted on the hoistway enclosure and be visible from within the pit and the entrance to the pit. The sign shall conform to ANSI Z535.2 or CAN/CSA-Z321, whichever is applicable (see Part 9). The sign shall be of such material and construction that the letters and figures stamped, etched, cast, or otherwise applied to the face shall remain permanently and readily legible.

2.4.2 Minimum Bottom Runby for Counterweighted Elevators

The bottom runby of cars and counterweights shall be not less than the requirements stated in 2.4.2.1 and 2.4.2.2.

2.4.2.1 Where oil buffers are used, the bottom runby shall be not less than 150 mm (6 in.), except that

(a) where practical difficulties prevent a sufficient pit depth or where a top clearance cannot be provided to obtain the runby specified, it shall be permitted to be reduced

(b) where spring-return-type oil buffers are used, the runby shall be permitted to be eliminated so that the buffers are compressed by amounts not exceeding those permitted by 2.22.4.8, when the car floor is level with the terminal landings

2.4.2.2 Where spring buffers or solid bumpers are used, the bottom runby shall be not less than 150 mm (6 in.), except for rheostatic and single-speed AC control, not less than shown in Table 2.4.2.2.

2.4.3 Minimum Bottom Runby for Uncounterweighted Elevators

The bottom runby of uncounterweighted elevators shall be not less than

Table 2.4.2.2 Minimum Bottom Runby for Counterweight Elevators With Spring Buffers or Solid Bumpers and Rheostatic Control or Single-Speed AC Control

Rated Speed, m/s (ft/min)	Runby, mm (in.)
Not over 0.13 (not over 25)	75 (3)
Over 0.13 to 0.25 (over 25 to 50)	150 (6)
Over 0.25 to 0.50 (over 50 to 100)	225 (9)
Over 0.50 to 1.0 (over 100 to 200)	300 (12)

(a) 75 mm (3 in.) where the rated speed does not exceed 0.15 m/s (30 ft/min)

(b) 150 mm (6 in.) where the rated speed exceeds 0.15 m/s (30 ft/min)

2.4.4 Maximum Bottom Runby

In no case shall the maximum bottom runby exceed

(a) 600 mm (24 in.) for cars

(b) 900 mm (35 in.) for counterweights

2.4.5 Counterweight Runby Data Plate

A data plate permanently and securely attached shall be provided in the pit, in the vicinity of the counterweight buffer, indicating the maximum designed counterweight runby. The data plate shall conform to 2.16.3.3, except that the letters shall be not less than 25 mm (1 in.) in height.

2.4.6 Top Car Clearances for Counterweighted Elevators

2.4.6.1 General Requirements. The top car clearance shall be not less than the sum of either of the following:

- (a) the dimensions specified in 2.4.6.2(a) through (d)
- (b) the dimensions specified in 2.4.6.2(a), (b), (c), and (e)

2.4.6.2 Components of the Top Car Clearances. The following shall be considered when calculating the minimum top car clearances:

(a) the designed maximum bottom counterweight runby [see 2.4.4(b)]

(b) the stroke of the counterweight buffer, determined as follows:

(1) for full-stroke buffers, the stroke of the buffer used, or the remaining stroke when the buffer is compressed with the car at the top terminal landing (see 2.4.2 and 2.22.4.8); or

(2) for reduced-stroke oil buffers (see 2.22.4.1.2), the full stroke required by 2.22.4.1.1.

(c) 600 mm (24 in.) or the distance that any sheave or any other equipment mounted in or on the car crosshead projects above the top of the car crosshead, whichever is greater, but in no case shall there be less than 150 mm



ASME A17.1-2004

2.4.6.2-2.4.12.1

(6 in.) clearance above the equipment, exclusive of guide-shoe assemblies or gate posts for vertically sliding gates, mounted on the car top or in or on the car crosshead when the car has reached its maximum upward movement.

NOTE: See also 2.4.12, requirements for refuge space on top of car enclosure.

- (d) $\frac{1}{2}$ the gravity stopping distance, based on:
 - (1) 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no compensating rope tie-down device in conformance with 2.17.17 is provided (see 8.2.5 for gravity stopping distances); or
 - (2) the governor tripping speed where spring buffers are used.
- (e) the distance to which the compensating rope tie-down device, if provided (see 2.17.17) limits the jump of the car when the counterweight strikes the buffers at speeds specified in 2.4.6.2(d).

2.4.7 Top Car Clearance for Uncounterweighted Elevators

The top car clearance shall be not less than the greater of the following:

- (a) 750 mm (29.5 in.); or
- (b) 150 mm (6 in.), plus the amount that any equipment mounted on the car crosshead, or above the car top when no crosshead is provided, projects vertically above the crosshead or top.

NOTE (2.4.7): See also 2.4.12, requirements for refuge space on top of car enclosure.

2.4.8 Vertical Clearances With Underslung Car Frames

Where an underslung car frame is used, the clearances between the overhead car rope dead-end hitch or overhead car sheave and the portions of the car structure vertically below them, when the car floor is level with the top terminal landing, shall be not less than the following:

- (a) where no counterweight is used, 230 mm (9 in.)
- (b) where a counterweight is used, the sum of the following items:
 - (1) the bottom counterweight runby (see 2.4.2)
 - (2) the stroke of the counterweight buffer used, or the remaining stroke when the buffer is compressed with the car at the top terminal landing (see 2.4.2 and 2.22.4.8)
 - (3) 150 mm (6 in.)
 - (4) $\frac{1}{2}$ the gravity stopping distance based on 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no provision is made to prevent the jump of the car at counterweight buffer engagement, or on governor tripping speed where spring buffers are

used (see 8.2.5 for gravity stopping distances)

NOTE [2.4.8(b)(4)]: See also 2.4.12, requirements for refuge space on top of car enclosure.

2.4.9 Top Counterweight Clearances

The top counterweight clearance shall be not less than the sum of the following items:

- (a) the bottom car runby (see 2.4.2)
- (b) the stroke of the car buffer used, or the remaining stroke when the buffer is compressed with the car at the bottom terminal landing (see 2.4.2 and 2.22.4.8)
- (c) 150 mm (6 in.)
- (d) $\frac{1}{2}$ the gravity stopping distance based on
 - (1) 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no provision is made to prevent the jump of the counterweight at car buffer engagement; or
 - (2) the governor tripping speed where spring buffers are used (see 8.2.5 for gravity stopping distances).

2.4.10 Overhead Clearances Where Overhead Beams Are Not Over Car Crosshead

Where overhead beams or other overhead hoistway construction, except sheaves, are located vertically over the car, but not over the crosshead, the requirements of 2.4.10.1 and 2.4.10.2 shall be met.

2.4.10.1 The clearance from the car top to such beams or construction, when the car is level with the top landing, shall be not less than the amount specified in 2.4.6 and 2.4.7.

2.4.10.2 Such beams or construction shall be located not less than 600 mm (24 in.) horizontally from the crosshead.

2.4.11 Equipment on Top of Car Not Permitted to Strike Overhead Structure

When the car crosshead, or car top where no crosshead is provided, is at a distance equal to that specified in 2.4.6.2(c) from the nearest obstruction above it, no equipment on top of the car shall strike any part of the overhead structure or the equipment located in the hoistway.

2.4.12 Refuge Space on Top of Car Enclosure

2.4.12.1 An unobstructed horizontal area of not less than 0.5 m² (5.4 ft²) shall be provided on top of the car enclosure for refuge space. It shall measure not less than 600 mm (24 in.) on any side. This area shall be permitted to include the space utilized for the top emergency exit [see 2.14.1.5.1(f)]. The minimum vertical distance in the refuge area between the top of the car enclosure and the overhead structure or other obstruction shall be not less than 1 100 mm (43 in.) when the car has reached its maximum upward movement.



2.4.12.2-2.6.2

ASME A17.1-2004

2.4.12.2 In any area outside the refuge space where the vertical clearance between the top of the car enclosure and the overhead structure or other obstructions is less than specified in 2.4.12.1, the top of the car enclosure shall be clearly marked. The marking shall consist of alternating 100 mm (4 in.) diagonal red and white stripes. In addition, a sign with the words "DANGER LOW CLEARANCE" shall be prominently posted on the crosshead and be visible from the entrance. The sign shall conform to ANSI Z535.2 or CAN/CSA-Z321, whichever is applicable (see Part 9). The sign shall be of such material and construction that the letters and figures stamped, etched, cast, or otherwise applied to the face shall remain permanently and readily legible.

SECTION 2.5 HORIZONTAL CAR AND COUNTERWEIGHT CLEARANCES

2.5.1 Clearances Between Cars, Counterweights, and Hoistway Enclosures

2.5.1.1 Between Car and Hoistway Enclosures. The clearance between the car and the hoistway enclosure shall be not less than 20 mm (0.8 in.), except on the sides used for loading and unloading.

2.5.1.2 Between Car and Counterweight and Counterweight Guard. The clearance between the car and the counterweight shall be not less than 25 mm (1 in.). The clearance between the car and the counterweight guard, counterweight and the counterweight guard, and between the counterweight and the hoistway enclosure shall be not less than 20 mm (0.8 in.).

2.5.1.3 Between Cars in Multiple Hoistways. The running clearance between the cars and any equipment attached thereto, of elevators operating in a multiple hoistway, shall be not less than 50 mm (2 in.).

2.5.1.4 Between Car and Landing Sills. The clearance between the car platform sill and the hoistway edge of any landing sill, or the hoistway side of any vertically sliding counterweighted or counterbalanced hoistway door, or of any vertically sliding counterbalanced biparting hoistway door, shall be not less than 13 mm (0.5 in.) where side guides are used, and not less than 20 mm (0.8 in.) where corner guides are used. The maximum clearance shall be not more than 32 mm (1.25 in.).

2.5.1.5 Clearance Between Loading Side of Car Platforms and Hoistway Enclosures

2.5.1.5.1 The clearance between the edge of the car platform sill and the hoistway enclosure or fascia plate for the full width of the clear hoistway door opening shall be not more than

- (a) 190 mm (7.5 in.) for vertically sliding doors
- (b) 125 mm (5 in.) for other doors

2.5.1.5.2 This clearance shall be maintained to the location of the car sill when the car is resting on fully compressed buffer.

2.5.1.5.3 The clearance is not limited on passenger elevators, provided that

- (a) a car door interlock conforming to 2.14.4.2 is provided to prevent a door from being opened unless the car is within the unlocking zone
- (b) the strength of the door complies with 2.11.11.2, 2.11.11.4, 2.11.11.6, 2.11.11.7, and 2.11.11.8

2.5.1.6 Clearance Between Car Platform Apron and Pit Enclosure. Where the lowest landing sill projects into the hoistway, the clearance between the car platform apron and the pit enclosure or fascia plate shall be not more than 32 mm (1.25 in.). This clearance shall be maintained to the location of the car platform apron when the car is resting on its fully compressed buffer.

2.5.1.7 Measurement of Clearances. The clearances specified in 2.5.1 shall be measured with no load on the car platform.

SECTION 2.6 PROTECTION OF SPACE BELOW HOISTWAYS

Where a hoistway does not extend to the lowest floor of the building and there is space below the hoistway that is accessible, requirements of 2.6.1 and 2.6.2 shall be complied with.

2.6.1 Where the Space Is Underneath the Counterweight and/or Its Guides

Where the space is underneath the counterweight and/or its guides

- (a) the counterweight shall be provided with a counterweight safety conforming to 2.17.4
- (b) spring buffers, if used, shall conform to 2.22, except that they shall not be fully compressed when struck by the counterweight at the following speeds (see 2.1.2.3):

- (1) at governor tripping speed where the counterweight safety is governor operated, or
- (2) 125% of the rated speed where the counterweight safety is not governor operated

2.6.2 Where the Space Is Underneath the Car and/or Its Guides

Where the space is underneath the car and/or its guides and if spring buffers are used, they shall be so designed and installed that they will not be fully compressed solid or to a fixed stop when struck by the car with its rated load at the governor tripping speed (see 2.1.2.3).

This page intentionally left blank.



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, January 25, 2018**

Time: **Not before 1:00 PM**

Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**

Case Type: **Performance Plan Extension of Conditional Use
Authorization and Downtown Project Authorization**

Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 72 Ellis Street	Case No.: 2017-003134CUADNXENVPTA
Cross Street(s): Stockton/Powell Streets	Building Permit: 2015.08.03.3157
Block /Lot No.: 0327 / 011	Applicant: Daniel Frattin
Zoning District(s): C-3-R / 80-130-F	Telephone: (415) 567-9000
Area Plan: Downtown/KMMS	E-Mail: dfrattin@reubenlaw.com

PROJECT DESCRIPTION

Request for **Performance Period Extension** for an additional three years for a previously-approved project (Conditional Use Authorization and Downtown Project Authorization). The amendment proposes minor changes to the overall design of the building with an increase in guest room count from the original proposal (from 156 rooms to 192 rooms). The Project proposes to demolish an existing surface parking lot and construct an approximately 130-foot-tall (exclusive of mechanical equipment and elevator over-run), 11-story-over-basement building with a gross floor area of approximately 74,000 square feet. The proposed building would contain a Hotel Use (a Retail Sales and Service Use), providing one hundred and ninety two (192) tourist guest rooms, and would also contain approximately 5,500 square feet of retail use. The Project would provide eight (8) Class I bicycle parking spaces in the basement and eleven (11) Class II bicycle parking spaces on Ellis Street. No off-street parking is proposed; the Project would include a passenger loading zone directly in front of the subject property (subject to SFMTA approval). The Project requests Zoning Administrator consideration of an Elevator Height Exemption Waiver pursuant to Section 260(b)(1)(B). The subject property is located within the C-3-R (Downtown Retail) Zoning District, 80-130-F Height and Bulk District, and Kearny-Market-Mason-Sutter (KMMS) Conservation District. The project required action by the Historic Preservation Commission on a Permit to Alter for demolition and new construction within the KMMS Conservation District (Case No. 2017-003134PTA). On June 7, 2017, the Historic Preservation Commission approved the Permit to Alter, with recommendations as amended, by a vote of +4/-0, (Motion No. 0305).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4th Floor.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Nicholas Foster** Telephone: **(415) 575-9167** E-Mail: nicholas.foster@sfgov.org

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

BUILDING PERMIT APPLICATION INFORMATION

Pursuant to Planning Code Section 311 or 312, the Building Permit Application for this proposal may also be subject to a 30-day notification of property owners and residents within 150-feet of the subject property. **This notice covers the Section 311 or 312 notification requirements, if required.**

APPEAL INFORMATION

An appeal of the approval (or denial) of a **Conditional Use application** and/or building permit application associated with the Conditional Use application may be made to the **Board of Supervisors within 30 calendar days** after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). Appeals must be submitted in person at the Board's office at 1 Dr. Carlton B. Goodlett Place, Room 244. For further information about appeals to the Board of Supervisors, including current fees, contact the Clerk of the Board of Supervisors at (415) 554-5184.

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

Pursuant to California Government Code Section 65009, if you challenge, in court, the decision of an entitlement or permit, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the Planning Commission prior to, or at, the public hearing.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

This page intentionally left blank.



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
72 Ellis Street, San Francisco CA		0327/011	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
	2017-03134PTA	0305	
PROJECT SPONSOR	MAIN CONTACT	PHONE	
citizenM Hotels	Scott Bastiani	(206) 915-2774	
ADDRESS			
1601 5th Avenue, Suite 1100			
CITY, STATE, ZIP		EMAIL	
Seattle, WA 98101		citizenscott@citizenm.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
	76,299 SF	130 ft / 11 floors	\$48,000,000
ANTICIPATED START DATE			
January 2018			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input checked="" type="checkbox"/>	Project is wholly Commercial
<input 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.
NOTES:	
<ul style="list-style-type: none">If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.orgIf the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.	

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.


Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	\$21.66	1	4	Laborer	\$28.04	5	14
Boilermaker			0	Operating Engineer	\$44.85	0	2
Bricklayer			0	Painter	\$42.44	3	12
Carpenter	\$37.17	3	12	Pile Driver			0
Cement Mason	\$32.15	1	4	Plasterer			0
Drywall/Latherer	\$37.67	5	14	Plumber and Pipefitter	\$68.00	4	14
Electrician	\$64.00	6	18	Roofer/Water proofer	\$33.12	2	10
Elevator Constructor	\$63.44	1	5	Sheet Metal Worker	\$54.58	3	13
Floor Coverer	\$47.34	3	13	Sprinkler Fitter	\$58.72	1	6
Glazier	\$45.08	2	6	Taper	\$44.11	1	8
Heat & Frost Insulator	\$46.96	3	12	Tile Layer/ Finisher	\$24.76	0	4
Ironworker	\$36.00	5	14	Other:			
		TOTAL:	107			TOTAL:	83

- | | | |
|--|-------------------------------------|--------------------------|
| | YES | NO |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | <u>TBD</u> | |

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Scott Bastiani, Project Director	citizenscott@citizenm.com	(206) 915-2774
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)		June 19, 2017 (DATE)
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		

This page intentionally left blank.



January 8, 2018

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

Dear President Hillis and Commissioners,

On behalf of San Francisco Travel, which represents more than 1,300 Bay Area business partners, I am writing to express our support for the proposed 192 room boutique hotel at 72 Ellis Street by Citizen M. Proposed in the heart of bustling downtown San Francisco, the location is prime to meet visitor accommodation demands and is close to countless destinations including world class shopping and cultural institutions.

Last year, San Francisco hosted over 25 million visitors to San Francisco who spent \$9 Billion during their stay. Visitor dollars spend here generated \$750,000 in taxes and fees that support the City's general fund budget, health and safety, arts and cultural organizations, recreational facilities, homeless efforts and affordable housing.

San Francisco Travel supports offering a variety of styles of accommodation to suit the needs of the diverse array of traveler and visitor needs to San Francisco. The proposed hotel at 72 Ellis provides for a unique experience and the first of its kind on the West Coast. With a bustling convention calendar after the completion of the Moscone Center expansion project, accommodations will be a higher demand than ever.

Thank you.

Sincerely,

A handwritten signature in black ink, reading "Joe D'Alessandro". The signature is written in a cursive, flowing style.

Joe D'Alessandro
President & CEO

From: [Marvis Phillips](#)
To: [Foster, Nicholas \(CPC\)](#)
Cc: dfrattin@reubenlaw.com
Subject: 2017-00134CUADNXENVPTA 72 Ellis Street
Date: Sunday, November 26, 2017 4:52:28 PM

Dear Nicholas,

The Alliance for a Better District 6 (ABD6) supports the "Performance Period Extension" for the project above as well as the Conditional Use Authorization and Downtown Project Authorization to allow the increase in the total number of rooms from 156 to 192. The ABD6 will also support the project's requirement before the Historic Preservation Commission to alter the demolition and new construction elements to meet the increase in number of rooms and elevator equipment requirements.

Again, the ABD6 support the project at 72 Ellis Street.

--

Thank you for your time and consideration. Please contact me if you have any questions or concerns.

Sincerely,
Marvis J. Phillips
President, ABD6
<http://abd6.cfsites.org/>

This page intentionally left blank.

REUBEN, JUNIUS & ROSE, LLP

January 12, 2018

Rich Hillis, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, California 94103

Re: 72 Ellis Street – citizenM Hotels
Planning Department Case No. 2017-003134CUADNX
Hearing Date: January 25, 2018
Our File No.: 10344.01

Dear President Hillis and Commissioners:

This office represents citizenM Hotels, an integrated hotel developer and operator seeking approval for its first San Francisco hotel (the “Project”) at 72 Ellis Street (0327/011) (the “Property”) in Union Square. The Property is a surface parking lot with a below-grade level located on the north side of Ellis Street, between Powell Street and Stockton Street, in the C-3-R zoning district and the Kearny-Market-Mason-Sutter Conservation District. CitizenM purchased the Property in August 2016, and has since been working towards building the previously approved hotel project. To that end, the Project Sponsor is seeking to modify and extend the performance period for the Conditional Use and Downtown Project Authorizations.

A. Introduction and Background

CitizenM is a fully integrated hotel developer and operator centered on bringing affordable quality to the modern traveler. The company’s focus is building and operating hotels with a strong sense of design and comfort, but without unnecessary or hidden costs. Rather than traditional lobbies, citizenM hotels provide stylishly designed public spaces with the look and feel of a living room—the goal is to create common spaces so inviting that guests are enticed to spend more time out of their rooms than in them. Accordingly, the rooms are small but high quality: each has a large window, a king size bed, a rain showerhead, free wifi and free movies. This model has resulted in a network of affordable quality hotels on prime locations in metropolitan cities all over the world.

A Conditional Use Authorization and Section 309 Approval were first granted in 2001 (Motion Nos. 16283 and 16284), and subsequently extended in 2004 (Motion Nos. 16920 and 16919), 2010 (Motion Nos. 18053 and 18054) and most recently in 2013 (Motion Nos. 18954 and 18955) (together, the “Existing Entitlements”). The Existing Entitlements permit the construction of an 11-story hotel with 156 guest rooms on a surface parking lot.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben¹
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight
Chloe V. Angelis | Corie A. Edwards | Coryn E. Millsagle | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

Due to the economic downturns in the early 2000s and multiple changes in ownership of the Property, construction of the hotel has been delayed since its 2001 approval. However, a building permit is on file for the Project, and since acquiring the Property in 2016, citizenM has been working with the Planning Department to update the design and obtain Historic Preservation Commission approval. CitizenM now seeks to extend and modify the Existing Entitlements in order to construct the hotel at the Property. CitizenM proposes a 192 room hotel within the same approximate envelope as the earlier proposal. The Project would include approximately 5,500 square feet of retail space on the first floor and mezzanine level. The second floor would be open to both hotel guests and the general public and would include a large living room lounge area, guest check-in kiosks, a bar area and kitchen. Two meeting rooms, a fitness room, and eight Class 1 and 11 Class 2 bicycle parking spaces would also be provided. A south-facing roof terrace will provide 1,326 square feet of privately owned publicly accessible open space (“POPOS”). The POPOS will include a vegetated area with stone seating and a deck area with stationary benches as well as movable seating.

B. Project Benefits

Approval of the Project would bring the following benefits:

- **CitizenM is a Proven Hotel Developer and Operator.** CitizenM is an integrated hotel developer and operator with 12 hotels operating worldwide and another 12 under construction in the US. With the Planning Commission’s approval, citizenM intends to start construction in October 2018 with a union labor force.
- **Design Complements Historic Surroundings.** The Project replaces an underutilized surface parking lot with a new building that will complement its historic surroundings. The Historic Preservation Commission reviewed and approved the proposed design on June 7, 2017.
- **No Parking Project with Abundant Transit Access.** The Project will provide well-appointed, affordable accommodations a block from the Powell Street BART and MUNI station, a block from the Powell Street Cable Car turnaround, and within a short walking distance to the 38, 38R, 27, 2, 3, 45, 30, 8, 8BX, 8AX, and 31 bus lines, as well as the F Market Streetcar and all the bus routes that run along Market Street in the downtown and Union Square area. The hotel will be a no-parking project and, as required by the Neg Dec, would include a 70.5-foot long loading zone on the 73-foot wide Ellis Street frontage.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

- **Hotel Positioned to Serve Tourist and Business Travelers.** Given its Union Square location and proximity to SoMa and the Financial District, a hotel at this site will be positioned to serve the mid-range tourist and business markets. San Francisco continues to have a strong lodging market, and the Project will help meet some of the growing demand for hotel rooms in the City.
- **Outreach and Support.** CitizenM has conducted thorough outreach to the unions and hotel and neighborhood stakeholders, and a last neighborhood meeting is scheduled for January 16, 2018. Outreach efforts to date have included presentations to Alliance for a Better District 6, the Union Square Business Improvement District, and the Hotel Council of San Francisco, as well as a meeting with Self Help for the Elderly about potential job posting opportunities. These efforts have won support from Alliance for a Better District 6 and San Francisco Travel (letters of support attached), as well as from immediate neighbors, and citizenM expects to conclude agreements with Unite Here Local 2 and the MEP Trade Unions in the coming days.
- **Employment and Apprenticeship.** CitizenM will participate in the City's First Source Hiring Program for both the construction phase and ongoing hotel operations. Accordingly, citizenM and the construction contractors will consider referrals from San Francisco's workforce development system for entry-level job openings for both construction and operation of the hotel.

C. Project Modifications and Environmental Review

1. Previously Approved Project and Modifications

The Planning Commission previously approved an approximately 125-foot-tall, 11-story over basement hotel, with 156 rooms, a first floor restaurant, and a rooftop view terrace. Modifications to the previous iteration of the Project include a five-foot height increase^{1,2} and a 23% increase in room count, to 192 rooms. CitizenM is able to incorporate the additional rooms into roughly the same building envelope contemplated in 2001. The modified Project would not include a restaurant, but instead would provide locally catered grab-and-go food items and

¹ The 2001 iteration proposed a 124-feet, 10-inch high structure, that would reach 146 feet tall with the rooftop features. The modified Project proposes a 130-foot-tall structure, which measures 145-feet, 6-inches with the rooftop features. Although the roof height is increasing by approximately 5 feet, the overall height envelope of the building envelope is actually 6 inches lower than the previous project.

²In the case of the Project, Planning Code § 260(b) provides for an exemption from height limits for elevator penthouses exceeding 16 feet if necessary to comply with state or federal laws and regulations. The Project Sponsor applied to the Zoning Administrator for this exception on August 8, 2017.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

limited preparation breakfast service in a bakery and bar area on the second floor. Consistent with the previously approved version of the Project, and the Property's proximity to public transit, no off-street parking is proposed.

2. Environmental Review and HPC Approval

The Planning Commission previously adopted a Final Mitigated Negative Declaration (the "FMND") for the Existing Entitlements. In 2010, the Planning Commission approved an extension to the performance conditions and included two additional mitigation measures. These mitigation measures pertain to construction air quality and archeological resources.

Where a negative declaration has been adopted, a lead agency is prohibited from conducting subsequent environmental review, unless it can make at least one of the following findings, based on substantial evidence in the record:

- (1) Substantial changes are proposed in the project, or have occurred with respect to the circumstances under which the project is undertaken, and will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or
- (2) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows that the project will have significant effects not discussed in the previous EIR or negative declaration or that significant effects previously examined will be substantially more severe than shown.

(CEQA § 21166; CEQA Guidelines § 15162(a); *Abatti v. Imperial Irr. Dist.*, 205 Cal. App. 4th 650, 673 (2012).)

On May 25, 2017, the Planning Department issued a memo to file evaluating the current Project. The Department concluded that no subsequent environmental review is required because "[n]o substantial changes have occurred since the prior review of the proposal that would indicate that the project . . . may result in potentially adverse environmental impacts not already considered by the FMND adopted for this project." This conclusion is consistent with the 2004, 2010, and 2013 Existing Entitlements and a December 8, 2015 memo to file in which the Planning Commission found, each time, that there have been no substantial project changes, no substantial changes in project circumstances and no new information of substantial importance

that would require major revisions to the FMND due to the new significant environmental effects or an increase in the severity of previously identified significant impacts.

On June 7, 2017 the Historic Preservation Commission (“HPC”) adopted findings for a Permit to Alter for new construction of the Project as modified and determined the design to be appropriate for and consistent with the purposes of Article 11, to meet the standards of Appendix E in Article 11 and to meet the *Secretary of the Interior’s Standards for Rehabilitation* (Motion No. 0305).

In conjunction with the current proposal, and under the Planning Department’s direction, CHS Consulting Group prepared a technical circulation memo in order to evaluate existing multimodal circulation conditions in the Project vicinity. The memo analyzes existing conditions, estimates travel demand associated with the Project, and documents changes to the Project and the transportation network that are in the works or have occurred since the Project was originally considered. When the Project was first approved in 2001, the City was not yet using Vehicle Miles Traveled (“VMT”) to measure transportation impacts. Using VMT, the circulation memo explains that because the Project site is located in an area where existing VMT for all project uses is less than 15 percent below the regional average, the current Project would not result in substantial additional VMT.

The circulation memorandum concludes that the modified Project would not result in any new transportation impacts because: (1) the Project would occupy approximately the same building envelope with no sidewalk encroachments; (2) the Project would remove an existing curb cut along Ellis Street; (3) the Project would not introduce any new features that would conflict with transit, pedestrian, or bicycle access; (4) the Project is located within an area where existing VMT for all project uses is less than 15 percent below the regional average; and (5) construction of the Project would not substantially interfere with circulation or accessibility with current or future transportation network projects in or around the Project Site.

As previously noted, the Planning Department concluded in its May 25, 2017 memo to file that there have not been substantial changes in the Project or its circumstances that could result in potentially adverse environmental impacts not already considered by the FMND adopted for the project. An updated memo to file was issued on November 16, 2017, to incorporate updated information and the transportation analysis. The November memo reaches the same conclusion as the May memo, that there have not been substantial changes in the Project or its circumstances that could result in potentially significant environmental impacts not already considered. Accordingly, no further environmental review is warranted.

D. Hotel Demand

San Francisco Planning Code Section 303(g) requires that the Planning Commission consider three criteria before granting a conditional use authorization for a new hotel: (1) the impact of hotel employees on demand for housing, transit, child care and other social services; (2) measures the project sponsor proposes to undertake to employ San Francisco residents; and (3) hotel market demand. CitizenM retained Hausrath Economics Group to complete an assessment of these three criteria—their report (the “303(g) Report”) is included in your packets, and the report’s findings are highlighted here.

Demand on Services. The Project will provide 26 new full-time, year-round employment opportunities. Hotel construction will provide 200 jobs over the course of the 14-month construction period, to be paid at prevailing wages. According to the *Economic Impact of San Francisco Hotels* (2013), 57 percent of people employed at San Francisco hotels also live in San Francisco, higher than the average of 54 percent for all business sectors.³ Accordingly, it is likely that most of the people filling the new positions at 72 Ellis will already live in San Francisco, and thus no significant increase in demand for housing, transit, child care, or other social services is expected. Furthermore, the Project Sponsor will pay both the Jobs-Housing Linkage and Childcare fees. The Project’s proximity to a wide array of local and regional transit options, combined with the provision of a total of 21 on-site bicycle parking spaces, will further reduce any potential impacts on transit.

Employing San Francisco Residents. In an effort to employ San Francisco residents, citizenM will participate in the City’s First Source Hiring Program for both the construction phase and on-going hotel operations. Accordingly, citizenM and the construction contractors will consider referrals from San Francisco’s workforce development system for entry-level job openings for apprentice construction positions and hotel staff.

Hotel Market Demand. San Francisco’s visitor industry is thriving, the number of visitors to the City is at an all-time high, and hotel occupancies are at record levels. San Francisco Travel⁴ reports 25.2 million visitors to San Francisco in 2016 (10.4 million overnight visitors and 14.8 million day visitors). San Francisco has seen consistent occupancy rates between 80 and 90 percent since 2010. In 2016, occupancy rates reached 87.6 percent. These occupancy numbers have led to significant increases in average daily room rates (average rental income per paid occupied room in one year). Citywide, the average daily room rate was \$276 in 2016—an

³ The 2013 report prepared for the Hotel Council of San Francisco by the Bay Area Council Economic Institute is the most current available at the time of the preparation of the memorandum.

⁴ San Francisco Travel is the private, not-for-profit organization that markets the city as a leisure, convention, and business destination.

increase of 20 percent from an average of \$229 in 2013. The long term outlook for the tourist hotel market in San Francisco is strong. Tourism is one of the key sectors in the City's economy, supported by the strength of other economic activity, growth in international travel, and the City's broad appeal to both convention and leisure travelers.

There are a number of other hotels in the Union Square area, but there are several factors that favor tourist hotel use at the Property, and more specifically, this type of hotel product. As new construction with a focus on community spaces over large sleeping quarters, the Project will offer something distinctive in the City's boutique hotel market, where almost all such lodging is in renovated older buildings. This focus on smaller rooms allows citizenM to list its rooms at a lower price point than more traditional hotels.

Further, the Property is in a well-established location for hotel use and visitor activity. Centrally located in Union Square, it is walking distance from shopping, theaters, entertainment, Yerba Buena Gardens, the recently re-opened SF MOMA, the Moscone Convention Center, and the Financial District and Transbay District. Easy access to the Powell Street BART station provides a direct link to both the San Francisco and Oakland airports, as well as the East Bay and Silicon Valley.

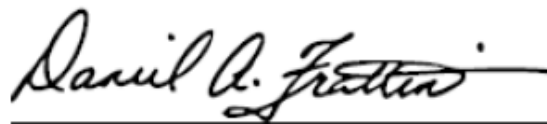
E. Conclusion

Since citizenM purchased the Property in August 2016, it has been diligently working with the Planning Department and Department of Building Inspection toward site permit issuance. The requested extension and modification of the Conditional Use and Downtown Project Authorizations are necessary to allow citizenM to continue working toward construction and operation of its first San Francisco hotel. Again, citizenM is a hotel operator, not a real estate developer. Approval of these applications will pave the way for the construction of the hotel that has been envisioned for the Property since 2001.

Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Daniel A. Frattin

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

REUBEN, JUNIUS & ROSE, LLP

President Rich Hillis
San Francisco Planning Commission
January 12, 2018
Page 8

Enclosures

(1) Letters of Support – ABD6 and San Francisco Travel

cc: Dennis Richards, Commission Vice-President
Rodney Fong, Commissioner
Joel Koppel, Commissioner
Myrna Melgar, Commissioner
Kathrin Moore, Commissioner
Christine Johnson, Commissioner
Nick Foster, Project Planner

REUBEN, JUNIUS & ROSE, LLP

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

ATTACHMENT
Letters of Support

From: Marvis Phillips <marvisphillips@gmail.com>
Sent: Sunday, November 26, 2017 4:52 PM
To: nicholas.foster@sfgov.org
Cc: Daniel Frattin
Subject: 2017-00134CUADNXENVPTA 72 Ellis Street

Dear Nicholas,

The Alliance for a Better District 6 (ABD6) supports the "Performance Period Extension" for the project above as well as the Conditional Use Authorization and Downtown Project Authorization to allow the increase in the total number of rooms from 156 to 192. The ABD6 will also support the project's requirement before the Historic Preservation Commission to alter the demolition and new construction elements to meet the increase in number of rooms and elevator equipment requirements.

Again, the ABD6 support the project at 72 Ellis Street.

--

Thank you for your time and consideration. Please contact me if you have any questions or concerns.

Sincerely,
Marvis J. Phillips
President, ABD6
<http://abd6.cfsites.org/>



January 8, 2018

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

Dear President Hillis and Commissioners,

On behalf of San Francisco Travel, which represents more than 1,300 Bay Area business partners, I am writing to express our support for the proposed 192 room boutique hotel at 72 Ellis Street by Citizen M. Proposed in the heart of bustling downtown San Francisco, the location is prime to meet visitor accommodation demands and is close to countless destinations including world class shopping and cultural institutions.

Last year, San Francisco hosted over 25 million visitors to San Francisco who spent \$9 Billion during their stay. Visitor dollars spend here generated \$750,000 in taxes and fees that support the City's general fund budget, health and safety, arts and cultural organizations, recreational facilities, homeless efforts and affordable housing.

San Francisco Travel supports offering a variety of styles of accommodation to suit the needs of the diverse array of traveler and visitor needs to San Francisco. The proposed hotel at 72 Ellis provides for a unique experience and the first of its kind on the West Coast. With a bustling convention calendar after the completion of the Moscone Center expansion project, accommodations will be a higher demand than ever.

Thank you.

Sincerely,

A handwritten signature in black ink, reading "Joe D'Alessandro". The signature is fluid and cursive, with a long, sweeping underline.

Joe D'Alessandro
President & CEO

This page intentionally left blank.

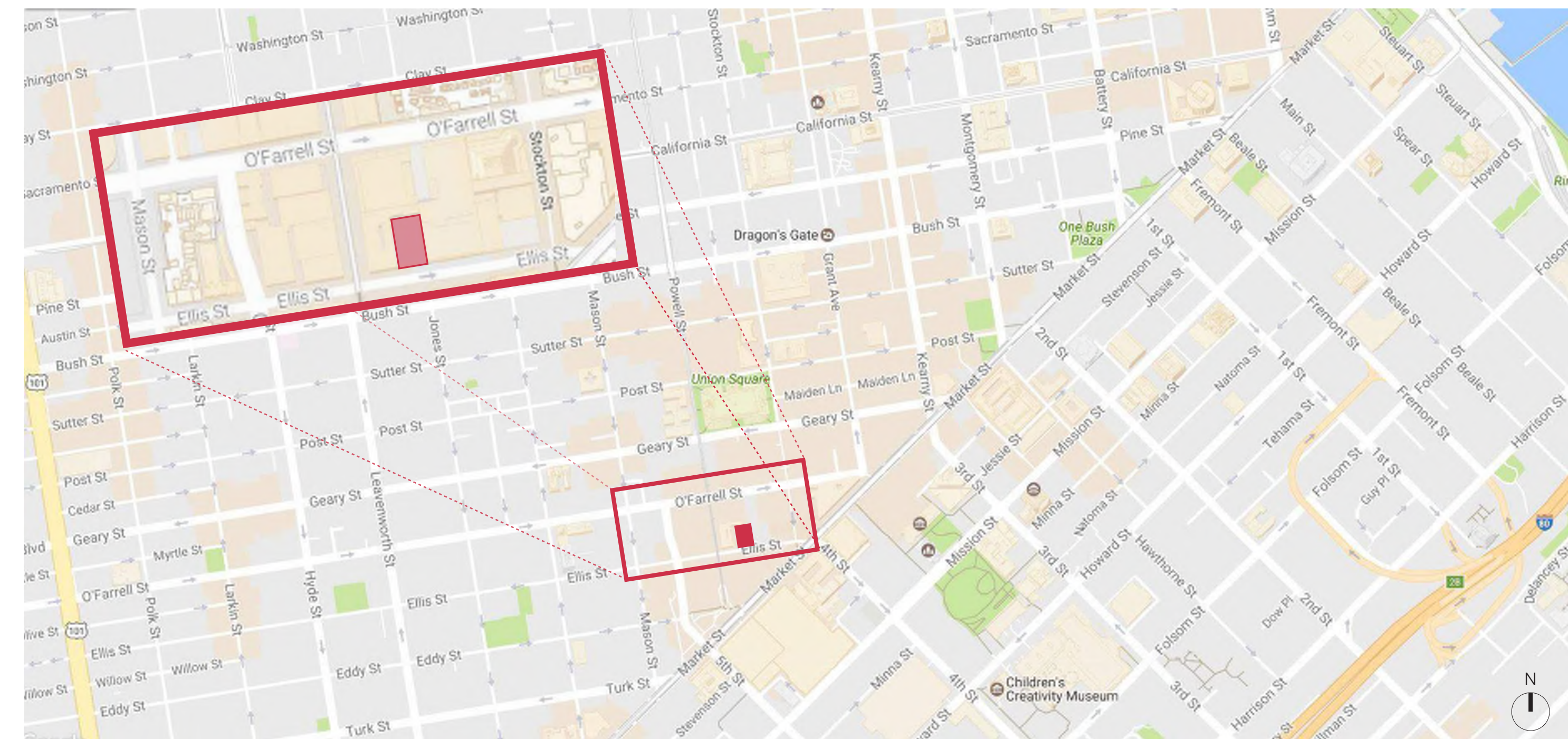
citizenM

PLANNING COMMISSION SUBMITTAL
01 | 25 | 18

PROJECT INFORMATION

FLOOR	GFA (PER PLANNING CODE SEC 102.9)					PARKING			OPEN SPACE	
	HOTEL				RETAIL	TOTAL	CAR PARKING	BIKE SPACE		COMMON
	GUEST ROOMS	NET	COMMON	GROSS HOTEL				CLASS 1	CLASS 2	AREA
12		0	1,059	1,059		1,059				1,326
11	23	6,096		6,096		6,096				
10	23	6,096		6,096		6,096				
9	23	6,096		6,096		6,096				
8	23	6,096		6,096		6,096				
7	23	6,096		6,096		6,096				
6	23	6,096		6,096		6,096				
5	23	6,096		6,096		6,096				
4	23	6,096		6,096		6,096				
3	8	1,861	3,073	4,934		4,934				574
2			6,681	6,681		6,681				448
1M			1,473	1,473	796	2,269				
1			1,771	1,771	4,720	6,491			11	
B1			3,866	3,866		3,866		8		
TOTAL	192	68,552			5,516	74,068	0	8	11	2,348

PROJECT SITE



SHEET NOTES

PROJECT ADDRESS:
72 ELLIS STREET,
SAN FRANCISCO, CA 94102

PLANNING CASE NO.: 2017-003134CUADNXENVPTA

ZONING:
C-3-R (DOWNTOWN,
RETAIL) ZONING DISTRICT

CURRENT USE: SURFACE &
BELOW GRADE PARKING

PROPOSED USE: HOTEL &
COMMERICAL

TYPE OF CONSTRUCTION:
TYPE 1-B, SPRINKLERED
HIGH-RISE

NUMBER OF STORIES:
11 STORIES ABOVE GRADE
+ MEZZANINE & ROOF
PENTHOUSE

BUILDING HEIGHT:
130' - 0"

PROJECT DESCRIPTION:
GROUND & MEZZANINE
FLOOR COMMERCIAL
WITH 10 HOTEL LEVELS (2
COMMON+8 GUESTROOM
LEVELS) ABOVE

citizenM
79 MADISON AVENUE, 2ND FLOOR, NEW YORK, NY 10016

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

**PROGRESS SET
NOT FOR CONSTRUCTION**

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name _____

CITIZENM
SAN FRANCISCO

Project Number _____

32.2318.000

ID	Description	Status	Priority	Assignee	Due Date	Created At	Updated At
1	Task 1	In Progress	High	John Doe	2023-10-25	2023-10-20	2023-10-24
2	Task 2	Not Started	Medium	Jane Smith	2023-10-26	2023-10-21	2023-10-25
3	Task 3	Completed	Low	John Doe	2023-10-27	2023-10-22	2023-10-26
4	Task 4	In Progress	High	Jane Smith	2023-10-28	2023-10-23	2023-10-27
5	Task 5	Not Started	Medium	John Doe	2023-10-29	2023-10-24	2023-10-28

PROJECT INFORMATION

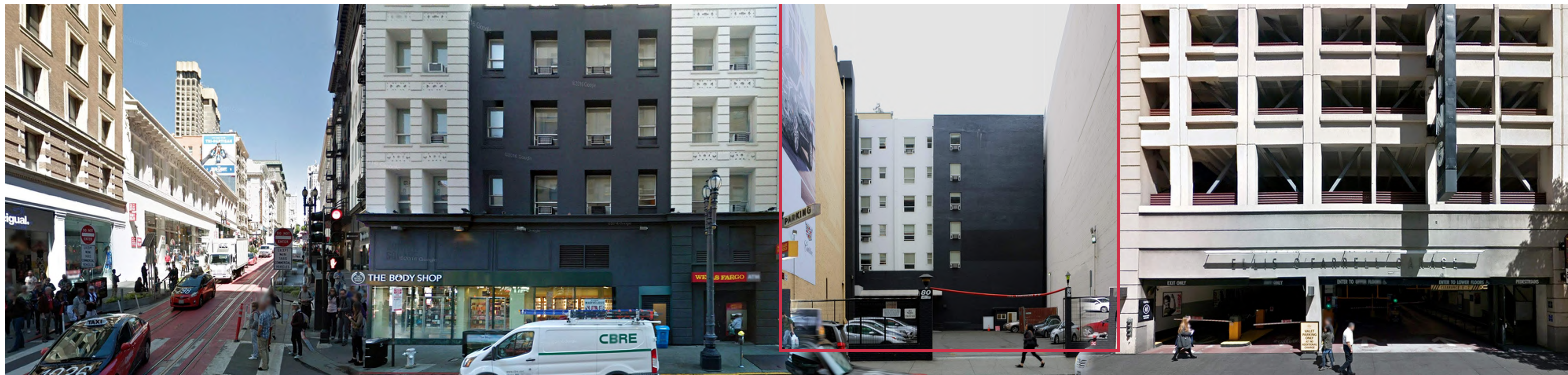
Scale

A1.000

© 2017 Gensler

EXISTING SITE CONTEXT

ELLIS STREET NORTH ELEVATION | 1



ELLIS STREET SOUTH ELEVATION | 2



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

SITE INFORMATION

Scale

A1.100

VIEW FROM ABOVE



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel: 206.654.2100
Fax: 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
------	-------------

01/25/18	PLANNING COMMISSION
----------	---------------------

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

Description

PERSPECTIVE

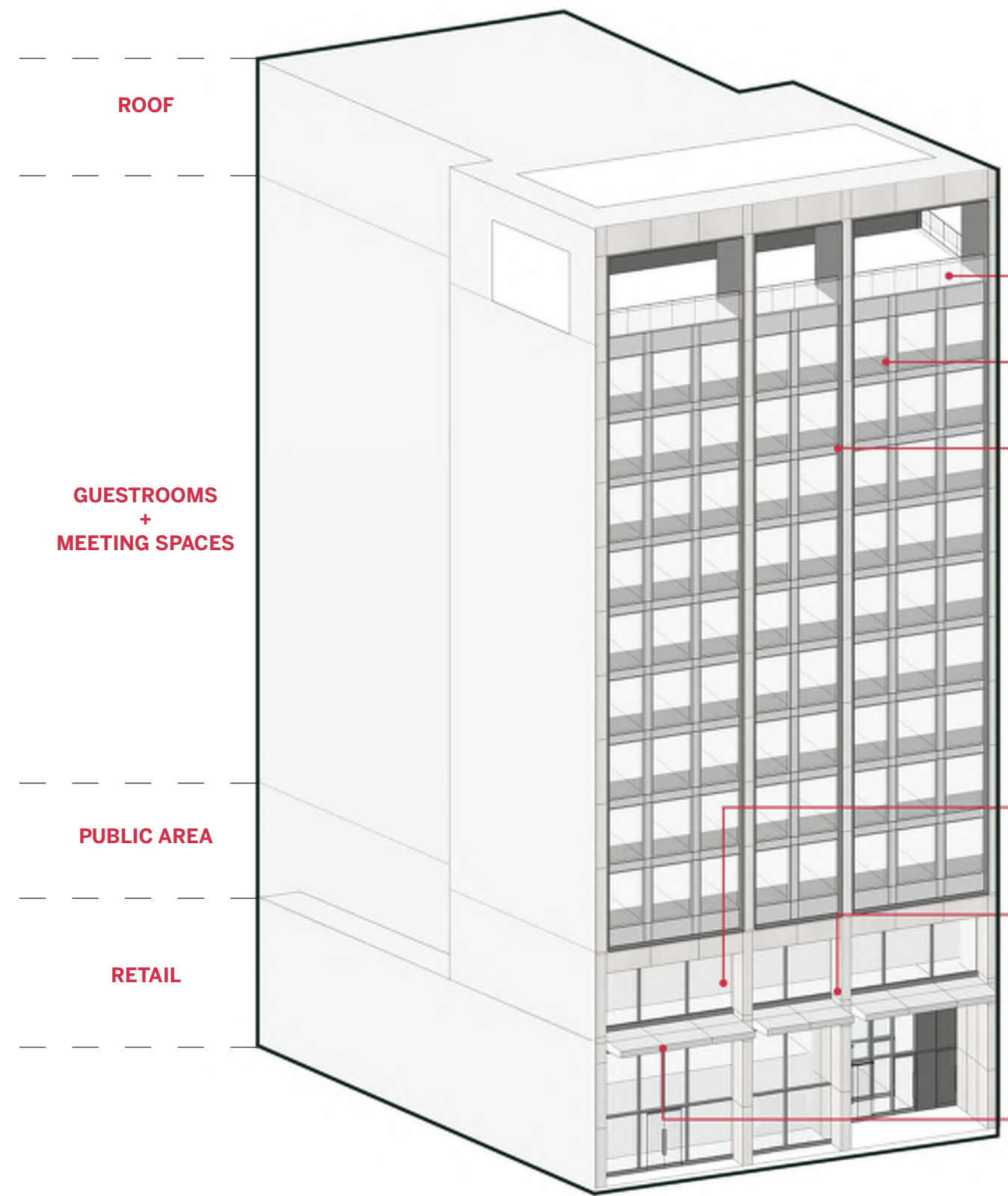
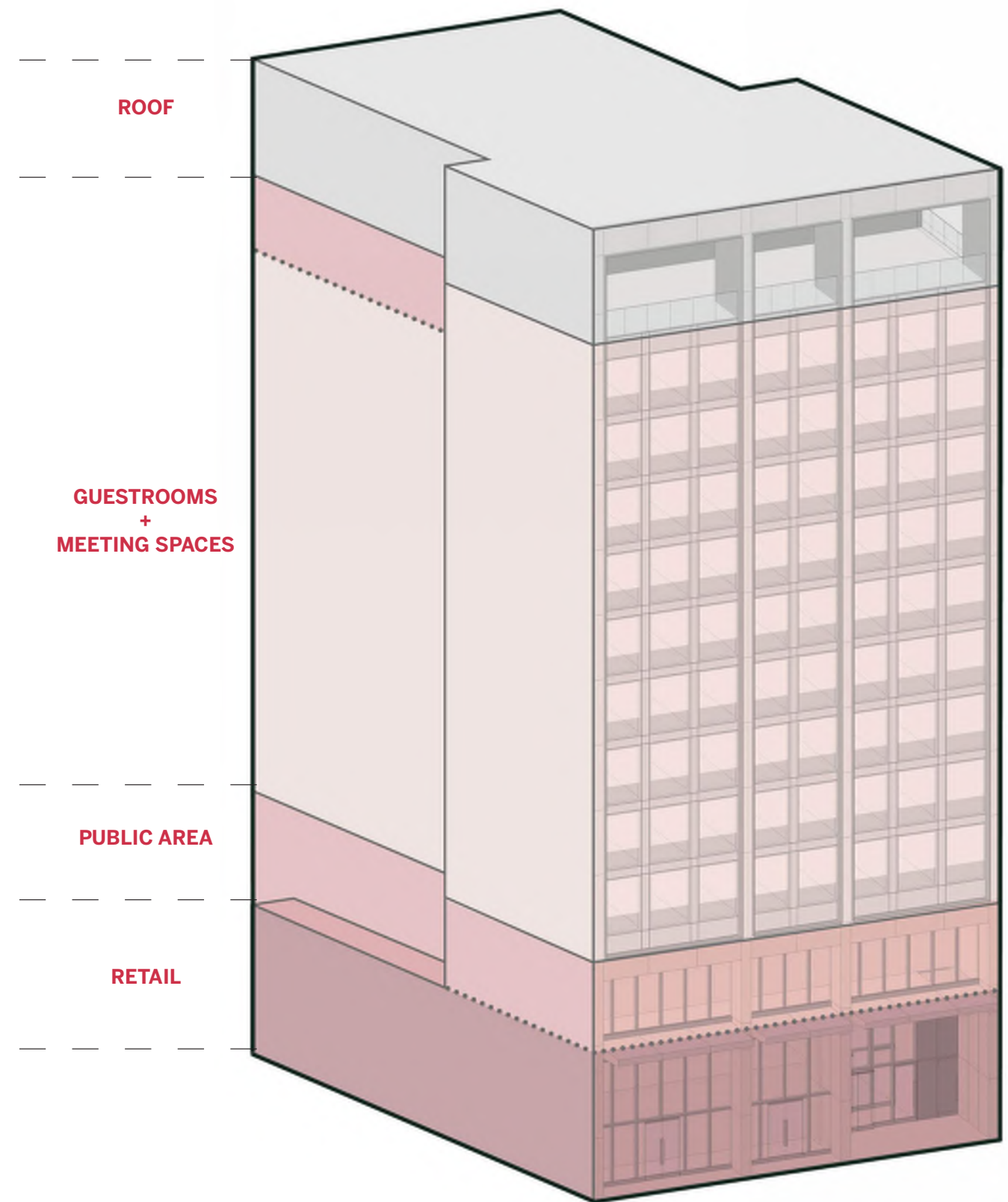
Scale

A1.101

An architectural rendering of a modern multi-story building, likely a mixed-use development, situated on a city street. The building features a mix of materials, including light-colored panels and dark blue accents. Large glass windows and balconies are prominent, showing interior spaces with people and modern lighting. The ground floor has large glass storefronts for retail or commercial use, with signs for 'citizen' and 'nesto'. Pedestrians, cyclists, and cars are visible on the street, suggesting a vibrant urban environment. A red sports car is prominent in the foreground. In the background, other city buildings and a 'HOTEL FUSION' sign are visible.



BUILDING PROGRAM



- GLASS RAILING AT MAIN ELEVATION
- HIGH QUALITY MATERIALS ON ELLIS STREET ELEVATION
- DARK GRAY METAL FRAMES ENHANCE THE PRIMARY VERTICAL DEFINITION AT PILASTERS
- SECOND FLOOR MAINTAINS A PROPORTION CONSISTENT WITH THE KMMS DISTRICT
- SETBACK CREATES DEPTH AND FRAMES THE PRIMARY VERTICAL LINE
- GROUND FLOOR RETAIL

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

Scale

BUILDING IMAGERY



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

**PROGRESS SET
NOT FOR CONSTRUCTION**

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp _____

Seal/Signature _____

Project Name _____

CITIZENM
SAN FRANCISCO

Project Number _____

32.2318.000

Description

Scale

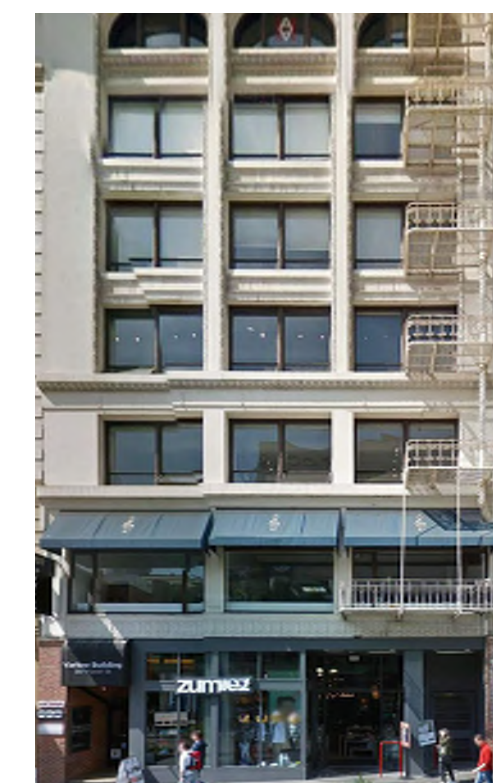
1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

Tel 206.654.2100
Fax 206.654.212

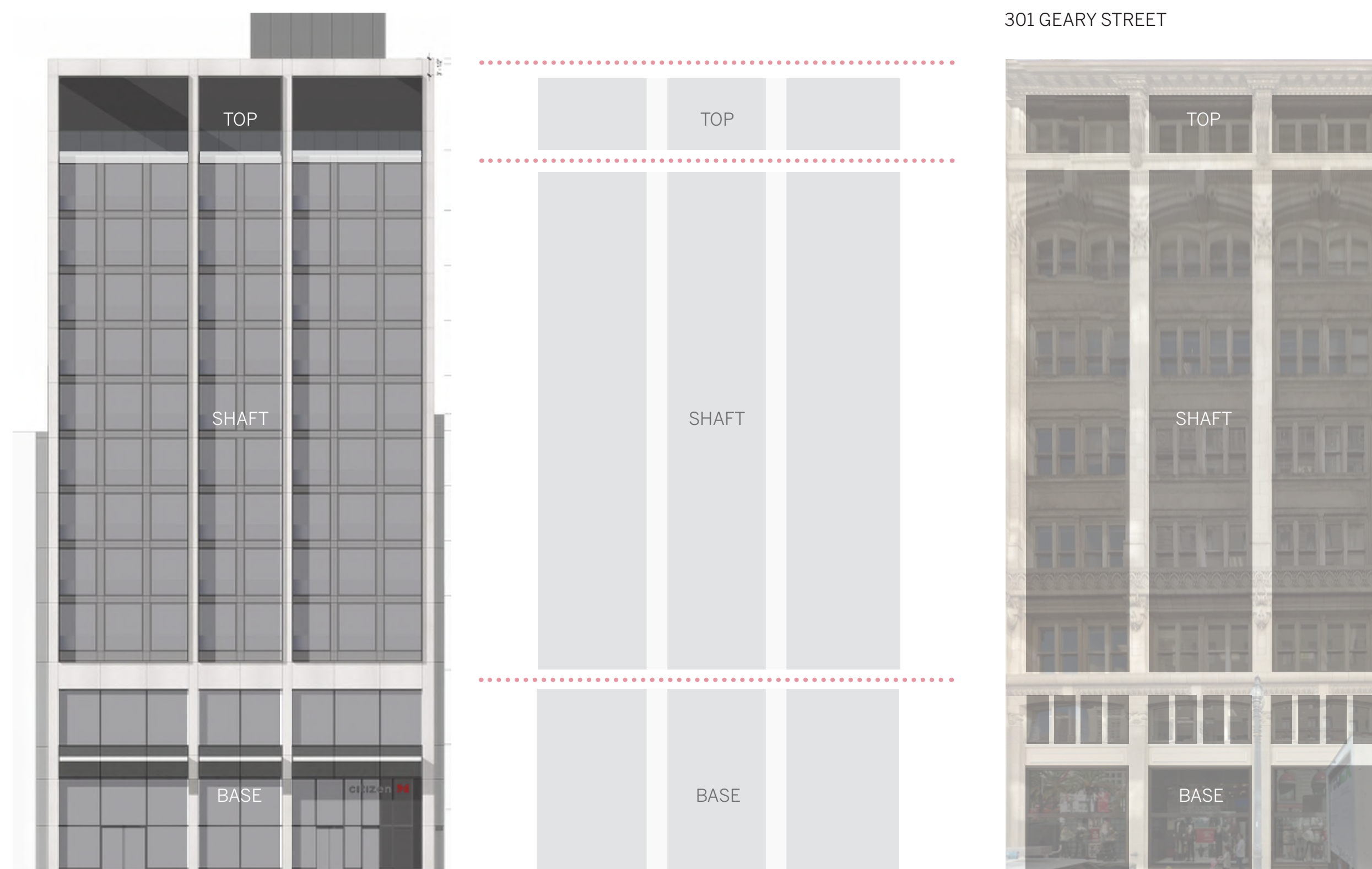
**PROGRESS SET
NOT FOR CONSTRUCTION**

CONTEXT ANALYSIS



207 POWELL STREET

ELEVATION COMPOSITION



01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

CITIZENM
SAN FRANCISCO

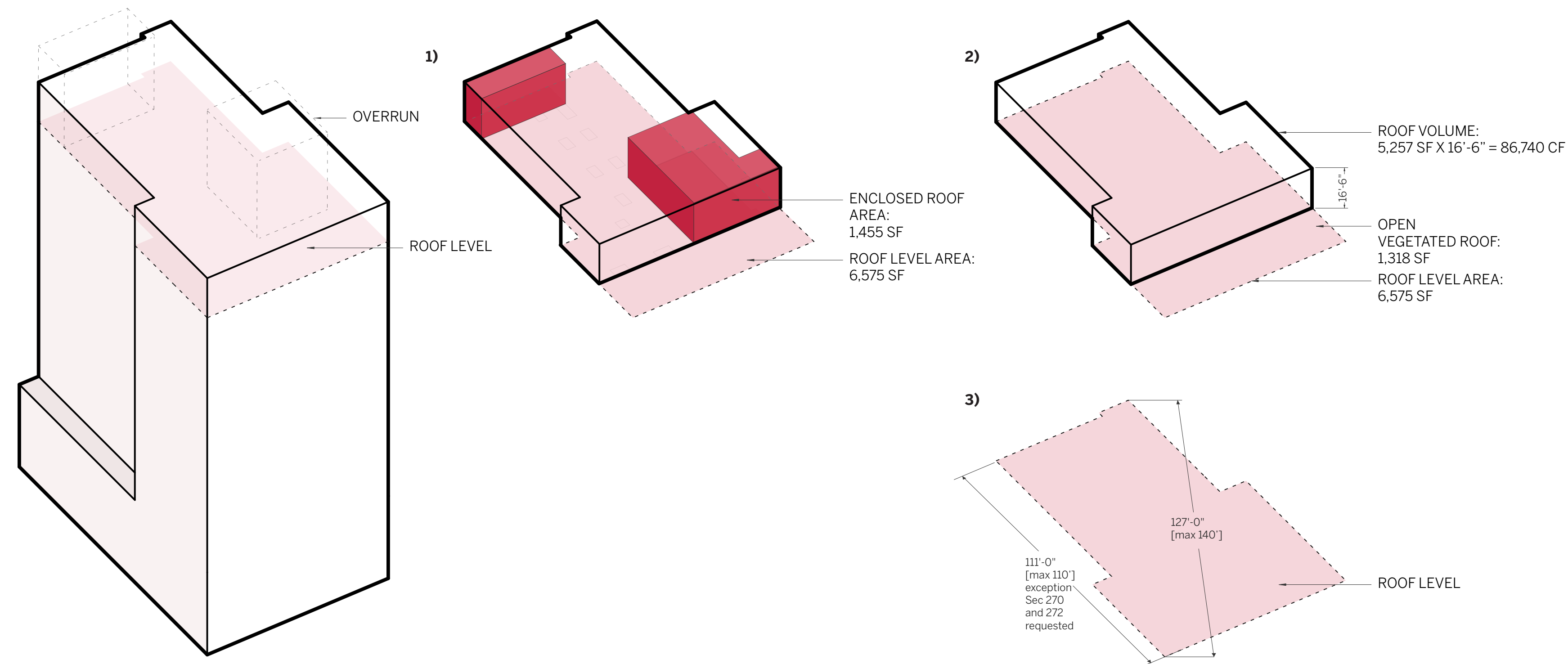
32.2318.000

KMMS DISTRICT
ELEVATION STUDY

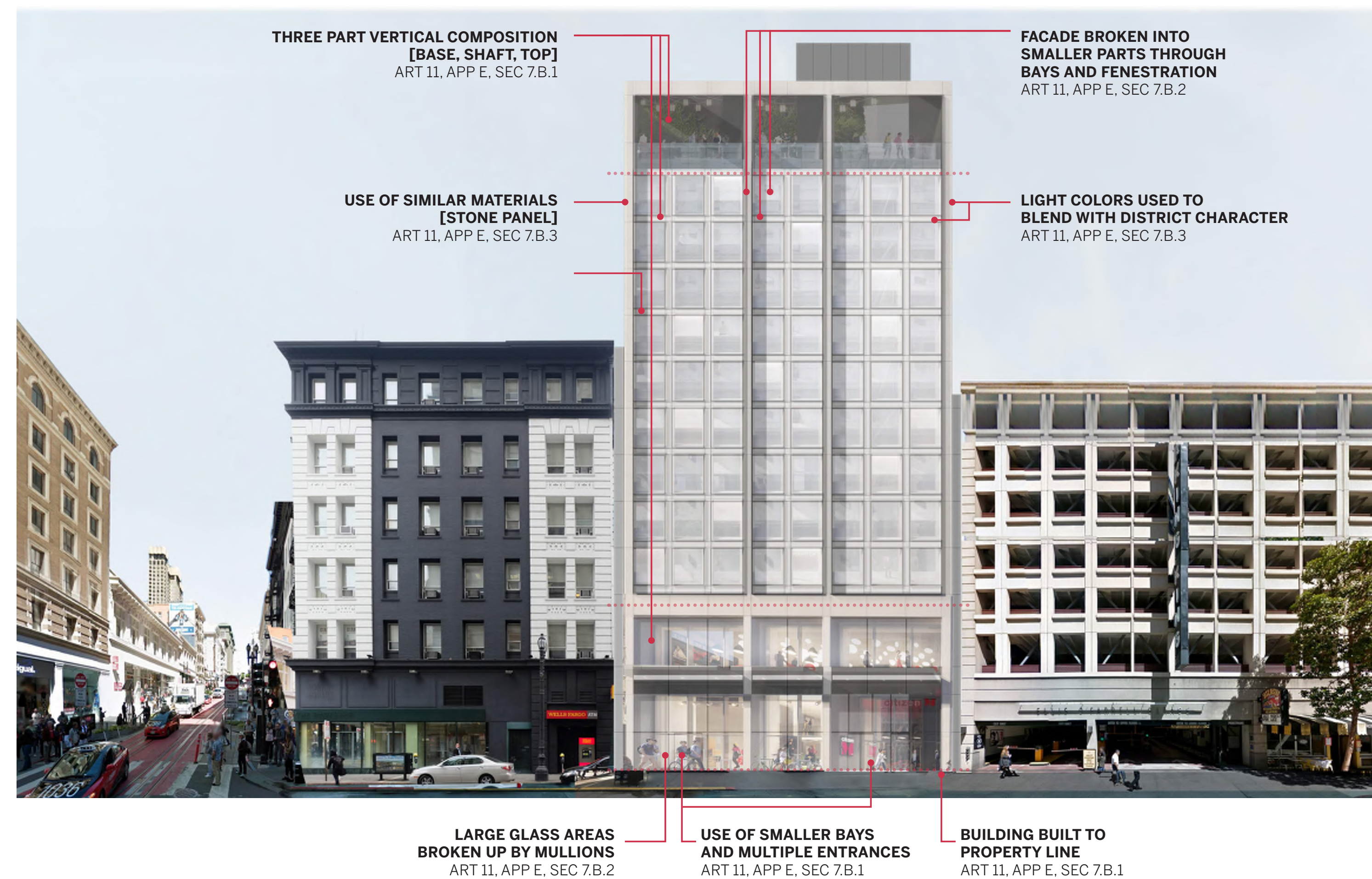
Scale

A1.103

PLANNING CODE



CONTEXT ANALYSIS



SHEET NOTES

CODE REQUIREMENTS
HEIGHT & BULK LIMITS

1) SEC 260 B.1.
AREA OF PENTHOUSE LEVEL
SHALL NOT EXCEED 30% OF
THE HORIZONTAL AREA OF
THE ROOF LEVEL

ROOF LEVEL =
6,575 SF
MAX PENTHOUSE AREA=
6,575 SF X .30 = 1,973 SF
PENTHOUSE AREA=
1,455 SF < 1,973 SF

2) SEC 260 B.1.F
ROOFTOP ENCLOSURES MAY HAVE
A VOLUME, NOT TO EXCEED 3/4
OF THE HORIZONTAL AREA OF ALL
UPPER ROOF AREAS
MULTIPLIED BY THE MAX
PERMITTED HEIGHT OF THE
ENCLOSURE (20' PER SECT.
260 B.1.F.II)

MAX ALLOWABLE VOLUME:
6,575 SF X 3/4' X 20'=98,625 FT³
PROPOSED VOLUME:
5,257 SF X 16'-6"=86,741 FT³

3) TABLE 270
BULK LIMIT: PROJECT IS IN "80-130-F" HEIGHT & BULK DISTRICTS, DISTRICT SYMBOL "F" WITH ALLOWABLE MAX PLAN DIMENSION OF: LENGTH 110 FEET, DIAGONAL 140 FEET

Date	Description
01/25/18	PLANNING COMMISSION

01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

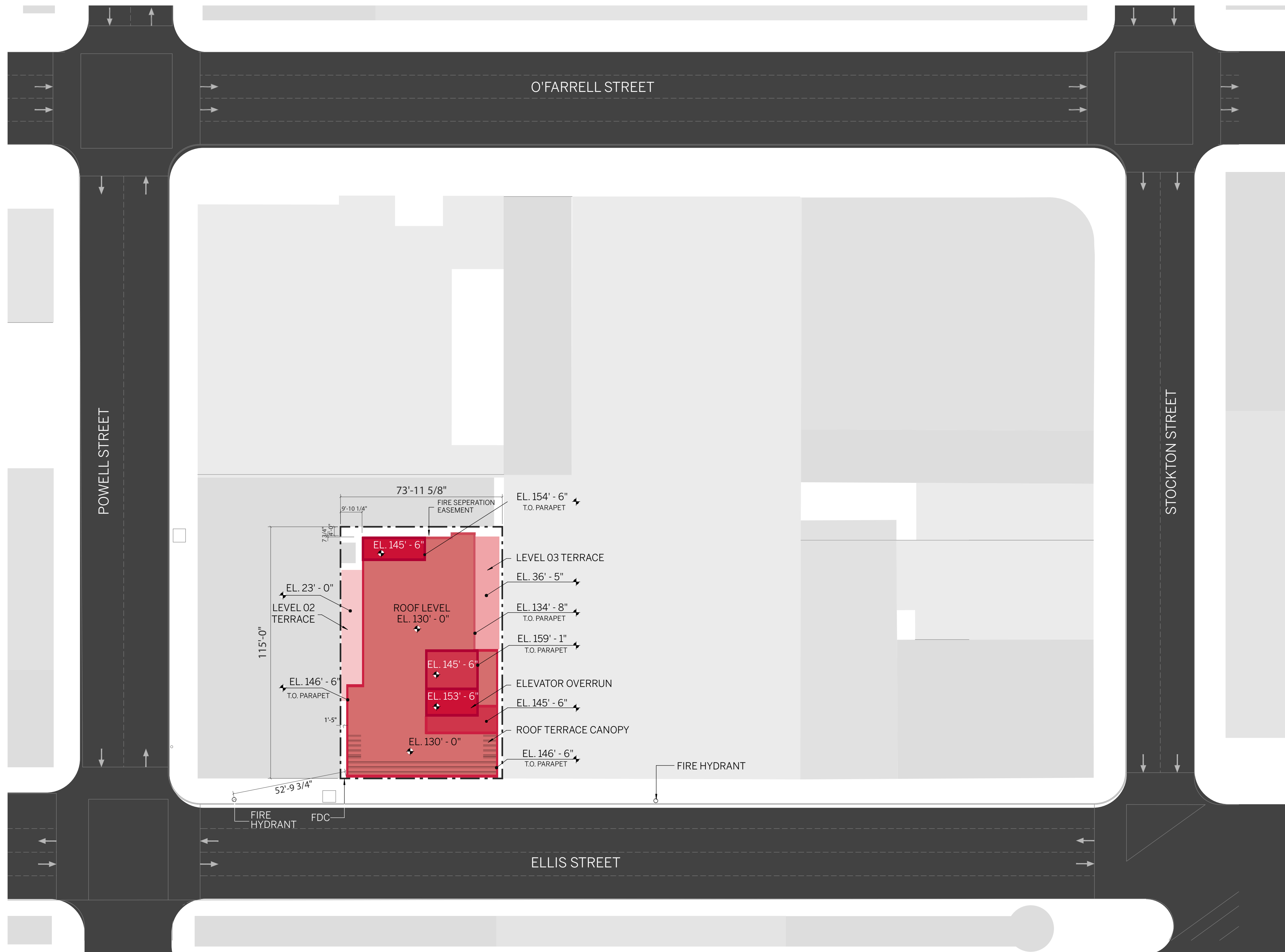
Description

CODE ANALYSIS

Scale

A1.104

SITE CONTEXT
LEVEL 01 ELEVATION 31'-0"



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

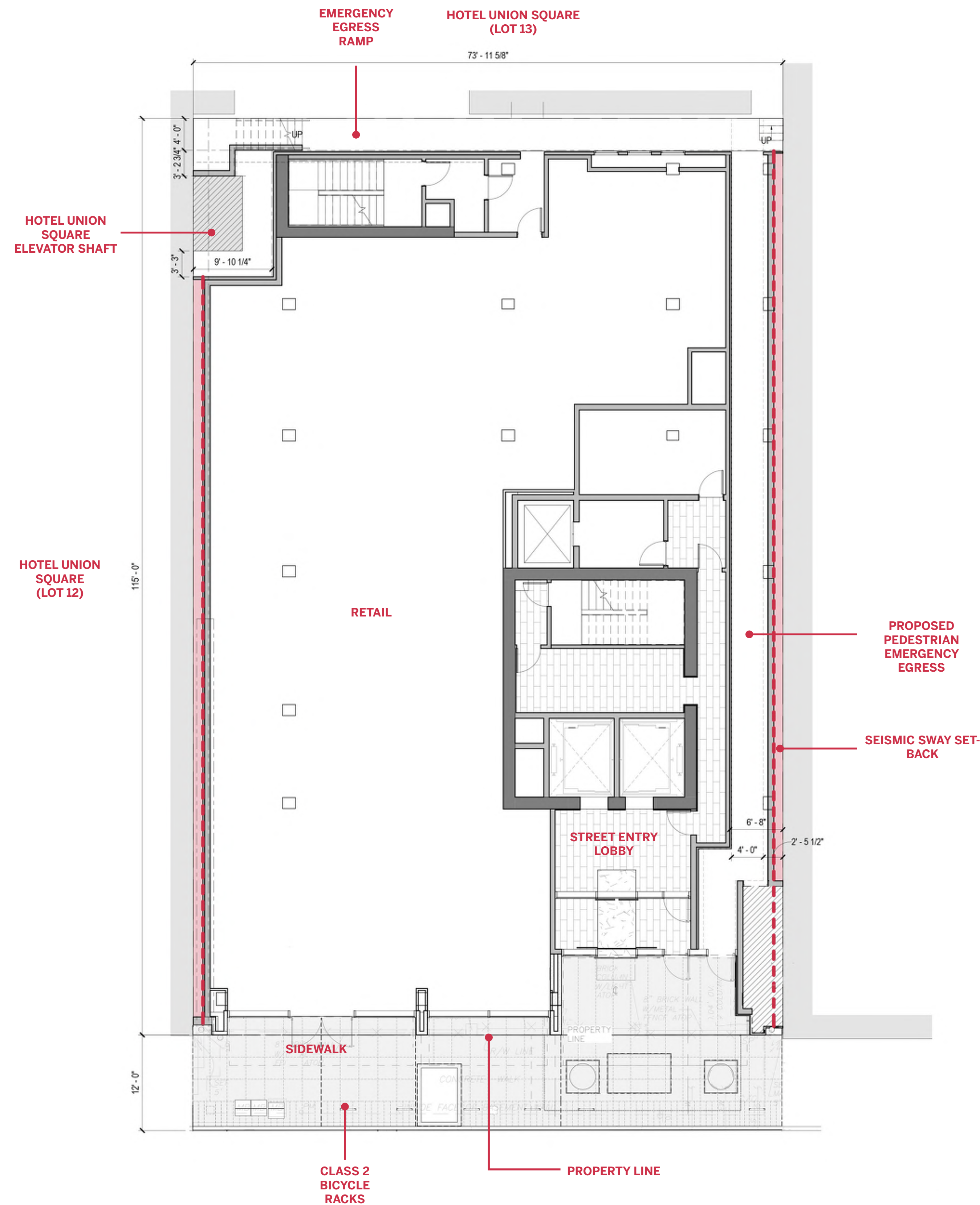
Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

SITE PLAN

Scale

A2.000

SITE PLAN



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

SITE PLAN

Scale

A2.001

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

1200 Sixth Avenue
Suite 500
Tel 206.654.2100
Fax 206.654.2121

Tel 206.654.2100
Fax 206.654.2122

Seattle, WA 98101
United States

**PROGRESS SET
NOT FOR CONSTRUCTION**

 Date	Description
01/25/18	PLANNING COMMISSION

01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

ID	Description	Status	Priority	Assignee	Due Date	Created At	Updated At
1	Task 1 Description	Open	High	John Doe	2023-10-25	2023-10-20 10:30	2023-10-20 10:30
2	Task 2 Description	In Progress	Medium	Jane Smith	2023-10-26	2023-10-21 14:15	2023-10-21 14:15
3	Task 3 Description	Closed	Low	John Doe	2023-10-27	2023-10-22 09:00	2023-10-22 09:00
4	Task 4 Description	Open	Medium	Jane Smith	2023-10-28	2023-10-23 11:45	2023-10-23 11:45
5	Task 5 Description	In Progress	High	John Doe	2023-10-29	2023-10-24 16:20	2023-10-24 16:20

FLOOR PLANS

Scale

A2.100

© 2017 Gensler

LEVEL B1 FLOOR PLAN



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
------	-------------

01/25/18	PLANNING COMMISSION
----------	---------------------

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

Description

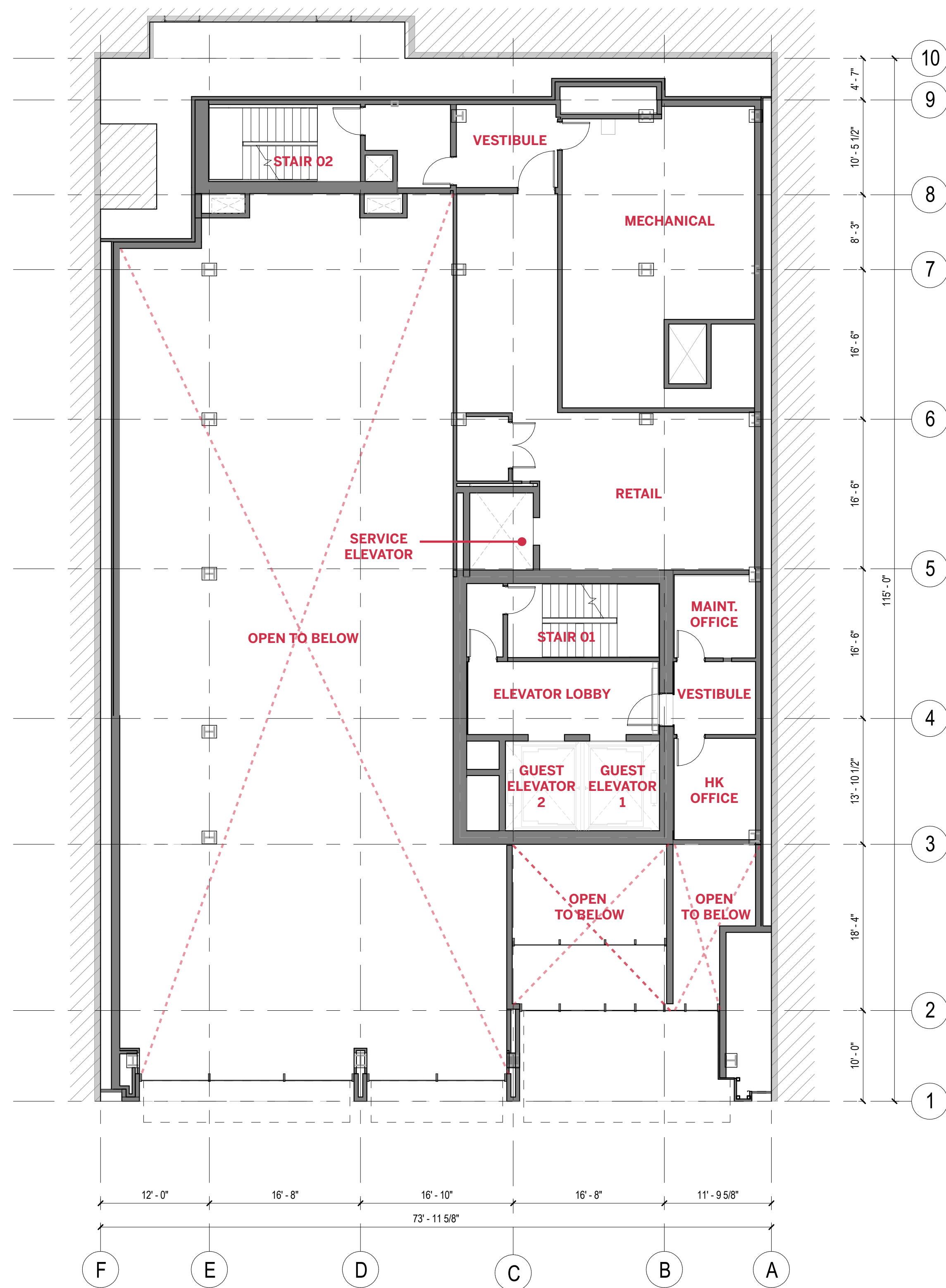
FLOOR PLANS

Scale

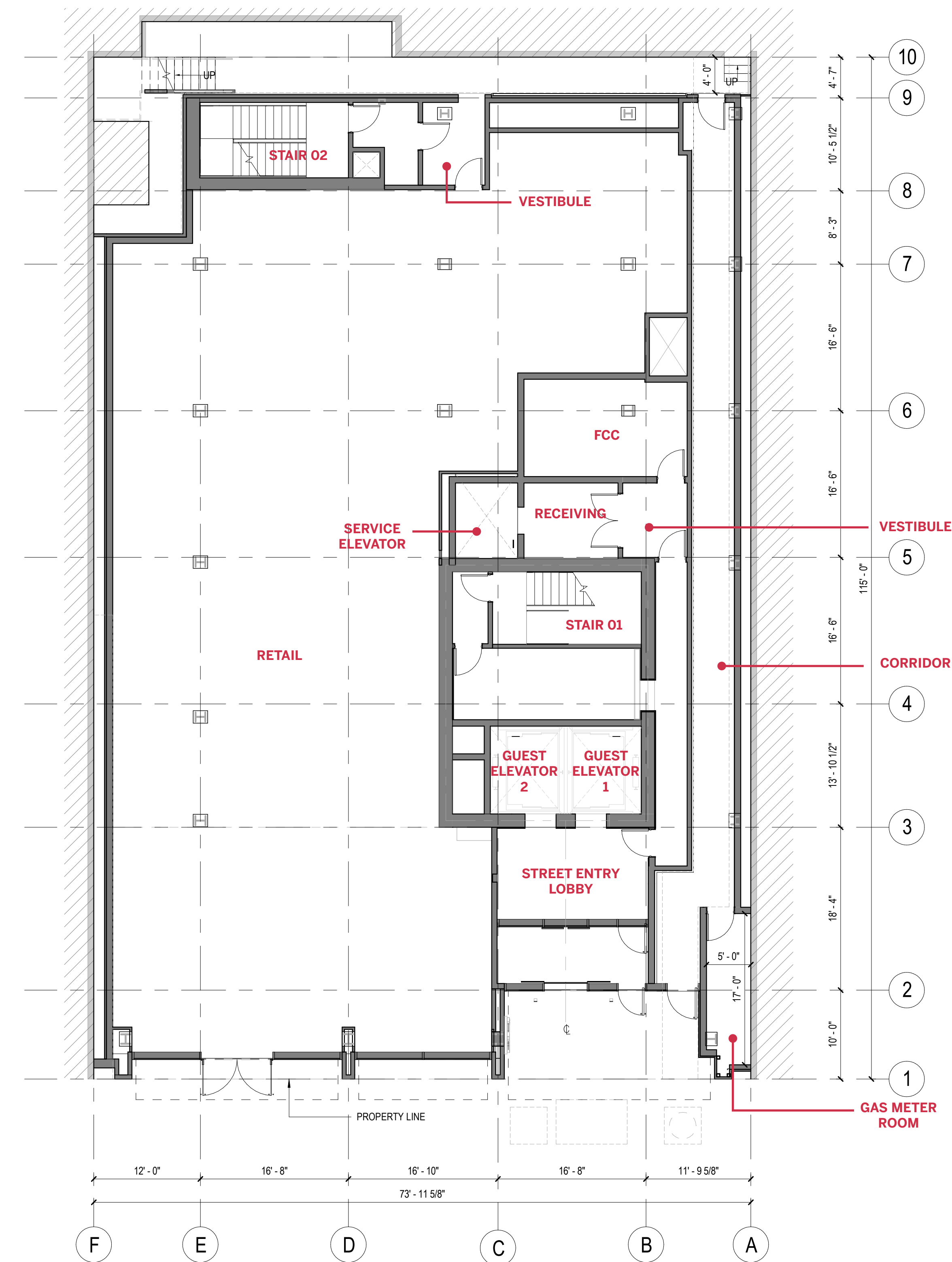
A2.101

© 2017 Gensler

LEVEL 1M FLOOR PLAN



LEVEL 01 FLOOR PLAN



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date Description

01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

Description

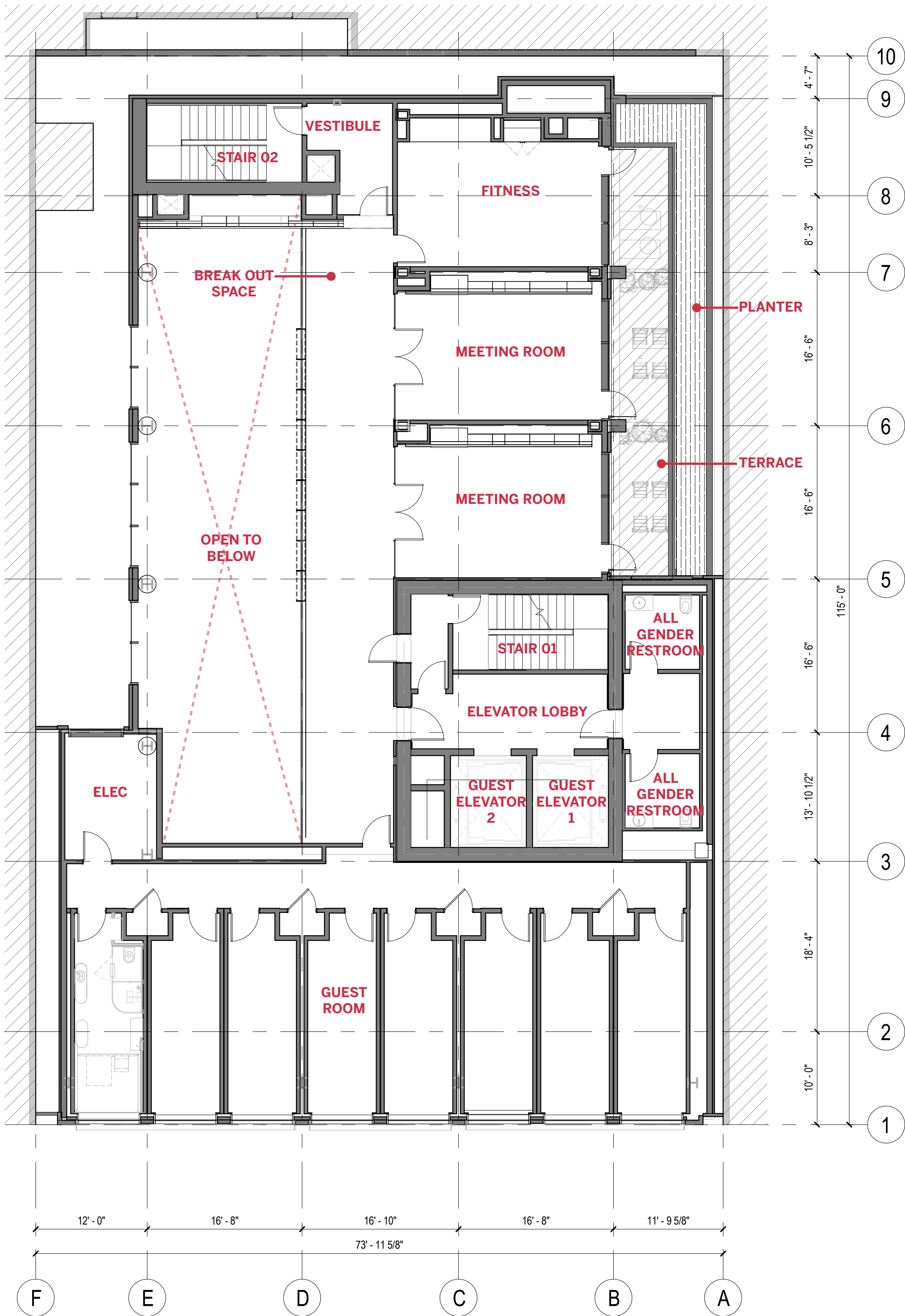
FLOOR PLANS

Scale

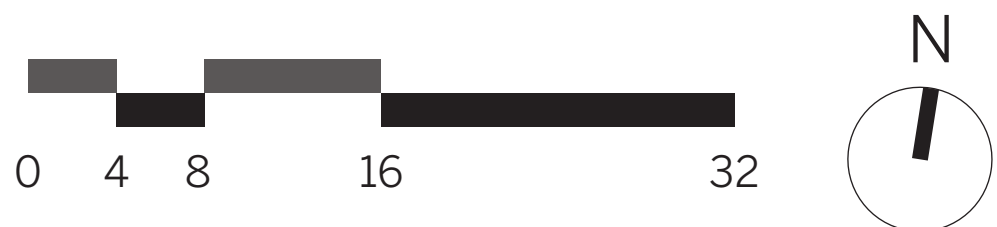
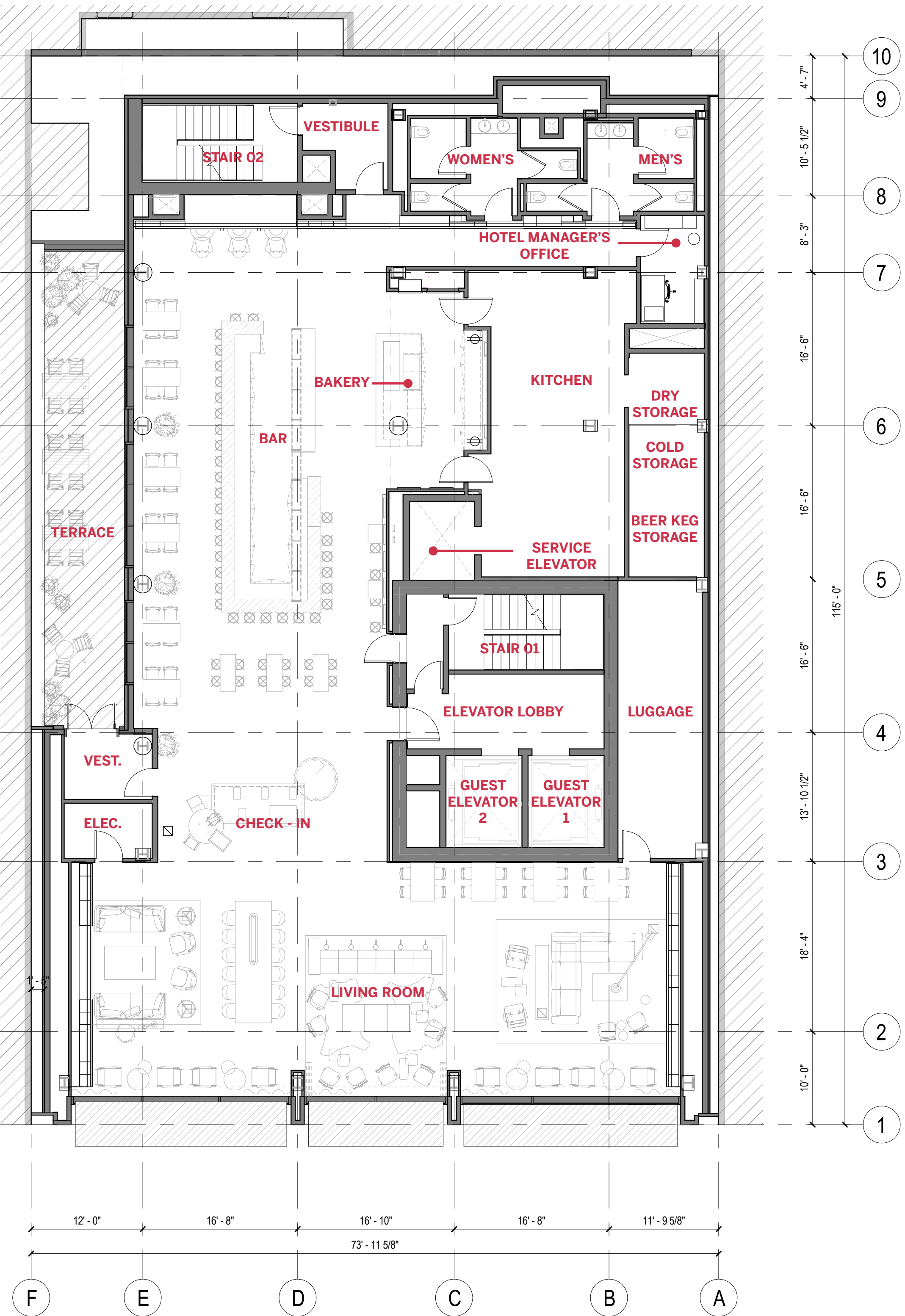
A2.102

© 2017 Gensler

LEVEL 03 FLOOR PLAN



LEVEL 02 FLOOR PLAN



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM
SAN FRANCISCO
Project Number
32.2318.000
Description

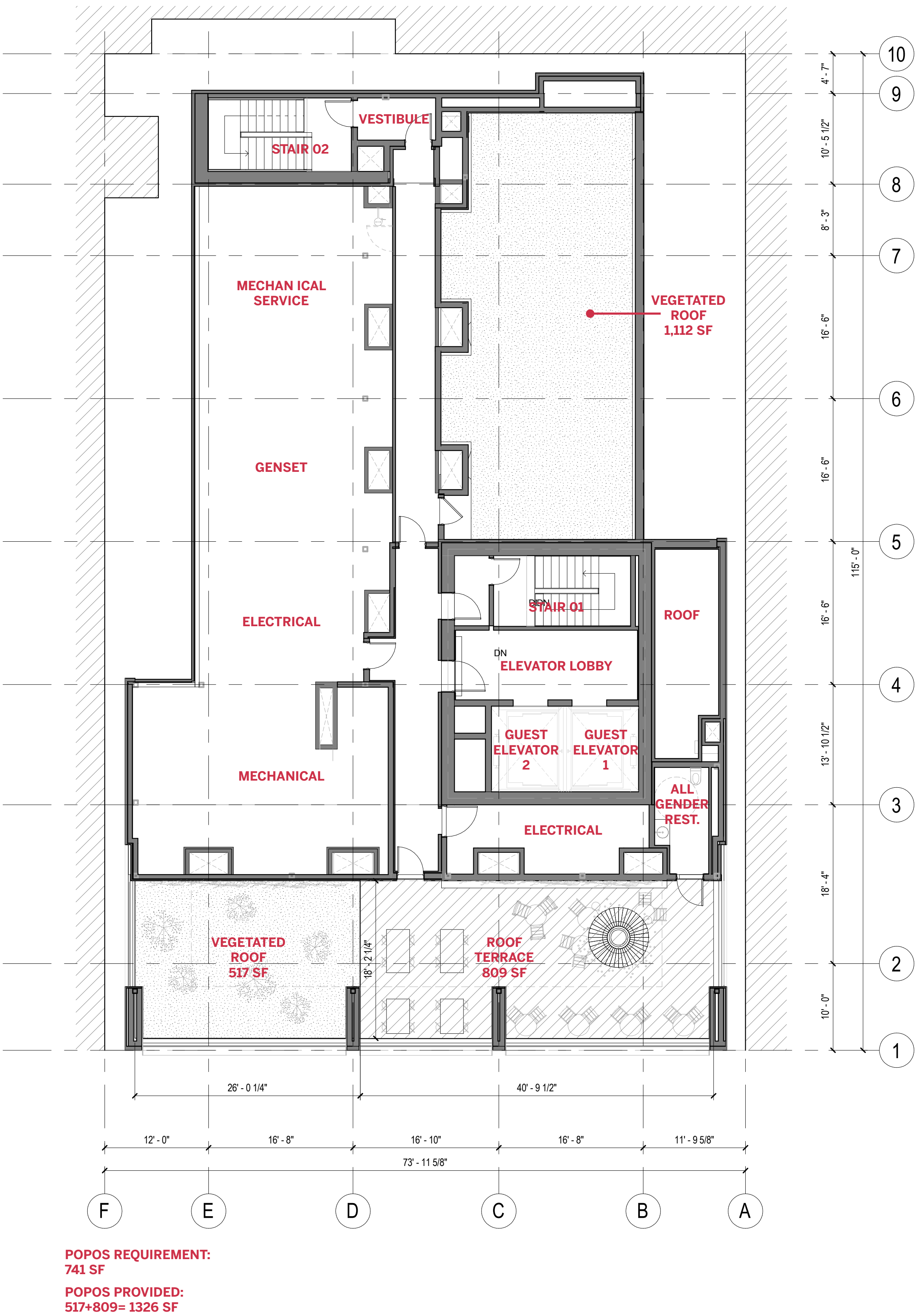
FLOOR PLANS

Scale

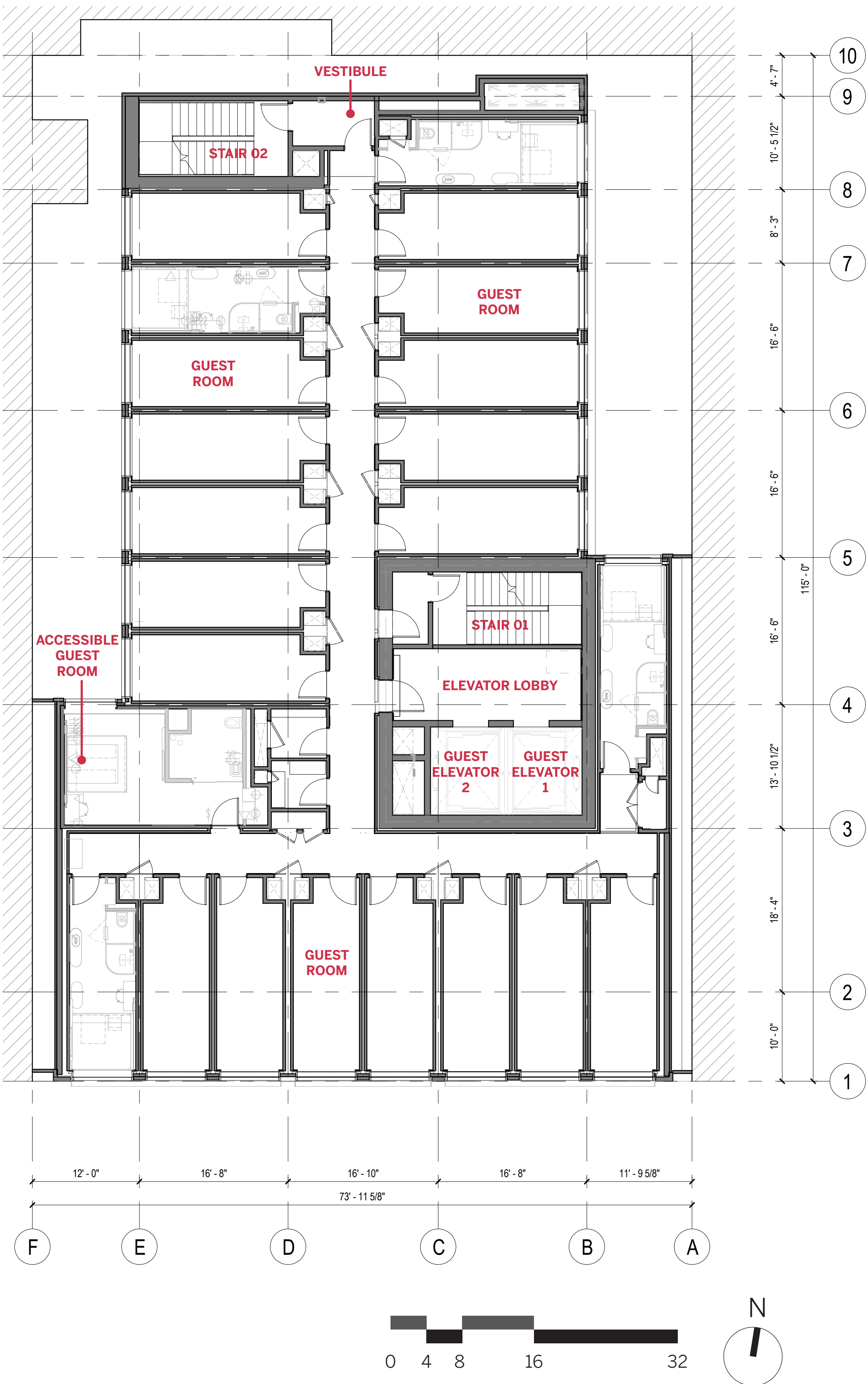
A2.103

© 2017 Gensler

ROOF LEVEL LOOR PLAN



LEVEL 04-11 FLOOR PLAN



1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

1200 Sixth Avenue
Suite 500
Tel 206.654.2100
Fax 206.654.2121

Tel 206.654.2100
Fax 206.654.212

Seattle, WA 98101
United States

**PROGRESS SET
NOT FOR CONSTRUCTION**

01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

Project Number

32.2318.000

ID	Description	Type	Status	Priority	Assignee	Created	Updated
1	Task 1	Task	Open	High	John Doe	2023-01-01	2023-01-01
2	Task 2	Task	Open	Medium	John Doe	2023-01-01	2023-01-01
3	Task 3	Task	Open	Low	John Doe	2023-01-01	2023-01-01
4	Task 4	Task	Open	High	John Doe	2023-01-01	2023-01-01
5	Task 5	Task	Open	Medium	John Doe	2023-01-01	2023-01-01
6	Task 6	Task	Open	Low	John Doe	2023-01-01	2023-01-01
7	Task 7	Task	Open	High	John Doe	2023-01-01	2023-01-01
8	Task 8	Task	Open	Medium	John Doe	2023-01-01	2023-01-01
9	Task 9	Task	Open	Low	John Doe	2023-01-01	2023-01-01
10	Task 10	Task	Open	High	John Doe	2023-01-01	2023-01-01

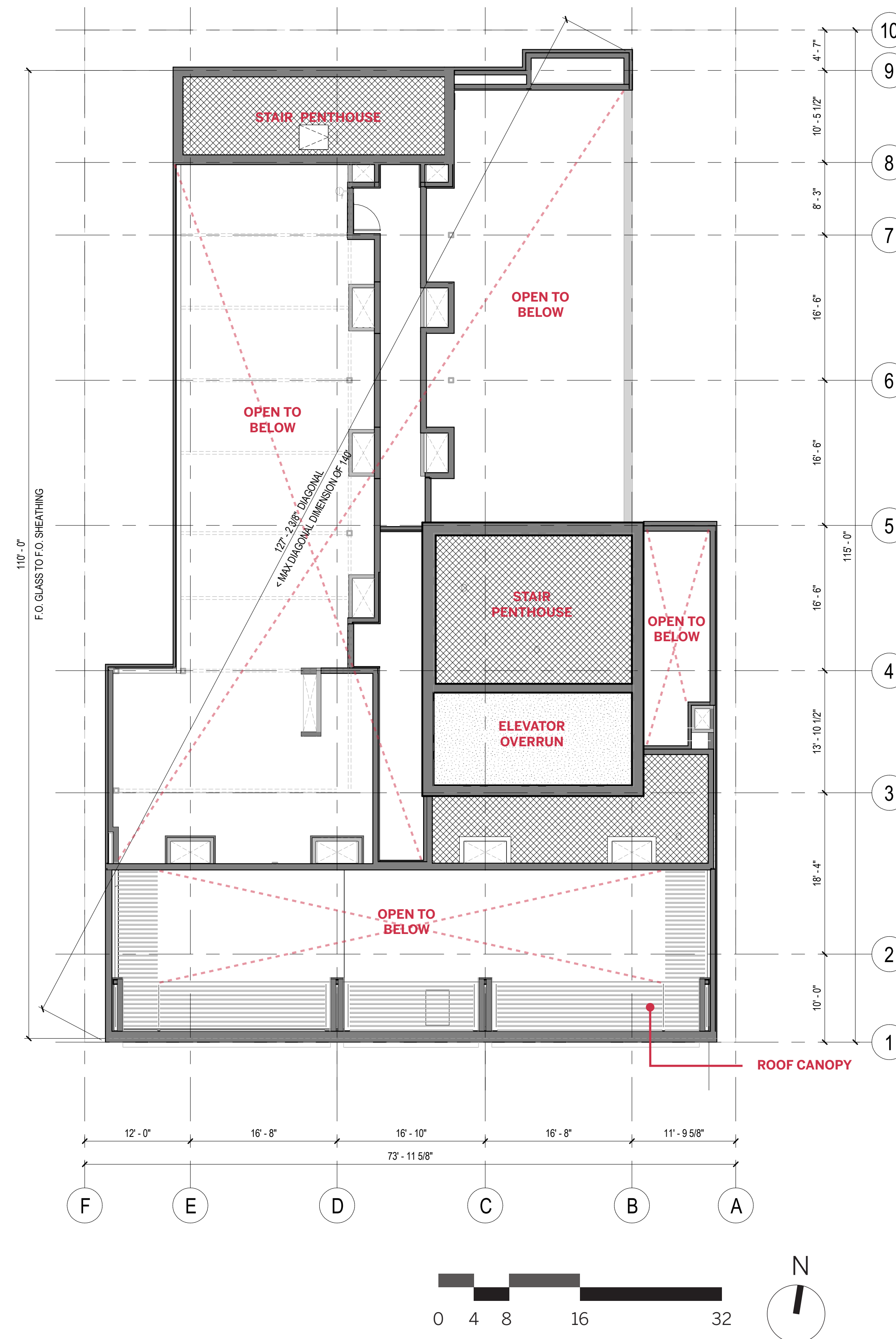
FLOOR PLANS

Scale

A2.104

© 2017 Gensler

PENTHOUSE LEVEL FLOOR PLAN



PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM
SAN FRANCISCO
Project Number
32.2318.000
Description

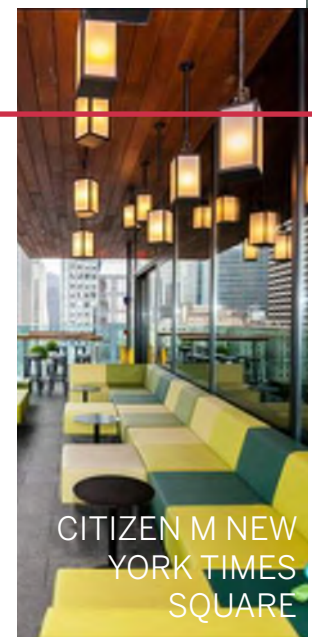
PUBLIC ART

Scale

CITIZENM PUBLIC OPEN SPACES



LARGE SCALE ART ALWAYS
NEARBY



SPACES INTEGRATE
GREENERY AS WELL
AS BOTH FIXED AND
MOVEABLE FURNITURE



LANTERNS HELP TO
BRING THE SCALE
DOWN TO THE HUMAN



CITIZEN M LONDON BANKSIDE

PUBLIC ART

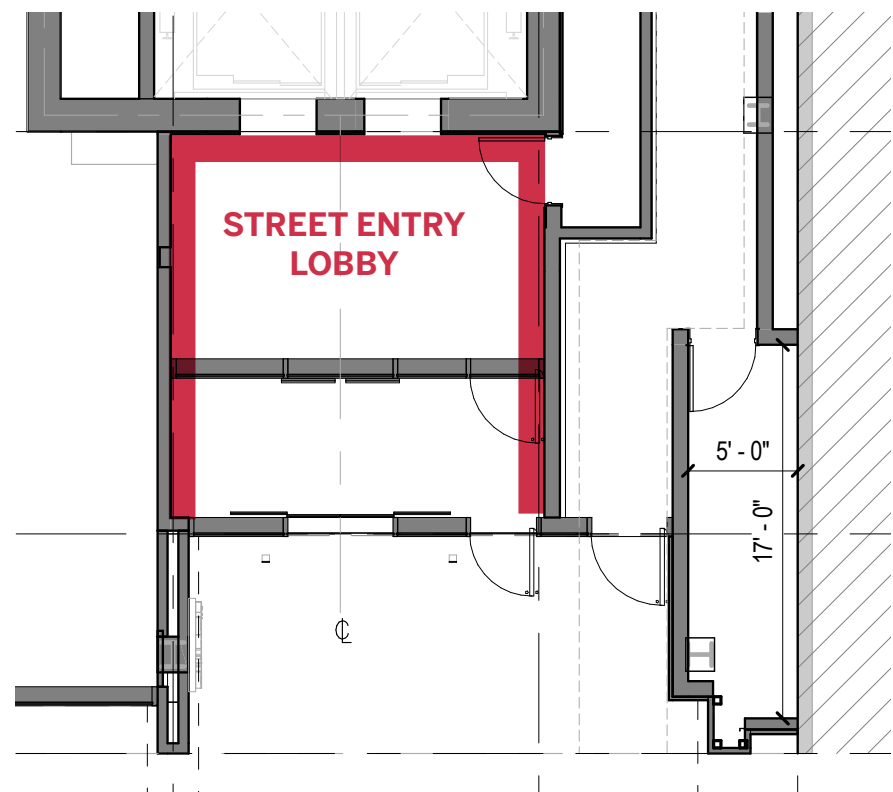


CITIZEN M PARIS CHARLES DE GAULLE

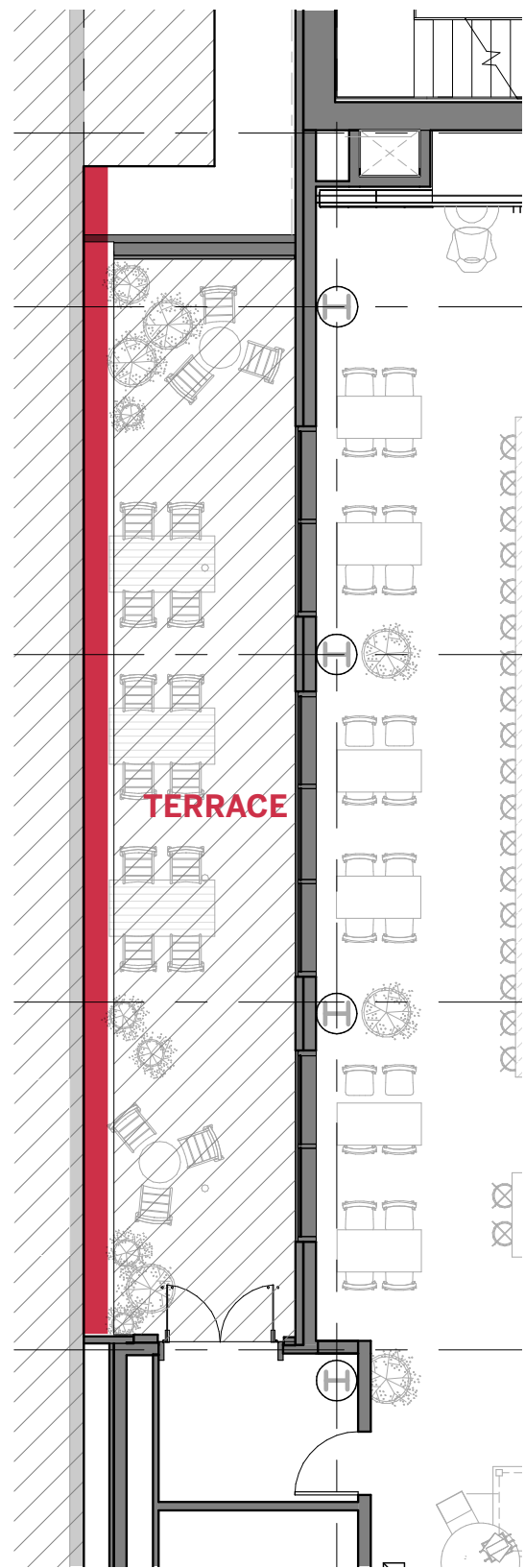


CITIZEN M NEW YORK TIMES SQUARE

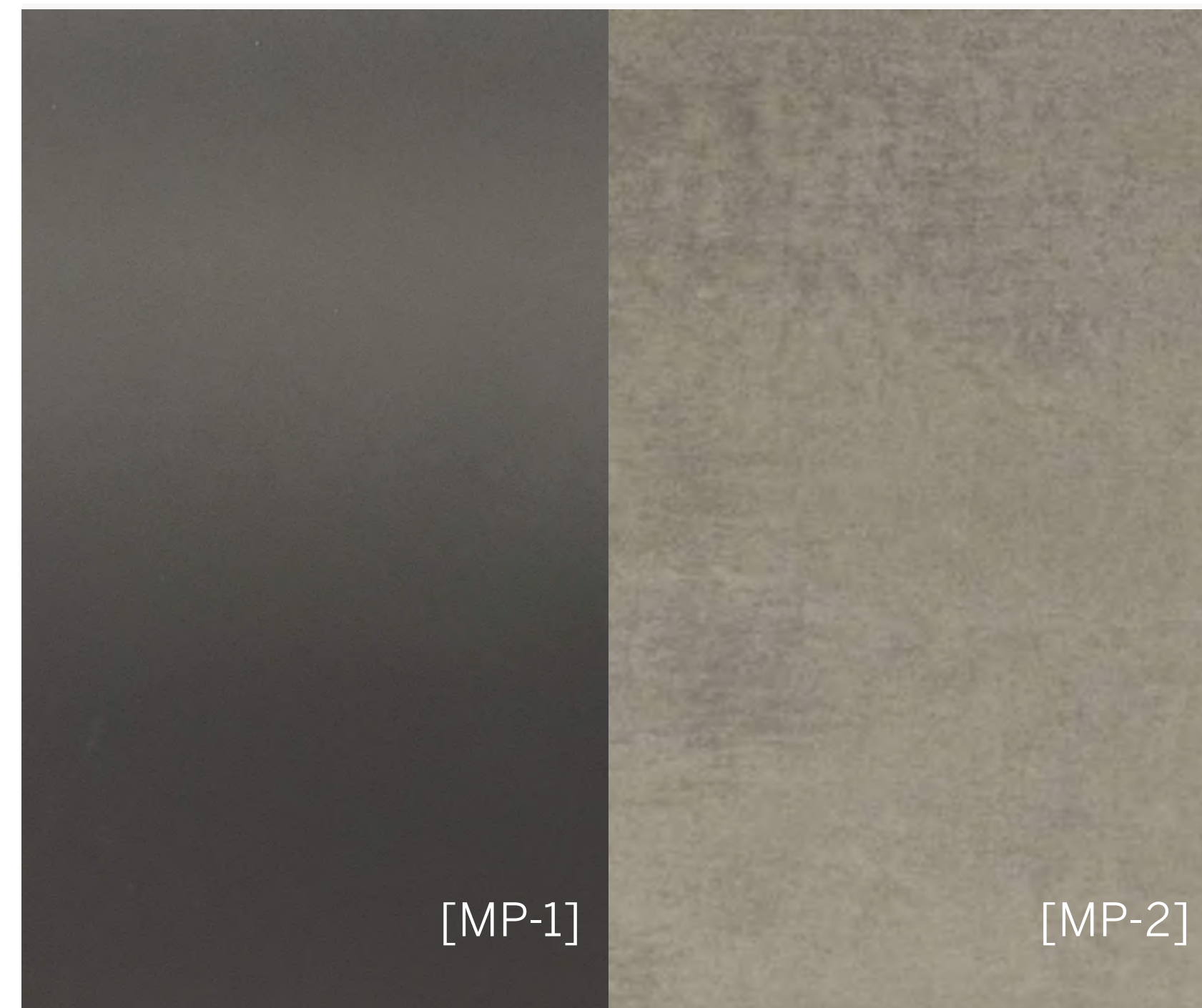
LEVEL 01
ENTRY LOBBY ARTWORK



LEVEL 02
MURAL AT TERRACE



MATERIAL PALETTE



Metal Panel

Alucobond | Dusty Charcoal [MP-1]
Pure + Freeform | Vintage Nickel [MP-2]

Rainscreen Panel

Stone Panel | Valdres Buff [RS-1]
Equitone Tectiva | TE00 [RS-2]



Glazing

IGU [GL-1] | Spandrel Portion of IGU [GL-1*]

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

**PROGRESS SET
NOT FOR CONSTRUCTION**

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name _____

CITIZENM
SAN FRANCISCO

Project Number _____

32.2318.000

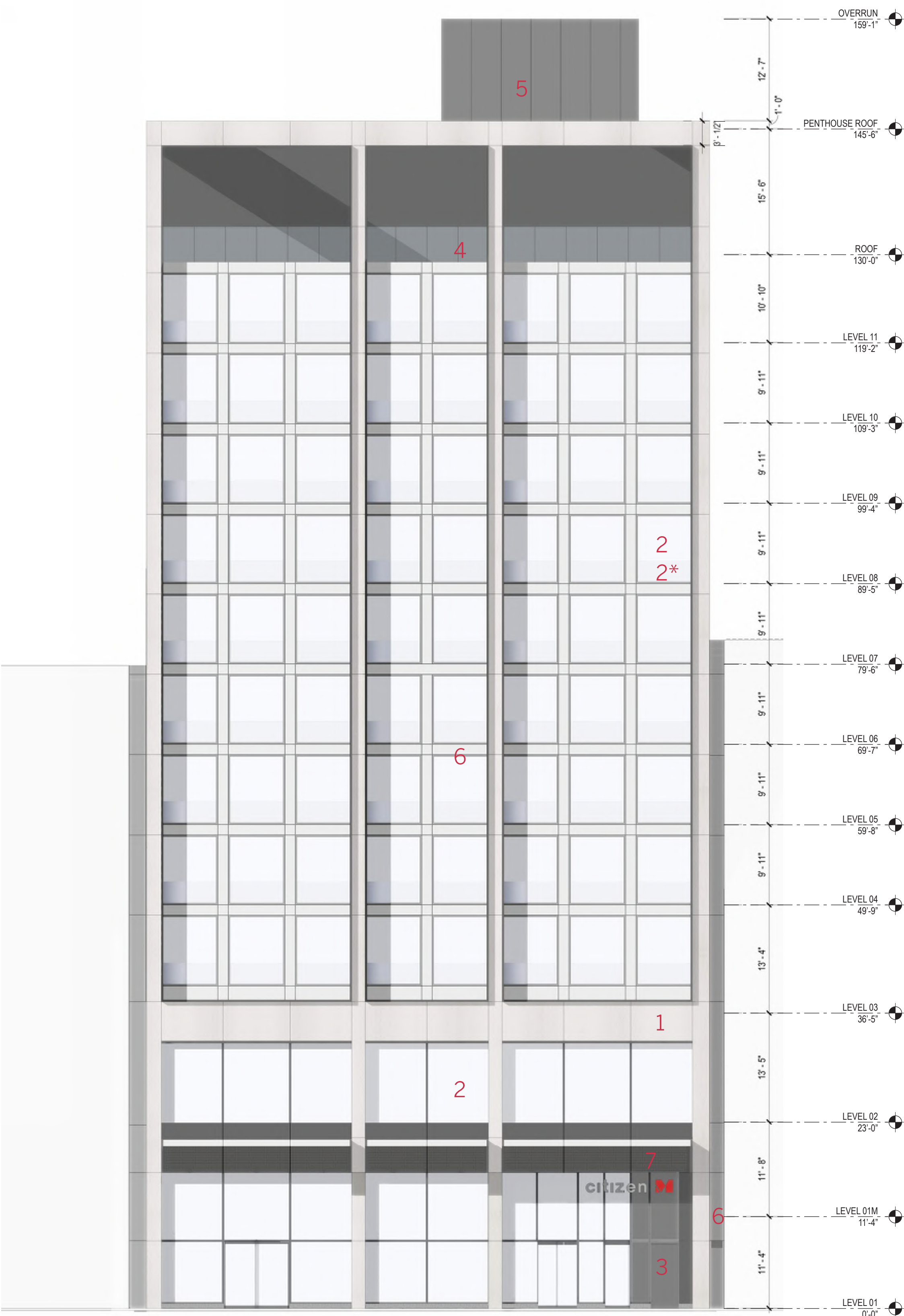
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45

EXTERIOR MATERIALS

Scale

A3.102

SOUTH ELEVATION



- 1 STONE RAINSCREEN PANEL [RS-1]
- 2 INSULATED GLAZING UNIT [GL-1]
SPANDREL PORTION [GL-1*] TO MATCH RS-1
- 3 INSULATED GLAZING UNIT | SPANDREL PANEL [GL-2]
- 4 LAMINATED GLASS [GL-3]
- 5 METAL PANEL | DARK GRAY [MP-1]
- 6 METAL PANEL | LIGHT GRAY [MP-2]
- 7 PERFORATED METAL PANEL | DARK GRAY [MP-1]

SHEET NOTES

THE DESIGN DIVIDES THE SHAFT INTO THREE VERTICAL BAYS EMPHASIZING THE NARROWNESS OF THE BUILDING. THIS EMBEDS THE FACADE WITH A DISTINCT HEIRARCHY: THE VERTICAL BAYS SPAN FROM THE TOP TO BASE WHILE THE SHAFT IS SUBDIVIDED WITH A SERIES OF METAL PANELS THAT HIGHLIGHT THE ROOM MODULE.

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

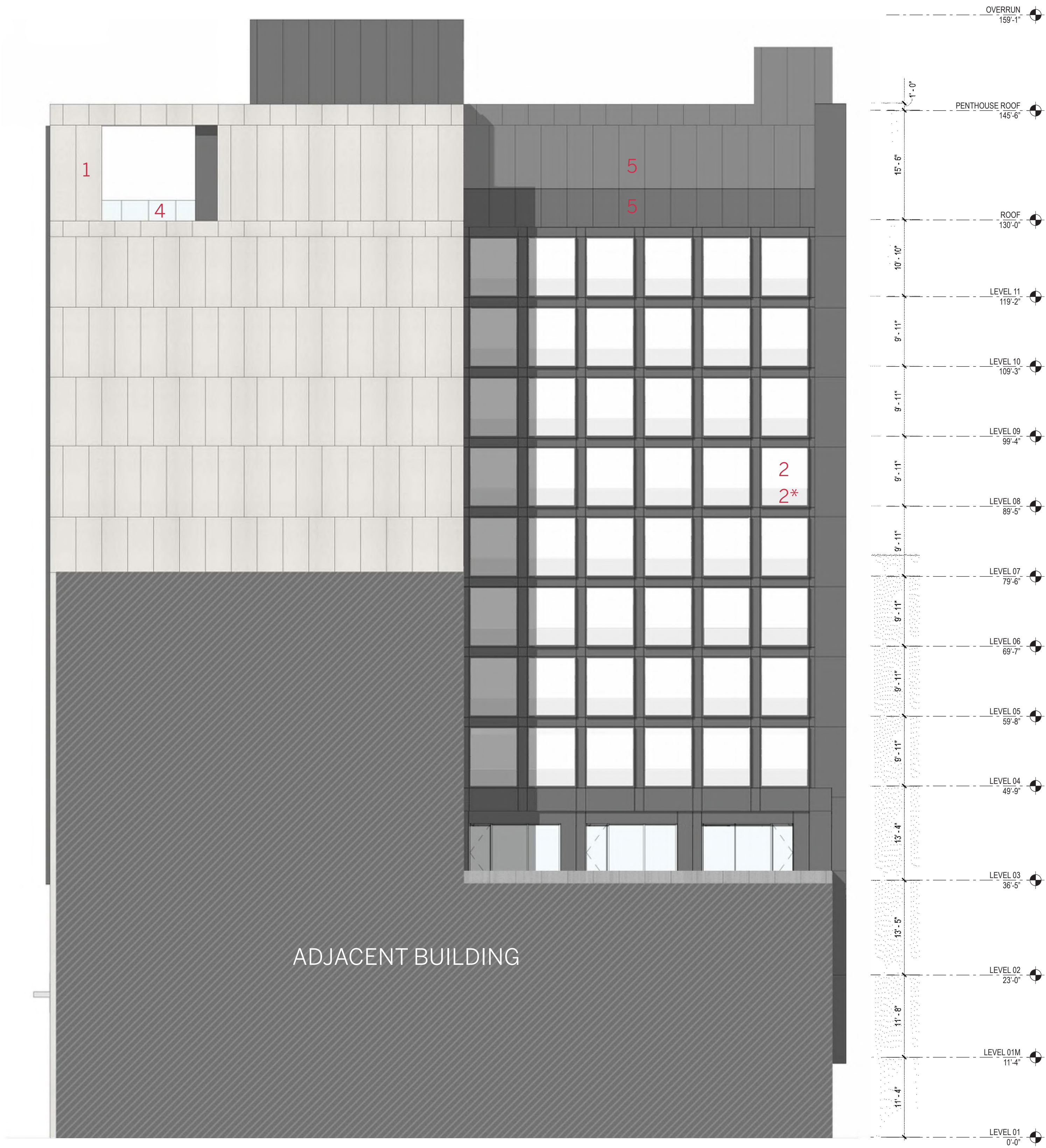
Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

ELEVATIONS

Scale

A3.103

EAST ELEVATION



1 EQUITONE RAINSCREEN PANEL [RS-2]

2 INSULATED GLAZING UNIT [GL-1]
SPANDREL PORTION [GL-1*] TO MATCH MP-1

3 INSULATED GLAZING UNIT I SPANDREL PANEL [GL-2]

4 LAMINATED GLASS [GL-3]

5 METAL PANEL I DARK GRAY [MP-1]

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

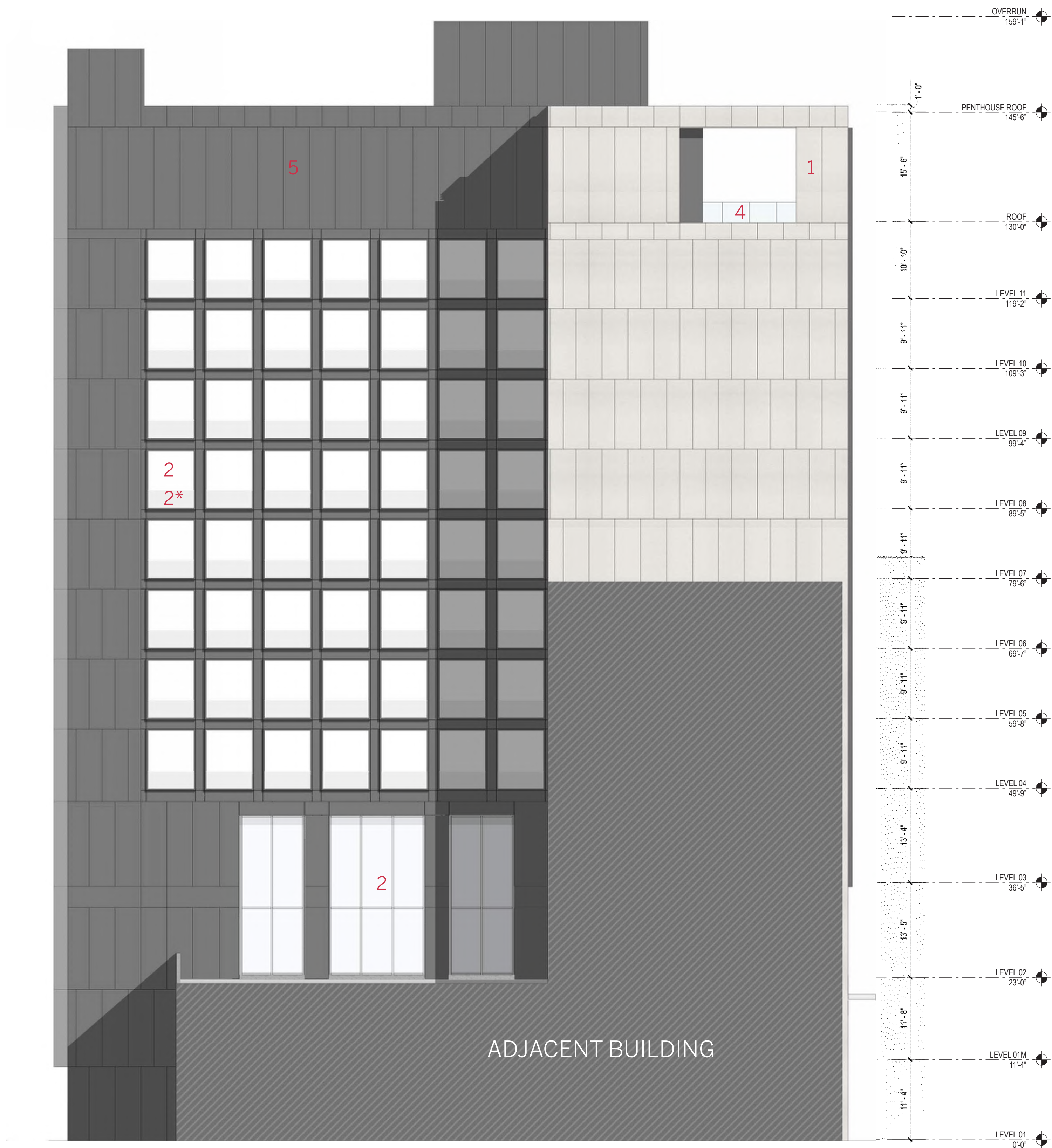
Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

ELEVATIONS

Scale

A3.104

WEST ELEVATION



1 EQUITONE RAINSCREEN PANEL [RS-2]

2 INSULATED GLAZING UNIT [GL-1]
SPANDREL PORTION [GL-1*] TO MATCH MP-1

3 INSULATED GLAZING UNIT | SPANDREL PANEL [GL-2]

4 LAMINATED GLASS [GL-3]

5 METAL PANEL | DARK GRAY [MP-1]

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

**PROGRESS SET
NOT FOR CONSTRUCTION**

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

ELEVATIONS

Scale

A3.105

PODIUM - HOTEL ENTRANCE



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

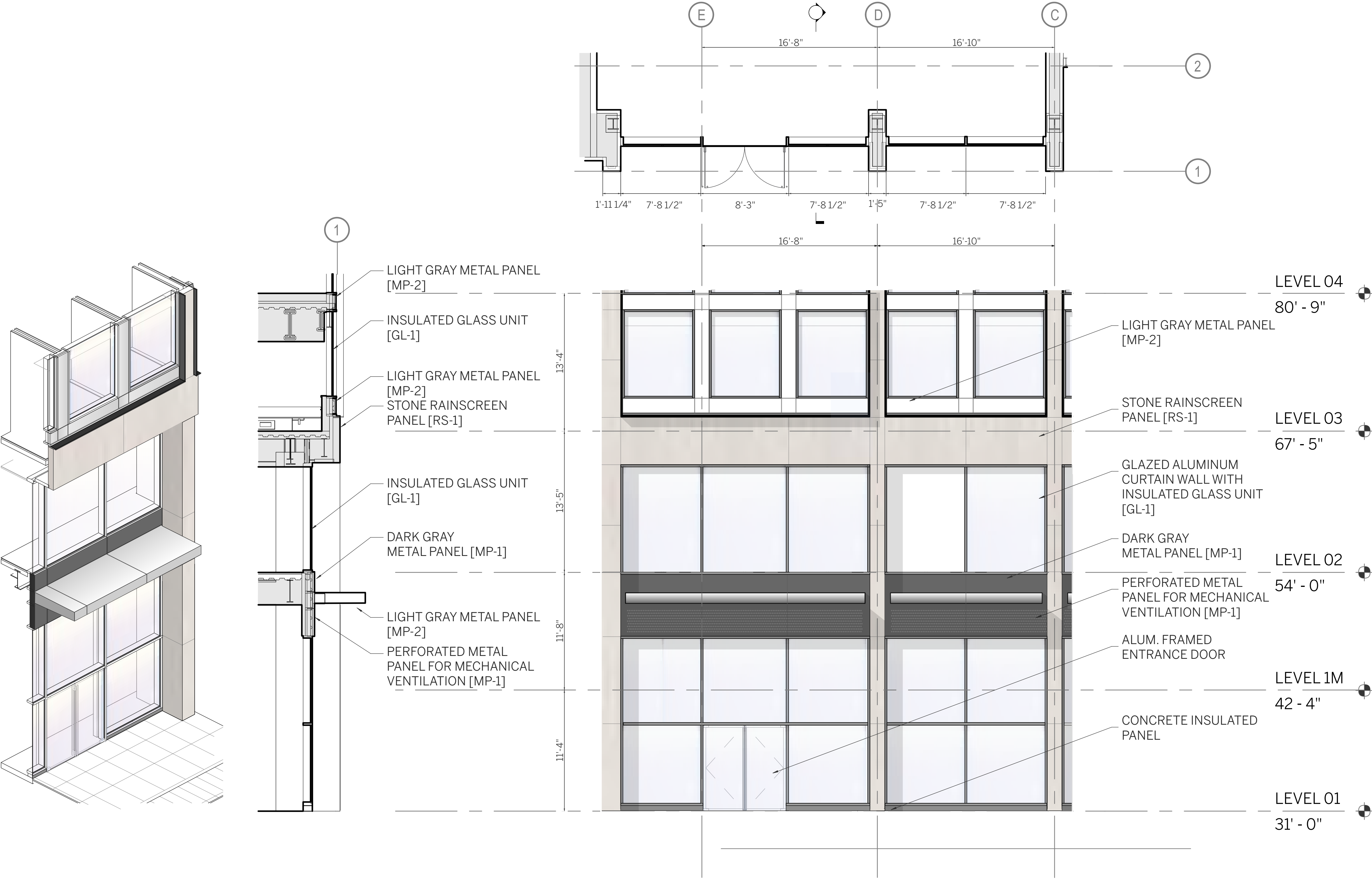
Date	Description
01/25/18	PLANNING COMMISSION
Approval Stamp	
Seal/Signature	
Project Name	
CITIZENM SAN FRANCISCO	
Project Number	
32.2318.000	
Description	
ENLARGED PLANS / SECTIONS / ELEVATIONS	
Scale	

PODIUM - RETAIL ENTRANCE

Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel: 206.654.2100
Fax: 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION



Date	Description
01/25/18	PLANNING COMMISSION

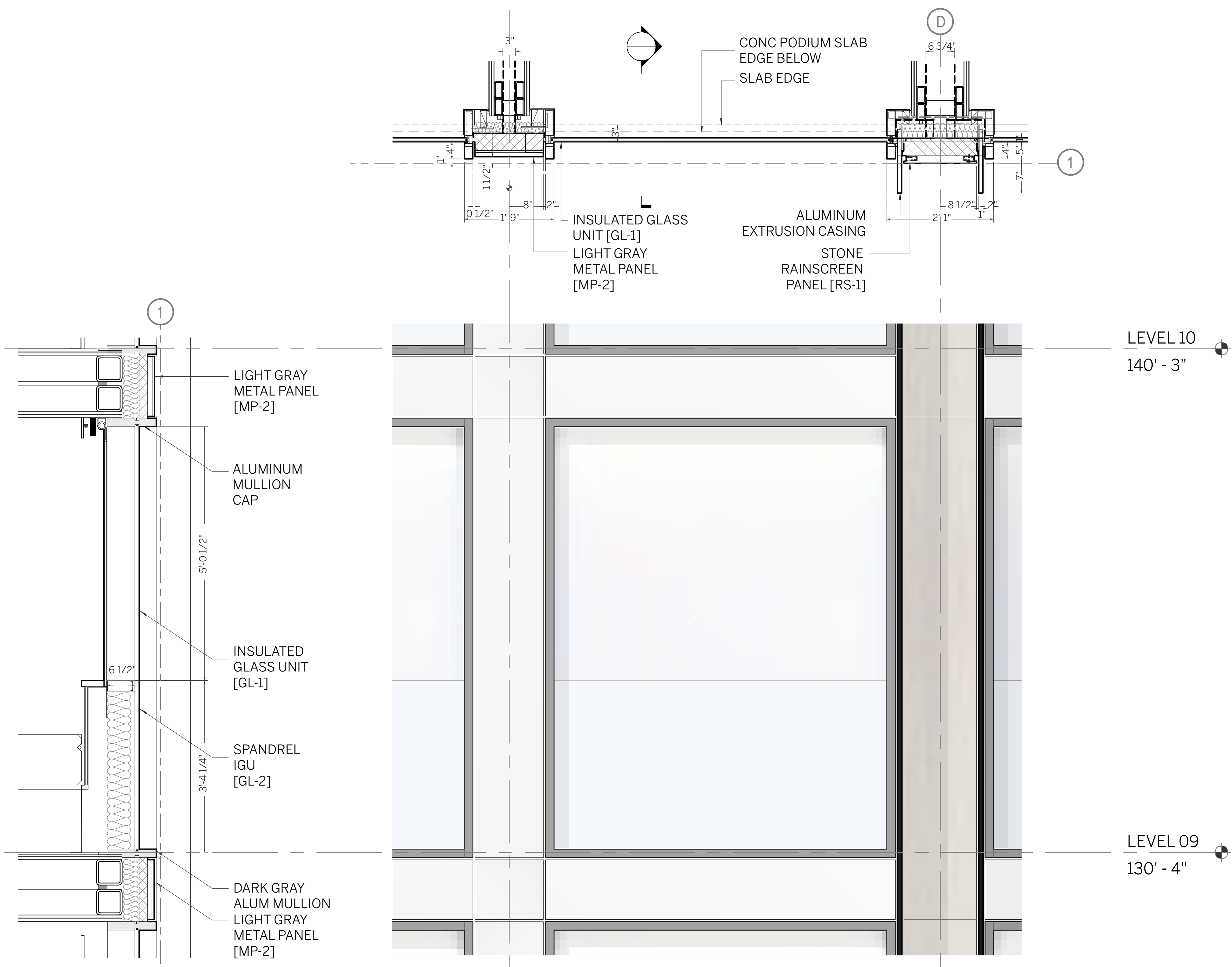
Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

Scale

TYPICAL FLOOR GUEST ROOMS



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States

Tel 206.654.2100
Fax 206.654.2121

PROGRESS SET
NOT FOR CONSTRUCTION

Date Description

01/25/18 PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name

CITIZENM
SAN FRANCISCO

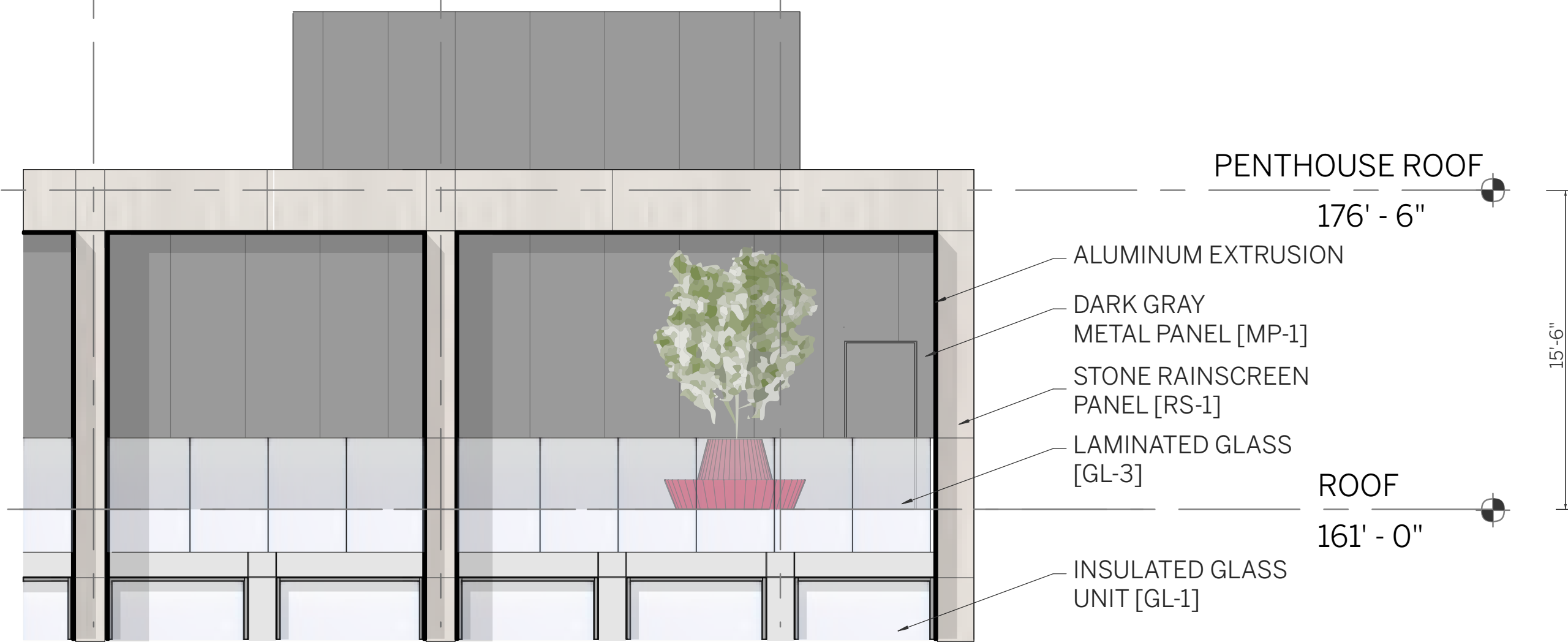
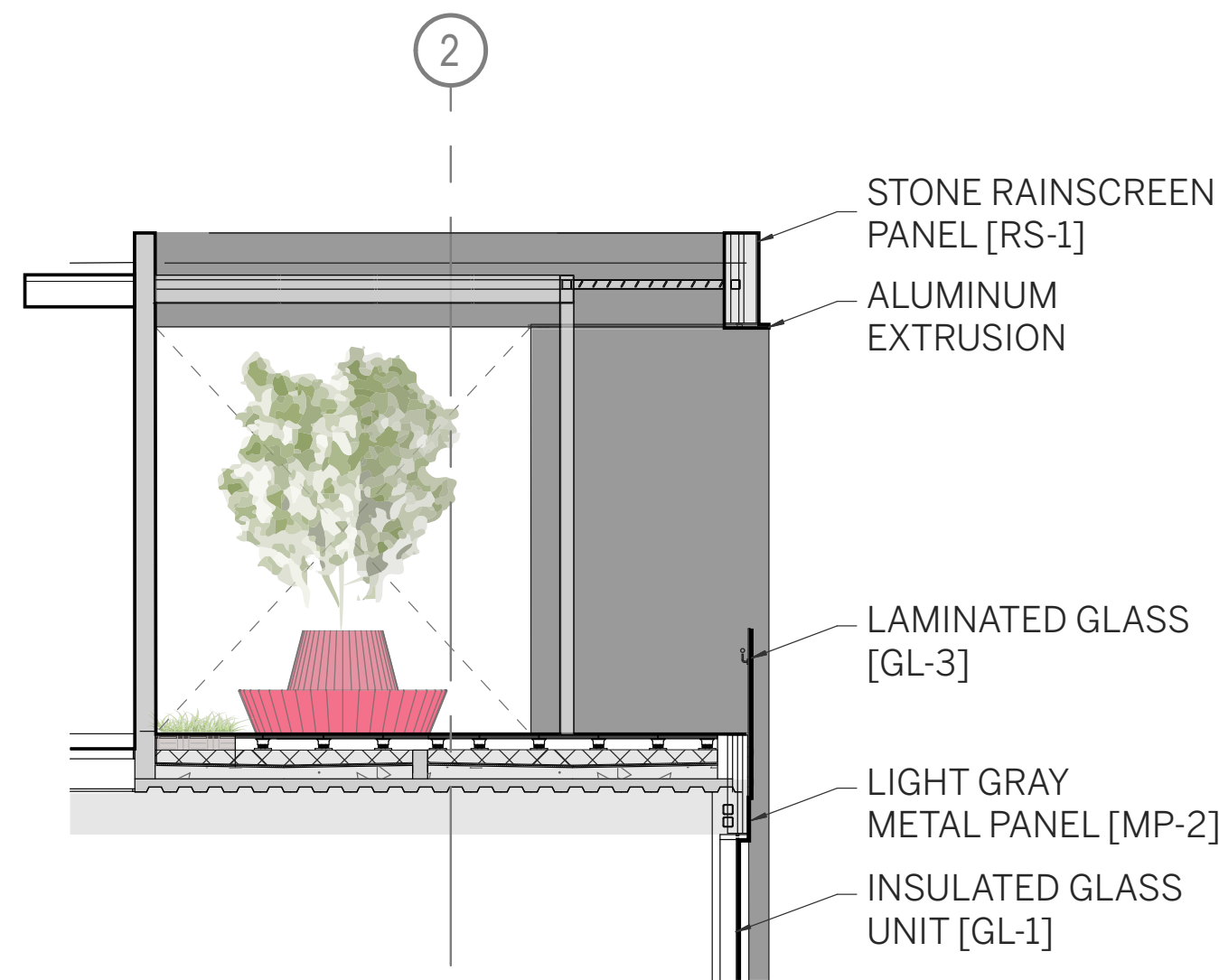
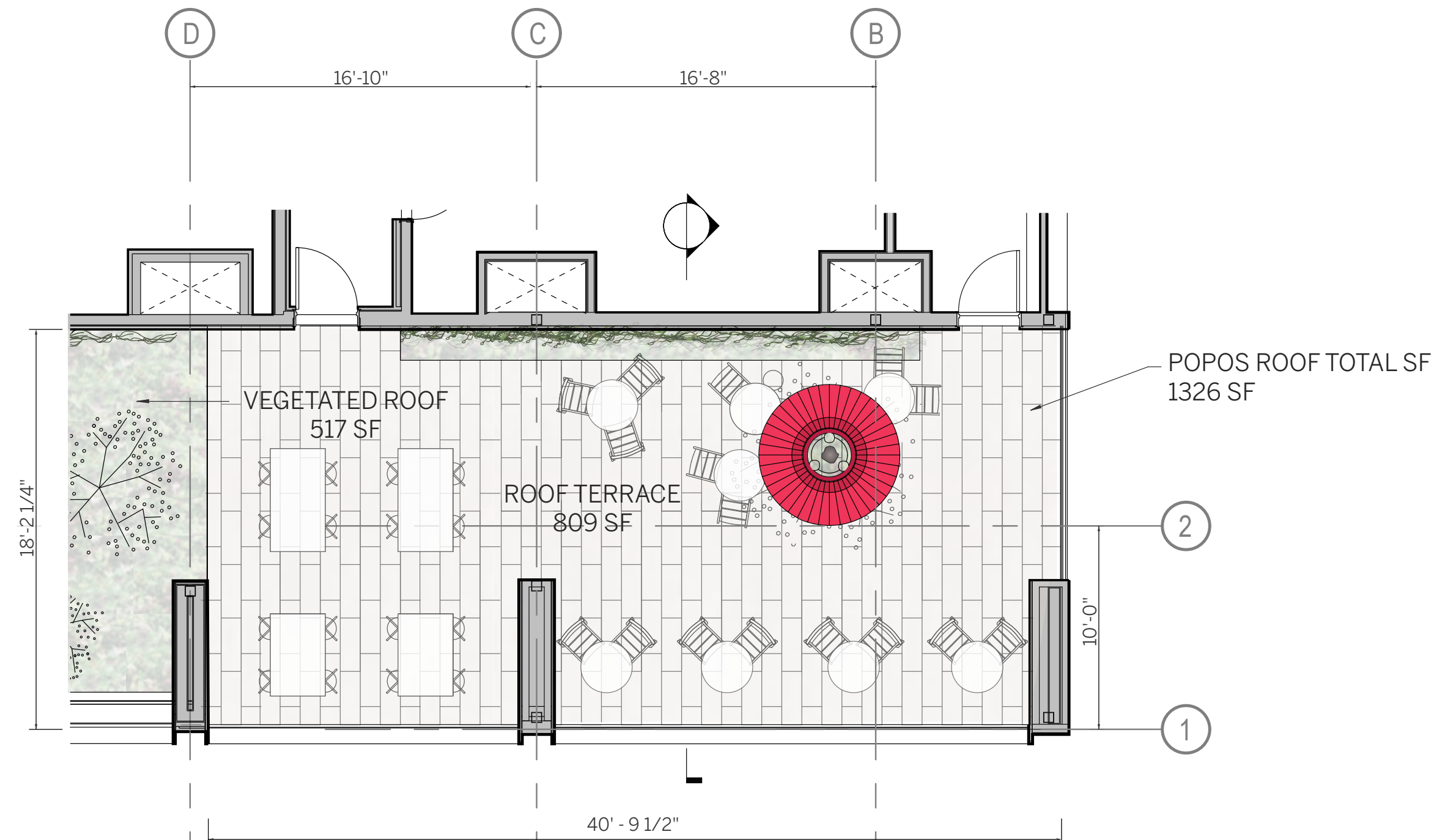
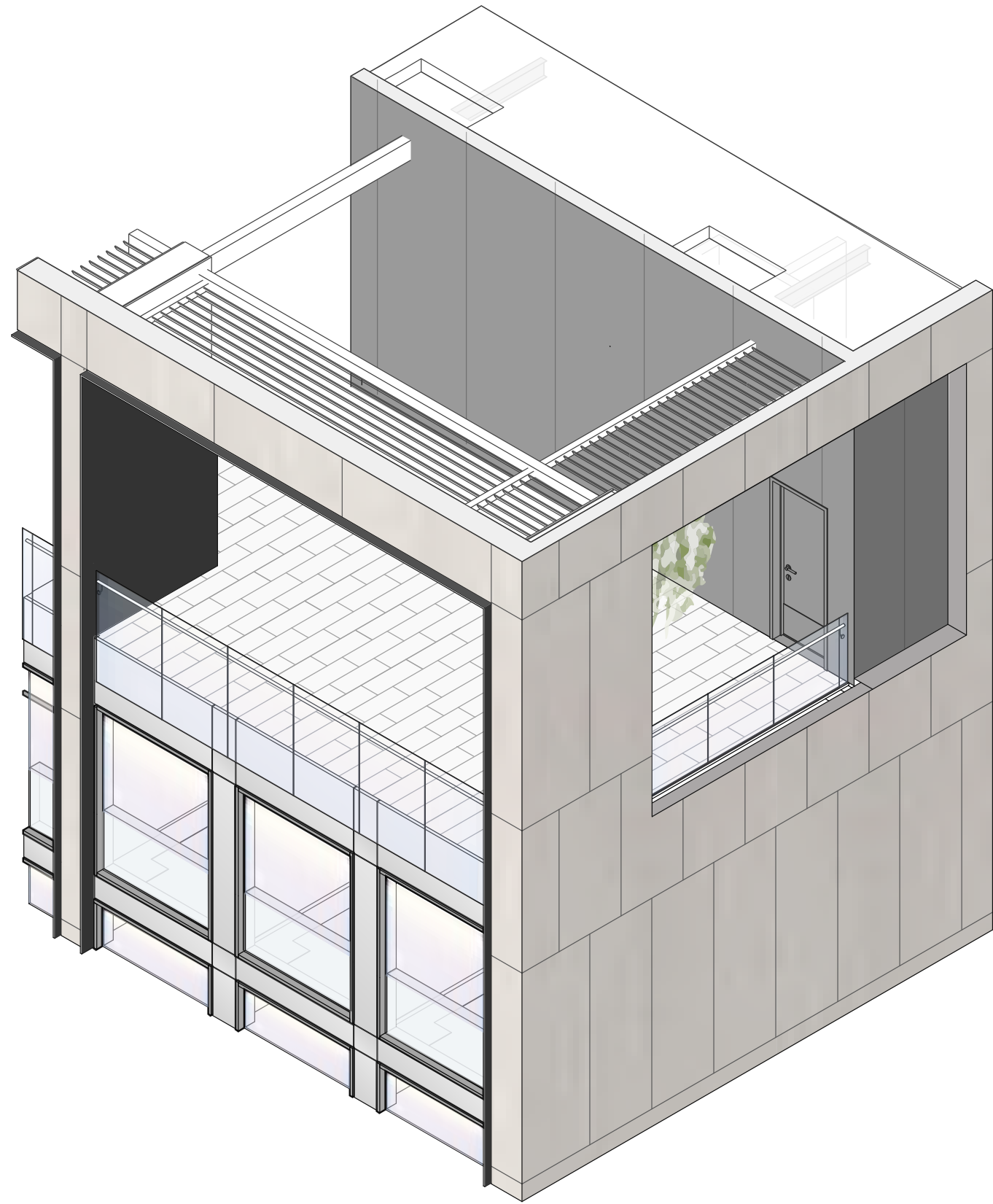
Project Number

32.2318.000

Description

Scale

ROOF LEVEL - GREEN ROOF



Gensler

1200 Sixth Avenue
Suite 500
Seattle, WA 98101
United States
Tel 206.654.2100
Fax 206.654.2121

**PROGRESS SET
NOT FOR CONSTRUCTION**

Date	Description
01/25/18	PLANNING COMMISSION

Approval Stamp

Seal/Signature

Project Name
CITIZENM SAN FRANCISCO
Project Number
32.2318.000
Description

Scale

