



# EXECUTIVE SUMMARY CEQA FINDINGS CONDITIONAL USE AUTHORIZATION VARIANCE

**HEARING DATE: December 10, 2020**

**Record No.:** 2017-004557CUA  
**Project Address:** 550 O'Farrell Street  
**Zoning:** Residential-Commercial, High Density (RC-4) Zoning District  
80-T-130-T Height and Bulk District  
North of Market Residential Special Use District (Subarea No. 1)  
**Block/Lot:** 0318/009  
**Project Sponsor:** Sandhill O'Farrell, LLC  
1160 Battery Street, Suite 100  
San Francisco, CA 94111  
**Property Owner:** Sandhill O'Farrell, LLC  
832 Southampton Drive  
Palo Alto, CA 94303  
**Staff Contact:** Samantha Updegrave – (628) 652-7322  
[samantha.updegrave@sfgov.org](mailto:samantha.updegrave@sfgov.org)

**Recommendation:** Approval with Conditions

## Project Description

The project would demolish all but the façade of the existing two-story parking garage and construct a 13-story over-basement residential tower with 111 dwelling units within the RC-4 (Residential-Commercial High Density) Zoning District, 80-T-130-T Height and Bulk District, and the North of Market Residential Special Use District No. 1. Dwelling unit density is increased utilizing Planning Code Section 207(c)1 and providing on-site inclusionary affordable units.

## Required Commission Action

The Planning Commission certified the 550 O'Farrell Street Final Environmental Impact Report (FEIR) on December 10, 2020 under Motion No. [\_\_\_\_\_]. In order for the Project to proceed, the Commission must now adopt CEQA findings, a Statement of Overriding Considerations, and a Mitigation and Monitoring Reporting Program (MMRP) related to the Project's FEIR under the California Environmental Quality Act (CEQA).

The Planning Commission must also grant Conditional Use Authorization, pursuant to Planning Code Sections 253, 263.7, 271, and 303 to allow a structure over 40 feet in height on a lot with more than 50 feet of street frontage that exceeds the 80-foot base height limit in the North of Market Residential SUD (Subarea No. 1) and Bulk Limit Exceptions.

Although not a Planning Commission action, pursuant to Planning Code Section 305, the Project will also require the Zoning Administrator to grant a Variance from Planning Code Sections 134 and 140 from the requirements for Rear Yard and Exposure.

## Issues and Other Considerations

- **Dwelling Unit Density.** The North of Market Residential SUD (Subarea No. 1) allows a density ratio of one unit per 125 square feet of lot area, for a maximum density of 94 units. An exception in the Planning Code allows Projects that provide at least 20% of its units as on-site affordable units to exclude the affordable units from the density calculation. With 111 dwelling units, the Project complies with the density by providing 20% of the units below-market-rate. The 22 below-market-rate units also satisfy the on-site portion of the Inclusionary Affordable Housing requirement for the Project.
- **Inclusionary Housing.** The Project Sponsor proposes to comply with the Inclusionary Affordable Housing requirements through the combination of on-site units and payment of the Affordable Housing Fee. In total, 20% of the units will be below-market-rate: 13 units at the low-income tier (55% AMI), four (4) units at the moderate-income tier (80% AMI), and five (5) units at the middle-income tier (110% AMI), for a total of 22 BMR units on-site. As this only satisfies a portion of the required 25% On-Site Affordable Housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable Housing Fee, at the applicable rate of 30%. Based on current fee rates, it is estimated that the project will pay approximately \$1,524,308.35 as the balance of the Inclusionary Affordable Housing requirement, in addition to the 22 on-site units.
- **Conditional Use and North of Market Residential Special Use District (SUD) Affordable Housing Fee.** A Conditional Use is required to go above the 80-foot base height limit in the 80-T-130-T Height and Bulk District in this SUD. If granted, this fee would apply to gross floor area located on floors above 80 feet. Fees collected under this provision shall be used solely to stabilize, rehabilitate, and retain affordable housing in the North of Market Residential SUD. It estimated that this Project would pay \$315,184 for this fee.
- **Building Design.** The project has changed in the following significant ways since the original submittal to the Department:
  - The original Project proposed full demolition of the existing garage, approximately 1,500 square feet of ground-floor retail, 113 dwelling units, and two levels of parking at grade and the basement level for 21 parking spaces.
  - Based on Department comments related to preservation, design, transit, and impact mitigation, the Project was revised in September 2019 to retain the garage façade, reduce the unit count by two (from 113 to 111), and eliminate the ground-floor retail and all motor vehicle parking.
  - The Historic Preservation Commission (HPC) supports the proposed project with the retention of the garage facade. They agreed that the Retained Elements Guidelines have been successfully applied to the project and that the location of the new massing would be appropriate because it would match the size, scale, and location of other residential buildings in the Uptown Tenderloin Historic District.

- On the fourth level a three-foot setback, with four feet at the corners, would create a hyphen between the retained façade and new construction. A deeper setback at this level could create a desirable design effect, but too deep a setback here could make the building appear top heavy. While there is potential for a deeper setback, the Department supports the three to four-foot setback because it would effectively differentiate the historic and addition while allowing for five dwelling units along this façade, as is typical of the levels above.
- The Project Variant for full demolition of the existing historic resource that was evaluated in the environmental review documents is not being pursued by the Project Sponsor and is not under consideration.
- **Public Outreach and Comment:**
  - PUBLIC OUTREACH: Between July 2018 – November 2020, the Project Sponsor has reached out to representatives of the Tenderloin Neighborhood Development Corporation (TNDC), Market Street for the Masses (MSMC), Tenderloin Housing Clinic (THC), Tenderloin Museum, District 6 Community Planners, Positive Resource Center, and several individual residents and community members to present and discuss the Project. Issues discussed centered around affordability, possible community benefit agreements, design and preservation of the existing façade, and opportunities for engagement between community groups and future residents.
  - PUBLIC COMMENTS: At the date of writing this report, the Department has received three letters in support and one in opposition. Supporters cited the additional housing in the City, below-market-rate units, and family-sized units that the Project will provide, in addition to the partial preservation of the garage. Opposition was related to the aesthetic and lack of setbacks from the lot line. Representatives from Tenderloin-based community organizations have also expressed support for the Project as a whole, but also a desire for deeper levels of affordability to serve the immediate neighborhood and for all housing fees that are collected to be directed back to the neighborhood. The San Francisco Housing Action Coalition has endorsed the Project.
- **Senate Bill 330:** On February 4, 2020, the Project Sponsor filed a Preliminary Housing Development Application pursuant to Senate Bill 330, the Housing Crisis Bill of 2019, to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review of the project.. Other than the indexing fees, there have been no changes that would have impacted the Project between the filing and the writing of this report.
- **Significant Unavoidable Impacts and Mitigation.** The existing structure is an historical resource under CEQA. The demolition of most of the existing structure will have a significant unavoidable impact: it will cause a substantial adverse change in the significance of a historical resource. The Project includes mitigation measures to reduce these impacts, but not to less-than-significant levels. Mitigation measures include but are not limited to: an Historic American Building Survey-like documentation of the building, objects, and materials; partial preservation through retention of the façade, and permanent interpretative display about the history and architectural features of the original structure, and its operation.

- **Residential Use Near Places of Entertainment.** The Project Site is located within 300 feet of entertainment uses. The Entertainment Commission has waived the hearing requirements for projects during COVID. The standard conditions of approval from the Entertainment Commission have been included in the motion.

## Environmental Review

On December 10, 2020, the Planning Commission certified the Final EIR (Case No. 2017-004557ENV ) in Motion No. [\_\_\_\_\_].

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan.

- This infill housing project would provide 111 new residential units in an area near downtown with a shortage of mixed-income housing. The new unit mix includes two- and three-bedroom units which supports the effort to provide housing for families;
- The North of Market Residential Special Use District (NOMRSUD) has higher requirements for inclusionary and affordable housing than other areas of the City. The Project would contribute 20% of the total units, equal to 22 units, as on-site affordable units. In addition, the Project would contribute approximately \$1.5M to the citywide affordable housing fund and an additional \$315,184 toward the NOMRSUD Affordable Housing Fund which is directed back to the neighborhood. All monetary contributions are administered through MOHCD;
- The NOMRSUD is an area where higher structure heights that act as a transition from the taller buildings of downtown is appropriate;
- The project has incorporated the garage façade into the final design of the project as outlined in the Retained Elements Guidelines and would strike a balance between the need to honor the existing historic architecture and the need for new housing to serve varying household types, sizes, and incomes; and
- The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

## Attachments:

Draft Motion –CEQA Findings (Attachment A) and MMRP (Attachment B)  
Draft Motion – Conditional Use Authorization with Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Land Use Data  
Exhibit D – Maps and Context Photos  
Exhibit E – Project Sponsor Brief  
Exhibit F – Historic Preservation Commission comments on Draft EIR  
Exhibit G – Inclusionary Affordable Housing Affidavit  
Exhibit H – Anti-Discriminatory Housing Affidavit  
Exhibit I – First Source Hiring Affidavit





# PLANNING COMMISSION DRAFT MOTION CEQA FINDINGS

**HEARING DATE:** December 10, 2020

**Record No.:** 2017-004557ENV  
**Project Address:** 550 O'Farrell Street  
**Zoning:** Residential-Commercial, High Density (RC-4) Zoning District  
80-T-130-T Height and Bulk District  
North of Market Residential Special Use District (Subarea No. 1)  
**Block/Lot:** 0318/009  
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE 550 O'FARRELL STREET PROJECT THAT WOULD DEMOLISH ALL BUT THE FAÇADE OF THE EXISTING TWO-STORY PARKING GARAGE AND CONSTRUCT A 13-STORY OVER BASEMENT RESIDENTIAL TOWER WITH 111 DWELLING UNITS. THE DWELLING UNIT DENSITY IS INCREASED UTILIZING SECTION 207(c)(1) AND PROVIDING ON-SITE INCLUSIONARY UNITS, LOCATED AT 550 O'FARRELL STREET, LOT 009 OF ASSESSOR'S BLOCK 0318, WITHIN THE RC-4 (RESIDENTIAL HIGH DENSITY) ZONING DISTRICT, AN 80-T-130-T HEIGHT AND BULK DISTRICT, AND THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT (SUBAREA NO. 1).

## PREAMBLE

On August 30 2017, Rob Zirkle of Brick Inc, LLC, on behalf of Sandhill O'Farrell, LLC ("Project Sponsor") filed an Environmental Evaluation Application No. 2017-004557ENV 004557CUA ("Application") with the Planning Department ("Department") for a demolition and new construction development project at 550 O'Farrell Street, Block 0318, Lot 009 ("Project Site"). The Department deemed the Environmental Evaluation Application complete on April 16, 2018.

On October 15, 2018, the Project Sponsor filed Project Application No. 2017-004557CUA requesting Conditional Use Authorization to demolish the existing 2-story parking garage and construct a 13-story over-basement residential tower with 113 dwelling units, 1,492 square feet of ground-level retail, and parking for 21 vehicles located at and below grade at the Project Site.

On September 30, 2019, the Project Sponsor submitted a revision to Project Application No. 2017-004557CUA requesting Conditional Use Authorization to demolish the existing 2-story parking garage but retain the garage façade and construct a 13-story over-basement residential tower with 111 dwelling units ("Project") at the Project Site.

On February 4, 2020, the Project Sponsor filed a Preliminary Housing Development Application pursuant to the Housing Crisis Bill of 2019 ("Senate Bill 330") to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process.

On February 27, 2020, the Project Sponsor filed a supplemental Variance Application (Case No. 2017-004557VAR) requesting relief from the requirements for Rear Yard and Dwelling unit Exposure at the Project Site.

On May 20, 2020, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on May 20, 2020.

On June 25, 2020, the Planning Commission held a duly noticed public hearing on the DEIR, at which opportunity for public comment was provided and public comment was received on the DEIR. The period for public commenting on the DEIR ended on July 7, 2020.

On November 9, 2020, the Department prepared and published the responses to comments on environmental issues received during the comment period.

On November 23, 2020, the Department published an Errata to the Response to Comments on the Draft EIR document for 550 O'Farrell Street to correct typographical errors.

On December 10, 2020, the Commission reviewed and considered the information contained in the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

At that same hearing, the Planning Commission found that the FEIR was adequate, accurate, and objective, reflected the independent analysis and judgement of the Department and the Planning Commission, that the Responses to Comments document contained no significant revisions to the DEIR, and certified the FIER for the Project in compliance

with CEQA , the CEQA Guidelines, and Chapter 31 by its Motion No. [\_\_\_\_\_].

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

- Will have a significant, project-specific impact on historic architectural resources.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2017-004557ENV, located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 49 South Van Ness Avenue, Suite 1400, and are part of the record before the Commission. The files are also available online at the following address: <https://sfplanning.org/environmental-review-documents>

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

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

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

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 10, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 10, 2020

## Attachment A

### California Environmental Quality Act Findings:

#### FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### SAN FRANCISCO PLANNING COMMISSION

##### PREAMBLE

In determining to approve the 550 O'Farrell Street project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final Environmental Impact Report ("FEIR"), which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

**Section I** provides a description of the proposed 550 O'Farrell Street project, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

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

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

**Section IV** identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The FEIR identified mitigation measures to address these impacts, but implementation of the mitigation measures will not reduce the impacts to a less than significant level.

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

**Section V** identifies the project alternatives that were analyzed in the EIR and discusses the reasons for their rejection.

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

The MMRP for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B.

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

## **I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND**

The project site is located on the north side of O'Farrell Street on the block bounded by O'Farrell Street to the south, Geary Street to the north, Jones Street to the east, and Leavenworth Street to the west. The project site consists of an 86-foot-wide by 138-foot-deep rectangular lot, developed as and currently used as a public parking garage. The existing two-story-over-basement parking garage is approximately 35,400 sf in size and approximately 40 feet tall. An approximately 11.5-foot-deep partial basement level extends under the sidewalk along O'Farrell Street. Two existing, approximately 26- to 28-foot-wide curb cuts provide access to the garage from O'Farrell Street. The existing building, constructed in 1924, is located in and a contributor to the National Register-listed Uptown Tenderloin Historic District and has been previously determined to be individually eligible for listing in the California Register of Historical Resources.

The Project would demolish most of the existing, approximately 35,400-sf, two-story-over-basement parking garage and construct an approximately 104,960-sf, 130-foot-tall, 13-story-over-basement mixed-use building. The Project would retain the O'Farrell Street façade of the existing building. The Project would include 111 residential dwelling units (20 percent of which would be affordable inclusionary units), a 1,300-sf ground-floor retail/residential amenity space, and basement-level and ground-level space accommodating 156 class 1 bicycle parking spaces. The Project would provide three new street trees on the O'Farrell Street sidewalk. The dwelling unit mix would include 35 one-bedroom units, 62 two-bedroom units, and 14 three-bedroom units; 20 percent of the total units (or 22 units) would be affordable inclusionary units.

The Project would be 13 stories tall, reaching 130 feet in height (146 feet in height to the top of the elevator penthouse). The building's parapet wall would be 2 feet in height, the mechanical and stair penthouse would be 10 feet in height, and the elevator penthouse would be 16 feet above the roofline, respectively. The Project would be set back approximately 31 feet from the rear property line.

The basement level of the Project would include a bicycle storage room with 108 class 1 bicycle parking spaces, tenant storage, and mechanical space. The basement level would include a transformer vault below part of the O'Farrell Street sidewalk. The existing 550 O'Farrell Street building includes basement level space below the sidewalk that would be partially filled for the Project. The ground floor (level 1) would contain four residential units (3 one-bedroom units and 1 three-bedroom unit), retail or residential amenity space, residential lobby, leasing office, mechanical space, and 48 class 1 bicycle parking spaces. Level 1 would also include an approximately 2,100-sf common open space terrace, and private open space for the four residential units. The retail/residential amenity space, located in the southeast corner of the ground floor, and the residential lobby would be accessed from separate entrances fronting O'Farrell Street. Eight class 2 bicycle parking spaces would be provided on the sidewalk on O'Farrell Street.

The 111 residential units would be located on levels 1 through 13. As previously noted, level 1 would contain four residential units. Level 2 would include seven residential units (2 one-bedroom, 2 two-bedroom, and 3 three-bedroom units) and a 1,600-sf fitness center/amenity space for the residential uses. About 950 sf of amenity space would be on level 3 as would the lofts associated with the 2 three-bedroom units on level 2. The remaining 100 units (one-, two-, and three-bedroom units) would be located on levels 3 through 13. Level 13 would include approximately 3,225 sf of common residential open space, four 2-bedroom units and one 1-bedroom unit. The roof level would include a mechanical penthouse. A diesel-powered combustion engine backup generator equipped with best available control technology for emissions control would be installed on the roof level within the enclosed mechanical penthouse structure. The generator would supply emergency power for exit lighting, fire alarm, fire pumps, smoke-control systems, and other loads such as security systems. Other rooftop equipment would include a cooling tower, exhaust fans, and heat pumps.

The building design would include articulated front, rear, and side elevations. The building exterior would be constructed with a durable modern material, such as precast concrete, metal paneling, or an integrated composite system and include the retained façade of the existing garage, discussed below.

The main elevation on O'Farrell Street would be organized in a vertical tripartite division similar to the surrounding buildings that comprise the Uptown Tenderloin Historic District. The base of the building would be the retained façade of the existing 550 O'Farrell Street garage, with plaster finish scored to resemble masonry, and decorative panels. Level 4 would be set back three to four feet from the façade. The middle section of the building would have deep inset punched windows organized into single and vertically paired doubles, creating an offset fenestration pattern. The top of the building would be set back from the middle section by 2.5 feet.

The rear, north elevation of the building would be a two-part volume with a base and upper façade, with large punched window openings. The east and west sides of the building would be articulated as two distinct volumes straddling the core, which is recessed 4 feet to provide light and air to the lightwells of the adjacent buildings. The building core would be constructed of panel-formed concrete and exposed to the exterior at the side elevations.

The Project would provide approximately 6,150 gsf of useable open space to the residential occupants, including 5,655 gsf of common open space and approximately 480 gsf of private open space. The common open space would consist of an approximately 2,130-sf terrace within the level 1 rear yard and an approximately 3,525-sf roof deck facing the rear yard at level 13; those areas would include hardscape

pavers, decking, planting areas, and shade trellises. The private open space would consist of four private decks within the level 1 rear yard.

## B. Project Objectives

The project sponsor, Sandhill O'Farrell, LLC, seeks to achieve the following objectives by undertaking the proposed 550 O'Farrell Street Project:

1. Develop a high-density mixed-income residential development consistent with the purposes of the North of Market Residential Special Use District by fully using the site's zoning capacity of up to 118 dwelling units, within project site constraints, and incorporating on-site affordable units.
2. Replace an outdated private parking garage with a mix of uses compatible with the surrounding Tenderloin neighborhood.
3. Contribute to the city's goal of creating 30,000 additional housing units in an area identified in the General Plan for high density housing in close proximity to downtown and local and regional public transportation.
4. Construct a new building that is compatible with the character of the Uptown Tenderloin Historic District.
5. Provide adequate light and air to all housing units in the new building.
6. Develop a project that is financially feasible and able to support the equity and debt returns required by investors and lenders to finance multi-family residential developments.

## C. Project Approvals

The proposed 550 O'Farrell Street project would require the following approvals from the City and County of San Francisco:

### Actions by the Planning Commission

- Certification of the FEIR
- Approval of a conditional use authorization to construct a building exceeding a height of 50 feet in an RC zoning district (Planning Code section 253) and exceeding a height of 80 feet in an 80-T-130-T height and bulk district (Planning Code section 263.7).
- Approval of a conditional use authorization to exceed building bulk limits (Planning Code section 270); the project would seek to increase the maximum allowed diagonal dimension at the setback height established pursuant to Planning Code section 132.2 from 125 feet to 130 feet.

#### Actions by the Zoning Administrator

- Approval of a rear yard modification (Planning Code section 134) and dwelling unit exposure variance (Planning Code section 140) to reduce the depth of the rear yard from approximately 34 feet to approximately 31 feet.

#### Actions by Other City Departments and Government Agencies

- Approval of demolition, grading, and building permits (Department of Building Inspection).
- Waiver of requirement for four street trees and payment of an in-lieu fee, to provide three street trees on the O'Farrell Street sidewalk (Department of Public Works).
- Approval of an encroachment permit to install the transformer vault below part of the O'Farrell Street sidewalk (Department of Public Works).
- Approval of a request for color curb and on-street parking changes on O'Farrell Street (San Francisco Municipal Transportation Agency).
- Approval of a Stormwater Control Plan and project compliance with the Stormwater Design Guidelines (San Francisco Public Utilities Commission).
- Approval of project compliance with the Maher Ordinance prior to the commencement of any excavation work and approval of any soil mitigation plan as may be required (San Francisco Department of Public Health).
- Approval of a San Francisco Health Code article 38 ventilation plan prior to submitting plans for a mechanical permit (San Francisco Department of Public Health and Department of Building Inspection).
- Issuance of a certification of registration for a diesel backup generator (San Francisco Department of Public Health).
- Approval of a permit for the installation, operation, and testing of a diesel-powered backup generator (Bay Area Air Quality Management District).

#### D. Environmental Review

The Project sponsor filed an environmental evaluation application with the Planning Department on July 19, 2017. This filing initiated the environmental review process. The EIR process includes an opportunity for the public to review and comment on the Project's potential environmental effects and to further inform the environmental analysis.

On March 6, 2019, the Planning Department issued the notice of preparation (NOP) of an EIR on the proposed 550 O'Farrell Street project and made the NOP available on its website. The NOP was sent to governmental agencies, organizations, and persons interested in the Project, and publication of the NOP initiated the 30-day public scoping period for this SEIR, which started on March 6, 2019, and ended on April 5, 2019. The NOP included a description of the Project and a request for agencies and the public to submit



comments on the scope of environmental issues that should be addressed in this EIR. The NOP is included as EIR Appendix B, Notice of Preparation.

During the review and comment period, a total of 15 comments were submitted to the planning department by interested parties. San Francisco Public Utilities Commission staff commented on water supply information to be addressed in the environmental documents. The Native American Heritage Commission commented on AB 52 tribal cultural resources notification and consultation requirements. Thirteen other responses commented on the NOP review schedule, project merits, construction noise and air quality impacts, views, parking, historic resources, and project alternatives.

On May 20, 2020, the Department published the Draft Environmental Impact Report (hereinafter "DEIR"), including the Initial Study ("IS"), and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project Site by the Project Sponsor on May 20, 2020.

On May 20, 2020, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on May 20, 2020.

The Commission held a duly advertised public hearing on the DEIR on June 25, 2020, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on July 7, 2020.

The Department prepared responses to comments on environmental issues received during the 45 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. This material was presented in a Responses to Comments document, published on November 9, 2020, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law. The IS is included as Appendix A to the DEIR and is incorporated by reference thereto.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 49 South Van Ness, Suite 1400, San Francisco, and are part of the record before the Commission.

On December 10, 2020, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on December 10, 2020, by adoption of its Motion No. [\_\_\_\_].

E. Content and Location of Record

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

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
• All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
• All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
• All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
• All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
• All information (including written evidence and testimony) presented at any public hearing or workshop related to the Project and the EIR;
• The MMRP; and,
• All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 49 South Van Ness Avenue, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

F. Findings about Environmental Impacts and Mitigation Measures

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

analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

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

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

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

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

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

## **II. LESS-THAN-SIGNIFICANT IMPACTS**

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

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

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

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern 5 potential impacts and mitigation measures proposed in the IS and/or FEIR. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential cultural resource, tribal cultural resource, noise, and air quality identified in the IS and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or to avoid significant or potentially significant environmental impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or FEIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Conditional Use Authorization under Planning Code Section 303 and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce 6 impacts identified in the Initial Study and/or FEIR to a less-than-significant level:

#### Impacts to Archeological Cultural Resources

**Impact CR-4:** The Project could potentially cause a substantial adverse change in the significance of an archeological resource, or could potentially disturb human remains, if present. With implementation of Mitigation Measure M-CR-4 (Accidental Discovery of Archeological Resources), Impact CR-4 is reduced to a less-than-significant level.

#### Impacts to Tribal Cultural Resources

**Impact TCR-1:** The Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074. With implementation of Mitigation Measure M-TCR-1 (Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program), Impact TR-1 is reduced to a less-than-significant level.

#### Impacts to Noise and Vibration

**Impact NO-1:** The Project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. With implementation of Mitigation Measure M-NO-1 (Construction Noise Controls), Impact NO-1 is reduced to a less-than-significant level.

**Impact NO-2:** The Project would generate excessive groundborne vibration or groundborne noise levels. With implementation of Mitigation Measure M-NO-2 (Construction Vibration Controls), Impact NO-2 is reduced to a less-than-significant level.

#### Impacts to Air Quality

**Impact AQ-2:** The Project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. With Implementation of Mitigation Measure M-AQ-2 (Construction Emissions Minimization), Impact AQ-2 is reduced to a less-than-significant level.

**Impact AQ-4:** The Project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact AQ-4 is reduced to a less-than-significant level.

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

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there is one significant project-specific impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identifies one significant and unavoidable impacts on cultural resources.

The Planning Commission further finds based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that feasible mitigation measures are not available to reduce the significant Project impact to less-than-significant levels, and thus this impact remains significant and unavoidable. The Commission also finds that, although measures were considered in the FEIR that could reduce this significant impact, this impact remains significant and unavoidable.

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

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

#### **Impact to Cultural Resources –**

**Impact CR-1:** The Project would demolish most of the 550 O'Farrell Street building, causing a substantial adverse change in the significance of a historical resource as defined in CEQA guidelines section 15064.5.

- Mitigation Measure M-CR-1a (Documentation of the Historic Resource)
- Mitigation Measure M-CR-1b (Interpretation)

The Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measures M-CR-1a and M-CR-1b would reduce the cultural resources impact of the Project, this impact would nevertheless remain significant and unavoidable.

## **V. EVALUATION OF PROJECT ALTERNATIVES**

### **A. Alternatives Analyzed in the FEIR**

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

The Planning Department considered a range of alternatives in Chapter 5 of the FEIR. The FEIR analyzed the No Project Alternative, the Full Preservation Alternative, and the Partial Preservation Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in the FEIR, including Chapter 5. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning

Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

## **B. Reasons for Approving the Project**

- To develop a high-density mixed-income residential development consistent with the purposes of the North of Market Residential Special Use District by fully using the site's zoning capacity and incorporating on-site affordable units.
- To contribute to the city's goal of creating 30,000 additional housing units in an area identified in the General Plan for high density housing in close proximity to downtown and local and regional public transportation.
- To implement the objectives and goals of the General Plan Housing Element.
- To replace an outdated private parking garage with a residential development compatible with the surrounding Tenderloin neighborhood.
- To construct a new building that conforms to the Planning Commission's retained elements policy and, as affirmed by the Historic Preservation Commission in its comments of the Draft EIR, is compatible with the character of the Uptown Tenderloin Historic District.
- To provide adequate light and air to all housing units in the new building.

## **C. Evaluation of Project Alternatives**

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

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

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

### **1. No Project Alternative (Alternative A)**

Under the No Project Alternative, the existing conditions characterizing the 11,800-sf 550 O'Farrell project site would not change. Compared to the proposed project, there would be no new construction of a mixed-use (residential and retail) building consisting of a 130-foot-tall tower, with 111 residential units, and 1,300 sf of retail/residential amenity space. There would be no changes to the circulation system that serves the

project site. The No Project Alternative would not preclude future development of the site with a range of land uses that are permitted under existing zoning and land use regulations. The project site would remain under the existing zoning, density, and height and bulk standards, as defined by the planning code. Under the No Project Alternative, it is assumed that existing land uses – principally garage uses – would remain into the near future

The Planning Commission rejects the No Project Alternative as infeasible because it would fail to meet the Project Objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project objectives;
- 2) The No Project Alternative would not develop a high-density mixed-income residential development consistent with the purposes of the North of Market Residential Special Use District and incorporating on-site affordable units, and therefore would not increase the City's housing stock of both market rate and affordable housing.
- 3) The No Project Alternative would not contribute to the city's goal of creating 30,000 additional housing units in an area identified in the General Plan for high density housing in close proximity to downtown and local and regional public transportation.
- 4) The No Project Objective would not implement the objectives and goals of the General Plan Housing Element.
- 5) The No Project Objective would not replace an outdated private parking garage with a residential development compatible with the surrounding Tenderloin neighborhood, and thus would not achieve any of the objectives regarding the redevelopment of an underutilized site and creation of a mixed-use project that provides a substantial number of new residential dwelling units and affordable housing.

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

## **2. Full Preservation Alternative (Alternative B)**

With the Full Preservation Alternative, the 550 O'Farrell Street building would be retained and rehabilitated as part of the proposed project. This alternative would have 36 residential units for a total of 42,030 residential sf (including residential common, circulation and mechanical space areas); one 1,000 sf ground-floor retail/residential amenity space; 17 vehicle parking spaces (14 basement-level spaces and three ground-level spaces); 72 class 1 bicycle parking stalls (all on ground level) and 8 class 2 bicycle parking spaces on the O'Farrell Street sidewalk. The alternative would have six total stories for a building height of about 72 feet. Approximately 16,200 sf (about 46 percent) of the historic building would be retained for adaptive re-use.

The Full Preservation Alternative would maintain the front half of the historic building with a four-story addition; the first two stories would be set back 30 feet from the primary (south) façade of the historic building and the top two stories would be set back about 67 feet from the primary façade, with a 10-foot deep rear yard. The existing structure (floors, ceilings, and columns) would be retained in the front half of the historic building and would be reused for the new building. The alternative would retain the parking access from O'Farrell Street with adjacent store-front openings. New construction and new uses in the front half of the historic building would require the removal of vehicular circulation ramps and would alter the



appearance of the existing interior structure of the building such that it would not resemble the original structure.

The addition would be constructed behind and connected to the retained portion of the historic building and abut the west, north, and east property lines; there would be lightwells along the side façades. The rear of the historic building would be demolished to accommodate the addition. Some of the existing building's concrete construction and all of the character-defining plaster finish of the south façade would be retained; however, a new, modern materials palette would be introduced at the addition. The façades of the new addition would be designed with modern materials, such as precast concrete, metal paneling, or an integrated composite system. The Full Preservation Alternative would require excavation for the foundation and structural work, as well as for the below-grade parking garage.

The use of the property would change from parking to mixed-use residential/retail. The primary façade would be rehabilitated in conformance with the Secretary of the Interior's Standards for Rehabilitation, with non-character-defining features removed, including the main entrance and the filled-in storefronts on the first-floor level. These missing features would be replaced with new features that would be compatible with the unchanged portions of the primary façade.

The Planning Commission rejects the Full Preservation Alternative as infeasible because it would not meet the Project Objectives policy objectives as well as the Project for reasons including, but not limited to, the following:

- 1) The Full Preservation Alternative would limit the Project to 36 dwelling units; whereas the Project would add 111 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Full Preservation Alternative would also limit the Project to 7 affordable units; whereas the Project would add 22 affordable units to the City's stock of affordable housing. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.
- 3) The Full Preservation Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others.
- 4) The Full Preservation Alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities, as well as the Project does.
- 5) The Full Preservation Alternative would create a project with fewer housing units in an area well-served by transit, services and shopping, which would then push demand for residential development to other sites in the City or the Bay Area. This would result in the Full Preservation Alternative not meeting, to the same degree as the Project, the City's *Strategies to Address*

*Greenhouse Gas Emissions* or the Bay Area Air Quality Management District's ("BAAQMD") requirements for GHG reductions, by not maximizing housing development in an area with abundant local and region-serving transit options.

- 6) The Full Preservation Alternative would have a rear yard measuring only 10 feet in depth, such that the alternative would not provide adequate light and air to all housing units in the new building.

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

### **3. Partial Preservation Alternative (Alternative C)**

The Partial Preservation Alternative would include 111 residential units for a total of 108,650 residential sf (including residential common and circulation areas); one 1,840 sf ground floor retail/residential amenity space; 156 class 1 bicycle parking stalls (108 basement-level stalls and 48 ground-level stalls), and 8 class 2 bicycle parking spaces on the O'Farrell Street sidewalk. The alternative would have 13 stories for a building height of 130 feet. The addition would be set back 18 feet from the O'Farrell Street façade, and the rear yard would be reduced with a width of 13 feet. Approximately 200 sf of the historic building would be retained at the primary (south) O'Farrell Street façade.

The Partial Preservation Alternative would feature a new 13-story building with an 18-foot setback from the primary façade of the historic building. Residential and other uses on levels 2 through 13 of the Partial Preservation Alternative would be similar to the proposed project floor plans but, as noted above, would be set back 18 feet from the existing garage façade, compared to the proposed project where the upper floors would rise directly above the existing façade plane, except for a 3-foot-deep setback at the fourth floor. The rectangular-plan building would abut the west and east property lines and be set back 13 feet from the north property line. The north façade, east façade, west façade, roof, and interior of the historic building would be demolished to accommodate the new structure. The rear yard of the Partial Preservation Alternative would be reduced to 13 feet in depth, requiring the Zoning Administrator to grant a rear yard modification and a unit exposure variance. With the Partial Preservation Alternative, some of the building's concrete construction and all of the character-defining plaster finish of the O'Farrell Street façade would be retained; a new, modern materials palette would be introduced. The façades of the new building would be designed with a durable modern material, such as precast concrete, metal paneling, or an integrated composite system. The Partial Preservation Alternative would require excavation for the foundation and structural work.

As with the proposed project, the project sponsor anticipates that construction of the Partial Preservation Alternative would span approximately 21 months and would be conducted in three phases: (1) demolition, (2) excavation and shoring, and (3) construction. The construction equipment and staging for this alternative would also be similar to the proposed project.

The Planning Commission rejects the Partial Preservation Alternative as infeasible because it would not eliminate the significant unavoidable impact of the Project and for the following reasons:

- 1) The Partial Preservation Alternative would have a rear yard measuring only 13 feet in depth, such that the alternative would not provide adequate light and air to all housing units in the new building and would reduce light and air to adjacent residential buildings on the block.
- 2) The Partial Preservation Alternative would not be compatible with the character of the Uptown Tenderloin Historic District because the 18-foot setback of the upper stories of the building is not characteristic of the historic district, in which residential buildings are aligned with the street wall without upper story setbacks.

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

## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

1. The Project develops a high-density mixed-income residential development consistent with the purposes of the North of Market Residential Special Use District.
2. The Projects provides 22 on-site affordable units and in addition will pay approximately \$1.5 million into the City's Affordable Housing Fund.

3. The Project contributes to the city's goal of creating 30,000 additional housing units by adding 111 units in an area identified in the General Plan for high density housing in close proximity to downtown and local and regional public transportation.
4. The Project implements the City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan to increase the housing stock whenever possible to address a shortage of housing in the City.
5. The Project replaces an outdated private parking garage with a residential development compatible with the surrounding Tenderloin neighborhood.
6. The Project constructs a new building that conforms to the Retained Elements Guidelines, reducing but not eliminating the Project's cultural resources impact, and, as affirmed by the Historic Preservation Commission in its comments of the Draft EIR, is compatible with the character of the Uptown Tenderloin Historic District.
7. The Project implements the City's Transit First Policy by replacing a public parking garage with a residential development containing no off-street parking and ample bicycle parking spaces.
8. The Project meets the City's *Strategies to Address Greenhouse Gas Emissions* and the BAAQMD requirements for a GHG reductions by maximizing development on an infill site that is well-served by transit, services and shopping and is suited for dense residential development, where residents can commute and satisfy convenience needs without frequent use of a private automobile, in an area with abundant local and region-serving transit options. The Project would leverage the site's location and proximity to transit by building a dense mixed-use project that allows people to live and work close to transit sources.
9. The MMRP imposes all feasible mitigation measures that would mitigate the Project's potentially significant impacts to less-than-significant levels, except for the single Cultural Resources impact.
10. The Project will create temporary construction jobs. These jobs will provide employment opportunities for San Francisco and Bay Area residents.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the significant and unavoidable adverse environmental effect identified in the FEIR, and that the adverse environmental effect is therefore acceptable.

# AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

<b>Record No.:</b>	<b>2017-004557ENV</b>	<b>Block/Lot:</b>	0318/009
<b>Project Title:</b>	<b>550 O'Farrell Street Project</b>	<b>Lot Size:</b>	11,808 square feet
<b>BPA Nos:</b>	202009083652	<b>Project Sponsor:</b>	Sandhill O'Farrell LLC
<b>Zoning:</b>	RC-4 Residential-Commercial, High Density Use District 80-T-130-T Height and Bulk District	<b>Lead Agency:</b>	San Francisco Planning Department
		<b>Staff Contact:</b>	Jennifer McKellar – (628) 652-7563 CPC.550FarrellStEIR@sfgov.org

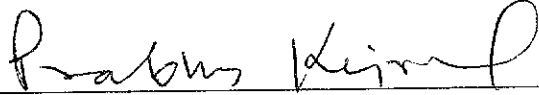
The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program. All mitigation measures would apply to both the proposed project or the project variant (both analyzed in the EIR), with the exception of Mitigation Measure M-CR-2. That measure would apply to the project variant only. The project variant would demolish the entirety of the existing 550 O'Farrell Street garage, a significant historic architectural resource. Mitigation Measure M-CR-2 would require salvage of materials of historical interest to be used as part of the interpretative program.

Adopted Mitigation Measure	Period of Compliance			Compliance with MM completed?
	Prior to the start of Construction <sup>+</sup>	During Construction <sup>++</sup>	Post-Construction or Operational	
Mitigation Measure M-CR-1a: Documentation	X			
Mitigation Measure M-CR-1b: Interpretation	X	X	X	
Mitigation Measure M-CR-2: Salvage <i>(Project Variant Only)</i>	X	X		
Mitigation Measure M-CR-5: Accidental Discovery	X	X		
Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program	X	X	X	
Mitigation Measure AQ-2: Construction Emissions Minimization	X	X		
Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators.	X	X	X	
Mitigation Measure NO-1: Construction Noise Controls	X	X		
Mitigation Measure M-NO-2: Construction Vibration Controls	X	X		

\*Prior to any ground disturbing activities at the project site.

\*\*Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

I agree to implement the attached mitigation measure(s) as a condition of project approval.



Property Owner or Legal Agent Signature

11/20/2020

Date

Note to sponsor: Please contact [CPC.EnvironmentalMonitoring@sfgov.org](mailto:CPC.EnvironmentalMonitoring@sfgov.org) to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

**550 O'FARRELL STREET PROJECT - MITIGATION MONITORING AND REPORTING PROGRAM<sup>1</sup>**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ELEMENTS			
	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
<b>HISTORIC ARCHITECTURAL/CULTURAL RESOURCES</b>				
<b>Mitigation Measure M-CR-1a: Documentation</b>				
<p>Prior to the issuance of demolition or site permits, the project sponsor shall undertake Historic American Building Survey (HABS)-like documentation of the building, structures, objects, materials, and landscaping. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The specific scope of the documentation shall be reviewed and approved by the planning department prior to fulfilling documentation but shall consist of the following:</p> <ul style="list-style-type: none"> <li>• <u>Measured Drawings</u>: A set of measured drawings that depict the existing size, scale, and dimension of the building. The planning department preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.). The planning department preservation staff will assist the consultant in determining the appropriate level of measured drawings.</li> <li>• <u>HABS-Level Photography</u> Digital photographs of the</li> </ul>	Project sponsor's qualified architectural historian at the direction of the ERO	Prior to issuance of a site permit and issuance of a certificate of occupancy	Planning Department	Considered complete after the approved documentation is completed

<sup>1</sup> Definitions of MMRP Column Headings:

**Adopted Mitigation Measures:** Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

**Implementation Responsibility:** Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

**Mitigation Schedule:** Identifies milestones for when the actions in the mitigation measure need to be implemented.

**Monitoring/Reporting Responsibility:** Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

**Monitoring Actions/Completion Criteria:** Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

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<p>interior and the exterior of building. Large format negatives are not required. The scope of the digital photographs shall be reviewed by planning department preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS photography.</p> <p>Photograph views shall include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features.</p> <p>All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included.</p> <ul style="list-style-type: none"> <li>• <u>HABS-level Historical Report</u> – A written historical narrative and report shall be provided in accordance with the HABS/HALS Historical Report Guidelines. The written history shall follow an outline format that begins with a statement of significance supported by the development of the architectural and historical context in which the structure was built and subsequently evolved. The report shall also include architectural description and bibliographic information.</li> <li>• <u>Softcover Book</u> – A Print-on-Demand softcover book shall be produced that includes the content from the historical report, historical photographs, HABS/HALS photography, measured drawings, and field notes. The Print-on-Demand</li> </ul>				



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<p>book shall be made available to the public for distribution.</p> <p>The professional shall prepare the documentation and submit it for review and approval by the planning department's preservation specialist prior to the issuance of demolition permits. The documentation shall be disseminated to the planning department, San Francisco Main Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage.</p> <ul style="list-style-type: none"> <li>• Video recordation shall be undertaken prior to the issuance of demolition or site permits. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, preferably one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. Archival copies of the video documentation shall be submitted to the planning department and to repositories including but not limited to the San Francisco Main Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage.</li> </ul>				

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The video documentation shall be reviewed and approved by the planning department's preservation staff prior to issuance of a demolition permit or site permit.				
<b>Mitigation Measure M-CR-1b: Interpretation</b>				
<p>The project sponsor shall provide a permanent display of interpretive materials concerning the history and architectural features of the original 550 O'Farrell Street building and its operation during the period of significance. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards. The interpretative materials (which may include but are not limited to a display of photographs, news articles, memorabilia, and/or video) shall be placed in a prominent setting on the project site visible to pedestrians.</p> <p>A proposal describing the general parameters of the interpretive program shall be approved by the planning department preservation staff prior to issuance of a site permit. The content, media, and other characteristics of such interpretive display shall be approved by the planning department preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p>	Project Sponsor/qualified preservation consultant	Prior to issuance of the architectural addendum to the Site Permit; Prior to issuance of Temporary Certificate of Occupancy	Planning Department	Planning Department staff to approve design prior to installation, and installation prior to issuance of an occupancy certificate

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<b>Mitigation Measure M-CR-2: Salvage (Project Variant Only)</b>				
Prior to any demolition that would remove character-defining features, the project sponsor shall consult with planning department preservation staff as to whether any such features may be salvaged, in whole or in part, during demolition/alteration. The project sponsor shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. This could include salvage of the gargoyles on the primary façade.	Project Sponsor/qualified preservation consultant at the direction of the ERO	Prior to issuance of construction permits	Planning Department	Considered complete after salvage program is complete
<b>Mitigation Measure M-CR-5: Accidental Discovery</b>				
<p>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) and (c), on tribal cultural resources as defined in <i>CEQA Statute</i> Section 21074, and on human remains and associated or unassociated funerary objects. 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.</p> <p>A preconstruction training shall be provided to all construction personnel performing or managing soils disturbing activities by a qualified archeologist prior to the start of soils disturbing activities on the project. The training may be provided in person or using a video and include a handout prepared by the</p>	Project sponsor at the direction of the ERO	Prior to and during soils-disturbing activities	Planning Department	Considered complete when ERO receives signed affidavit

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<p>qualified archeologist. The video and materials will be reviewed and approved by the ERO. The purpose of the training is to enable personnel to identify archeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archeological resource types and archeological testing and data recovery methods should be included in the training.</p> <p>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 and have taken the preconstruction training.</p> <p>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.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. 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</p>	Project sponsor/ Head Foreman and archeological consultant at the direction of the ERO	Following the discovery of archeological resources	Planning Department	Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted

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<p>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. The ERO may also determine that the archeological resources is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted, as detailed under M-TCR-1 for this project.</p> <p>Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; an archeological testing program; and an interpretative program. If an archeological monitoring program, archeological testing program, or an interpretative program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs and reviewed and approved by the ERO. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource may be at risk from vandalism, looting, or other damaging actions.</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources</p>	Project sponsor and archeological consultant at the direction of the ERO, Medical Examiner, and NAHC as warranted	Following the discovery of human remains	Planning Department	Considered complete on finding by the ERO that all state laws regarding human remains/burial objects have been adhered to, consultation with MLD is completed as warranted, sufficient opportunity has been provided to the archeological consultant for scientific/historical analysis of

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<p>Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.</p> <p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.</p>				remains/funerary objects, and after FARR is reviewed and approved

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<p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project's archeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.</p> <p>The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials. The Draft FARR shall also include an Interpretation Plan for public interpretation of all significant archeological features.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, the consultant shall also prepare a public distribution version of the FARR. Copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of public interest in or the high interpretive value of the resource, the ERO may require a different or additional final</p>	Archeological consultant at the direction of the ERO	Following completion of additional measures by archeological consultant as determined by the ERO	Planning Department	Considered complete upon distribution of approved FARR

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report content, format, and distribution than that presented above.				
<b>TRIBAL CULTURAL RESOURCES</b>				
<b>Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program</b>				
<p>In the event of the discovery of an archeological resource of Native American origin, the Environmental Review Officer (ERO), the project sponsor, and the tribal representative, shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the tribal cultural resource (TCR) would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP), which shall be implemented by the project sponsor during construction.</p> <p>If the ERO in consultation with the project sponsor and the tribal representative determines that preservation-in-place of the TCR is not a sufficient or feasible option then archeological data recovery shall be conducted, as detailed under M-CR-5 for this project. In addition, the project sponsor shall prepare an interpretive program of the TCR in consultation with affiliated Native American tribal representatives. The plan shall identify proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays. Upon approval by the ERO and prior to project occupancy, the interpretive program shall be implemented by the project sponsor.</p>	Project sponsor archeological consultant, and ERO, in consultation with the affiliated Native American tribal representatives	If significant archeological resource is present, during implementation of the project	Planning Department	Considered complete upon project redesign, completion of ARPP, or interpretive program of the TCR, if required



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<b>CONSTRUCTION AND OPERATIONAL AIR QUALITY MITIGATION</b>				
<b>Mitigation Measure AQ-2: Construction Emissions Minimization</b>				
<p>Prior to Issuance of construction and building permits, the Project Sponsor's construction contractor shall comply with the following:</p> <p><i>A. Engine Requirements.</i></p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency or California Air Resources Board (ARB) Tier 2 off-road emission standards and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</li> <li>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</li> <li>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The construction contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.</li> <li>4. The construction contractor shall instruct construction workers and equipment operators on the maintenance and</li> </ol>	Project Sponsor and Construction Contractor	Prior to issuance of construction permits and throughout the construction period	Planning Department	Considered completed after construction activities are completed

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<p>tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p><i>B. Waivers.</i></p> <p>1. The planning department's Environmental Review Officer (ERO) or designee may waive the alternative source of power requirement of subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the construction contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).</p> <p>2. The ERO may waive the equipment requirements of subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce a desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the construction contractor must use the next cleanest piece of off-road equipment, according to the table below.</p> <p><b>Off-Road Equipment Compliance Step-down Schedule</b></p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1</td> </tr> </tbody> </table>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1				
Compliance Alternative	Engine Emission Standard	Emissions Control											
1	Tier 2	ARB Level 2 VDECS											
2	Tier 2	ARB Level 1											

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		VDECS				
3	Tier 2	Alternative Fuel*				
<p><i>How to use the table:</i> If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the construction contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the construction contractor must meet Compliance Alternative 2. If the ERO determines that the construction contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>*Alternative fuels are not a VDECS.</p> <p><i>C. Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the construction contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the construction contractor will meet the requirements of section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include technology type, serial number, make, model,</p>						

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<p>manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the construction contractor agrees to comply fully with the Plan.</p> <p>3. The construction contractor shall make the Plan available to the public for review on site during working hours. The construction contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The construction contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p><i>D. Monitoring.</i> After start of Construction Activities, the construction contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				
<b>Mitigation Measure AQ-4: Best Available Control Technology for Diesel Generators</b>				

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The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for PM: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with a California air board Level 3 VDECS. A non-VDECS may be used if the filter has the same PM reduction as the identical California air board-verified model and if the air district approves of its use. The project sponsor shall submit documentation of compliance with the air district's New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the planning department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.	Project sponsor's construction contractor	Prior to issuance of construction permits and throughout the construction period	Planning Department	Considered complete after construction activities are completed
<b>NOISE MONITORING AND CONSTRUCTION CONTROLS FOR ADJACENT BUILDINGS</b>				
<b>Mitigation Measure NO-1: Construction Noise Controls</b>				
<ol style="list-style-type: none"> <li>The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant to ensure that maximum feasible noise attenuation will be achieved for the duration of construction activities. Prior to commencement of demolition and construction activities, the project sponsor shall submit the construction noise control plan to the San Francisco Planning Department for review and approval. Noise attenuation measures shall be implemented to meet a goal of not increasing noise levels from construction activities by more than 10 dBA above the ambient noise level at sensitive receptor locations. Noise measures may include but are not limited to those listed below.</li> <li>Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and</li> </ol>	Project sponsor's qualified acoustical consultant and construction contractor	Prior to issuance of grading or building permits	Planning Department	Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects

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<p>appropriate for the equipment.</p> <p>3. Use "quiet" models of air compressors and other stationary noise sources where technology exists.</p> <p>4. Locate stationary equipment as far away as possible from adjacent land uses and/or construct temporary noise barriers, where feasible, to screen such equipment. Temporary noise barrier fences would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.</p> <p>5. Unnecessary idling of internal combustion engines should be strictly prohibited.</p> <p>6. The construction staging area should be located on O'Farrell Street and as far as feasible from noise-sensitive receptors. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.</p> <p>7. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</p> <p>8. Where feasible, temporary power service from local utility companies should be used instead of portable generators.</p> <p>9. Locate cranes as far from adjoining noise-sensitive receptors as possible.</p> <p>10. During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.</p> <p>11. Substitute nail guns for manual hammering, where</p>				

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	Implementation Responsibility	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
feasible. 12. Avoid the use of hydra break rams and hoe rams during demolition. 13. Avoid the use of concrete saws, circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 pounds per sf (e.g., such as ¾-inch plywood). 14. During interior construction, the exterior windows facing noise-sensitive receptors should be closed. 15. During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors. 16. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. 17. Designate a Construction Manager who shall: <ul style="list-style-type: none"> <li>a. Clearly post his/her name and phone number(s) on signs visible during each phase of the construction program.</li> <li>b. Notify area residents of construction activities, schedules, and impacts.</li> <li>c. Receive and act on complaints about construction noise disturbances.</li> <li>d. Determine the cause(s) and implement remedial</li> </ul>				

**550 O'FARRELL STREET PROJECT - MITIGATION MONITORING AND REPORTING PROGRAM<sup>1</sup>**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ELEMENTS			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
<p>measures as necessary to alleviate potentially significant problems related to construction noise.</p> <p>e. Request night noise permits from the San Francisco Department of Building Inspection if any activity, including deliveries or staging, is anticipated outside work hours that has the potential to exceed noise standards. If such activity is required in response to an emergency or other unanticipated conditions, night noise permits shall be requested as soon as feasible for any ongoing response activities.</p> <p>f. Notify the planning department's Development Performance Coordinator at the time that night noise permits are requested or as soon as possible after emergency/unanticipated activity causing noise with the potential to exceed noise standards has occurred.</p> <p>18. A noise monitoring log report shall be prepared by the construction manager or other designated person(s) on a weekly basis and shall be made available to the planning department when requested. The log shall include any complaints received, whether in connection with an exceedance or not, as well as any complaints received through calls to 311 or the department of building inspection if the contractor is made aware of them (for example, via a department of building inspection notice, inspection, or investigation). Any weekly report that includes an exceedance or for a period during which a complaint is received should be submitted to the Development Performance Coordinator within 3 business days following the week in which the exceedance or complaint occurred. A report also shall be submitted to the planning department at the completion of each construction phase. The report shall document noise</p>				



**550 O'FARRELL STREET PROJECT - MITIGATION MONITORING AND REPORTING PROGRAM<sup>1</sup>**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ELEMENTS			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
levels, exceedances of threshold levels, if reported, and corrective action(s) taken.				
<b>Mitigation Measure M-NO-2: Construction Vibration Controls</b>				
<p>The project sponsor shall retain the services of a qualified structural engineer or vibration consultant and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment at buildings determined to be historic by the planning department.</p> <p>Prior to any demolition or ground-disturbing activity, a Pre-Construction Assessment shall be prepared to establish a baseline and shall contain written and photographic descriptions of the existing condition of the visible exteriors from public rights-of-way of the adjacent historic buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Construction Assessment shall determine specific locations to be monitored and include annotated drawings of the buildings to locate accessible digital photo locations and locations of survey markers and/or other monitoring devices to measure vibrations. The Pre-Construction Assessment shall be submitted to the planning department along with the demolition and site permit applications.</p> <p>The structural engineer and/or vibration consultant in consultation with the preservation architect shall develop, and the project sponsor shall implement, a <i>vibration management and monitoring plan</i> to protect nearby historic buildings against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each</p>	Project Sponsor/ contractor(s), SF Public Works, as directed by the ERO	Prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection for the 550 O'Farrell Street building	Project Sponsor shall be responsible for contractor compliance  Planning Department, and SF Public Works to monitor Project Sponsor compliance	Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects, if any, on proximate historical resources

**550 O'FARRELL STREET PROJECT - MITIGATION MONITORING AND REPORTING PROGRAM<sup>1</sup>**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ELEMENTS			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
<p>building shall be 0.25 inches per second, or a level determined by the site-specific assessment made by the structural engineer and/or the vibration consultant in coordination with the preservation architect for the project. The <i>vibration management and monitoring plan</i> shall document the criteria used in establishing the maximum vibration level for the project. The plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major construction project activities that would require heavy-duty equipment to ensure that vibration levels do not exceed the established standard. The <i>vibration management and monitoring plan</i> shall be submitted to Planning Department Preservation staff prior to issuance of any demolition or construction permits. The plan shall include but not be limited to these measures:</p> <ol style="list-style-type: none"> <li>1. The project sponsors shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the adjacent buildings including, but not limited to, staging of equipment and materials as far as possible from adjacent buildings to limit damage; using techniques during demolition, excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and adjacent contributing resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire.</li> <li>2. Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.</li> <li>3. Use smaller equipment to minimize vibration levels below</li> </ol>				

## 550 O'FARRELL STREET PROJECT - MITIGATION MONITORING AND REPORTING PROGRAM<sup>1</sup>

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM ELEMENTS			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>				
<p>the limits.</p> <p>4. Avoid using vibratory rollers and tampers near sensitive areas.</p> <p>5. Select demolition methods not involving impact tools.</p> <p>6. Modify/design or identify alternative construction methods to reduce vibration levels below the limits.</p> <p>7. Avoid dropping heavy objects or materials.</p> <p>Should vibration levels be observed in excess of the standard, or if damage to adjacent buildings is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or vibration consultant and the historic preservation consultant shall conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards. A final report on the vibration monitoring shall be submitted to Planning Department Preservation staff prior to the issuance of a Certificate of Occupancy.</p>				



# PLANNING COMMISSION DRAFT MOTION CONDITIONAL USE AUTHORIZATION

**HEARING DATE:** December 10, 2020

**Record No.:** 2017-004557CUA  
**Project Address:** 550 O'Farrell Street  
**Zoning:** Residential-Commercial, High Density (RC-4) Zoning District  
80-T-130-T Height and Bulk District  
North of Market Residential SUD (Subarea No. 1)  
**Block/Lot:** 0318/009  
**Project Sponsor:** Sandhill O'Farrell, LLC  
1160 Battery Street, Suite 100  
San Francisco, CA 94111  
**Property Owner:** Sandhill O'Farrell, LLC  
832 Southhampton Drive  
Palo Alto, CA 94303  
**Staff Contact:** Samantha Updegrave – (628) 652-7322  
[samantha.updegrave@sfgov.org](mailto:samantha.updegrave@sfgov.org)

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 253, 263.7, 271, AND 303 TO ALLOW A STRUCTURE OVER 40 FEET IN HEIGHT ON A LOT WITH MORE THAN 50 FEET OF STREET FRONTAGE THAT EXCEEDS THE 80-FOOT BASE HEIGHT LIMIT IN THE NORTH OF MARKET RESIDENTIAL SUD (SUBAREA NO. 1), AND BULK LIMIT EXCEPTIONS, THE PROJECT WOULD DEMOLISH ALL BUT THE FAÇADE OF THE EXISTING TWO-STORY PARKING GARAGE AND CONSTRUCT A 13-STORY OVER BASEMENT RESIDENTIAL TOWER AND UTILIZE SECTION 207(c)(1) TO ACHIEVE 111 DWELLING UNITS TOTAL (22 ON-SITE INCLUSIONARY UNITS), LOCATED AT 550 O'FARRELL STREET, LOT 009 OF ASSESSOR'S BLOCK 0318, WITHIN THE RC-4 (RESIDENTIAL HIGH DENSITY) ZONING DISTRICT, AN 80-T-130-T HEIGHT AND BULK DISTRICT, AND THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT (SUBAREA NO. 1), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On August 30, 2017, Rob Zirkle of Brick Architecture and Interiors, on behalf of Sandhill O'Farrell, LLC ("Project Sponsor") filed an Environmental Evaluation Application (Case No. 2017-004557ENV) with the Planning Department ("Department") for a demolition and new construction development project at 550 O'Farrell Street, Block 0318, Lot 009 ("Project Site"). The Department deemed the Environmental Evaluation Application complete on April 16, 2018.

On October 15, 2018, the Project Sponsor filed Project Application No. 2017-004557CUA requesting Conditional Use Authorization to demolish the existing 2-story parking garage and construct a 13-story over-basement residential tower with 113 dwelling units, 1,492 square feet of ground-level retail, and parking for 21 vehicles located at and below grade at the Project Site.

On March 6, 2019, the Department provided public notice of the determination that an Environmental Impact Report ("EIR") was required.

On September 30, 2019, the Project Sponsor submitted a revision to Project Application No. 2017-004557CUA requesting Conditional Use Authorization to demolish the existing 2-story parking garage but retain the garage façade and construct a 13-story over-basement residential tower with 111 dwelling units and no off-street parking ("Project") at the Project Site.

On February 4, 2020, the Project Sponsor filed a Preliminary Housing Development Application pursuant to the Housing Crisis Bill of 2019 ("Senate Bill 330") to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process.

On February 27, 2020, the Project Sponsor filed a supplemental Variance Application (Case No. 2017-004557VAR) requesting relief from the requirements for Rear Yard and Dwelling Unit Exposure at the Project Site.

On May 20, 2020, the Department published the Draft Environmental Impact Report ("DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on May 20, 2020.

On June 25, 2020, the Planning Commission held a duly noticed public hearing on the DEIR, at which opportunity for public comment was provided and public comment was received on the DEIR. The period for public commenting on the DEIR ended on July 7, 2020.

On November 9, 2020, the Department prepared and published the responses to comments on environmental issues received during the comment period.

On November 23, 2020, the Department published an Errata to the Response to Comments on the Draft EIR document for 550 O'Farrell Street to correct typographical errors.

On December 10, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Conditional Use application and Variance application (Record No. 2017-004557PRJ).

At the same Planning Commission hearing, the Commission reviewed and considered the Final Environmental Impact Report ("FEIR") and found that the contents of said report and the procedure through which it was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on December 10, 2020 by adoption of its Motion No. [\_\_\_\_\_]. The Commission, in certifying the FEIR, found that the Project described in the FEIR will have the following significant and unavoidable environmental impact:

- Will have a significant, project-specific impact on historic architectural resources.

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

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2017-004557CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2017-004557CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The project would demolish all but the façade of the existing two-story parking garage

but retain the garage façade and construct a 13-story over-basement residential tower (approximately 112,810 square feet) that would utilize Section 207(c)(1) to achieve 111 dwelling units (22 on-site affordable units).

- 3. Site Description and Present Use.** The Project is located on a rectangular lot with 86 feet of frontage along O'Farrell Street and a lot depth of 137 feet (approximately 11,808 square feet of lot area). The Project Site is developed with a two-story commercial garage (approximately 36,712 square feet). In addition to public parking, the garage also contains a rental car company which has recently gone out of business due to COVID-19 impacts.
  
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the RC-4 (Residential-Commercial, High Density) Zoning District and the North of Market Residential Special Use District (Subarea No. 1), in the Tenderloin District of the Downtown / Civic Center neighborhood. The adjacent site to the east contains a six-story apartment building and the one on the east contains a two-story hotel. The block is developed with two- to 12-story masonry and concrete buildings built in the early 1900s. The structures are characterized by ground-floor restaurants and retail sales and services uses with residential apartments and Single Room Occupancy hotels above. The Tenderloin Children's Playground and Boeddeker Park are located within a few blocks of the Project Site.

Other zoning districts in the vicinity of the project site include: P (Public), Polk Street and Lower Polk Street NCDs (Neighborhood Commercial Districts) and C-3-G (Downtown General Commercial).

### **5. Public Outreach and Comments.**

- A. **Public Outreach.** At the date of writing this report, the Project Sponsor has engaged in the following public outreach: Between July 2018 and November 2020, the Project Sponsor has reached out to representatives of the Tenderloin Neighborhood Development Corporation (TNDC), Market Street for the Masses (MSMC), Tenderloin Housing Clinic (THC), Tenderloin Museum, District 6 Community Planners, Positive Resource Center, and several individual residents and community members to present and discuss the Project. Issues discussed centered around affordability, possible community benefit agreements, design and preservation of the existing façade, and opportunities for engagement between community groups and future residents.
  
- B. **Public Comments** At the date of writing this report, the Department has received three letters in support and one in opposition. Supporters cited the additional housing in the City, below-market-rate units, and family-sized units that the Project will provide, in addition to the partial preservation of the garage. Opposition was related to the aesthetic and lack of setbacks from the lot line. Representatives from Tenderloin-based community organizations have also expressed support for the Project as a whole, but also a need for deeper levels of affordability serve the immediate neighborhood and the desire for any housing fees that are collected to be directed back to the neighborhood.

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

- A. **Use.** Residential Uses are principally permitted in the RC-4 zone, with an allowable density of one (1) unit per 200 square feet of lot area pursuant to Planning Code Section 209.3. The dwelling unit density is increased using the provisions of Planning Code Sections 249.5 and 207(c)(1), as discussed below under Density. While allowed on the ground floor, Commercial Uses are not required at street level, and none are proposed.
- B. **Rear Yard and Exposure.** Section 134 of the Planning Code requires a Rear Yard equal to 25% of the lot area, but in no case less than 15 feet. Planning Code Section 140 requires that each dwelling unit face a public street, a code-compliant Rear Yard, or other defined open space.

*The Project seeks a Variance under Case No. 2017-004557VAR pursuant to Planning Code Section 305, to reduce the minimum requirements for Rear Yard and Dwelling Unit Exposure, which will be considered by the Zoning Administrator. Based on the lot depth of 137.50 feet, the required Rear Yard is 34.375 feet. The proposed Rear Yard is 31.167 feet, or 24%. This reduction would cause the rear-facing units to not meet the Dwelling Unit Exposure standards.*

- C. **Open Space.** A minimum of 36 square feet of private open space or 48 square feet of common open space per dwelling unit is required pursuant to Planning Code Section 209.3.

*Four of the ground-floor units have patios at grade that exceed the minimum dimensional and area requirements for private open space. The remaining 107 dwelling units require 5,136 square feet of common open space. Approximately 5,281 square feet is provided by a 2,128 square feet at-grade patio at the rear of the structure and a 3,153 square feet roof deck on Level 13 facing the rear yard.*

- D. **Bike Parking.** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 bicycle parking spaces plus one for every four units over 100, and one (1) Class 2 spaces per 20 dwelling units.

*The Project would require 103 Class 1 spaces and six (6) Class 2 spaces. The Project complies by providing 156 Class 1 spaces with 48 on Level 1 and 108 in the basement, and eight (8) Class 2 spaces on O'Farrell Street.*

- E. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 10 points.

*The Project submitted a completed Environmental Evaluation Application after January 1, 2018. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will achieve 14 points through the following TDM measure:*

- Providing on-site affordable housing (Option B)
- Parking Supply (Option K)



- F. **Density.** The North of Market Residential Special Use District (Subarea No. 1) allows a density ratio of one unit per 125 square feet of lot area pursuant to Planning Code Section 249.5(c)(4).

*Based on the 11,808 square foot lot area, the Project has a maximum density of 94 units. Planning Code Section 207(c)(1) states that projects that are not located in an RH-1 or RH-2 District and are not seeking a density bonus under the provisions of California Government Code Section 65915, and provides 20% or more of its units as on-site affordable units, the affordable units are not counted towards the density. The Project is in the RC-4 Zoning District and is not seeking any other density bonuses, therefore the Project complies with the density allowed in the North of Market Residential Special Use District Subarea No. 1 by providing 89 market-rate units and 22 below-market rate units on-site. The 22 on-site affordable units are being used to satisfy a portion of the Inclusionary Housing requirements, as discussed below. (See Condition 23)*

- G. **Dwelling Unit Mix.** Per Planning Code Section 207.7, at least 25% of the proposed shall contain at least two bedrooms and at least 10% shall contain at least three bedrooms.

*The Project complies with the Dwelling Unit Mix standards by providing 56% of the units as two-bedrooms (62) and 13% as three-bedrooms (14).*

- H. **Height.** The Project is in the RC-4 Zoning District, North of Market Special Use District Subarea No. 1 (SUD), and the 80-T-130-T Height and Bulk District. Section 260(b) allows elevator, stair and mechanical penthouses to exceed the maximum roof height by an additional 16 feet. Planning Code Section 253 requires Planning Commission approval pursuant to the Conditional Use provisions for structures in an RC Zoning District that exceed 40 feet in height on lots with more than 50 feet of street frontage, and Planning Code Section 263.7 requires Planning Commission approval pursuant to the Conditional Use provisions for structures in the North of Market Residential SUD that exceed the 80-foot base height limit, up to 130 feet.

*The Project seeks Conditional Use Authorization for a 13-story building with a height of 129 feet. Findings related to Height are discussed below under in Section 8 Building Height in RC Zoning District and Section 10 Special Height Exceptions: North of Market Residential SUD Findings.*

- I. **Bulk.** The Project is subject to the controls for the "T" Bulk District established in Planning Code Section 270. Above 80 feet in height, the maximum plan dimension length is 110 feet and the maximum diagonal dimension is 125 feet.

*The Project seeks Conditional Use Authorization to allow 134 feet diagonal dimension above 80 feet in height. Findings related to Bulk are discussed below under Section 10 Bulk Limit Exceptions Findings.*

- J. **Inclusionary Housing.** Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on April 16, 2018; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 25% of

the proposed dwelling units as affordable or to pay the Affordable Housing Fee for an amount equivalent to 30% of the proposed dwelling units to be constructed.

*On October 14, 2020, the Project Sponsor submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' stating the requirements will be satisfied by a combination of on-site units and payment of the Affordable Housing Fee, and that any affordable units designated as on-site units shall be rental units and will remain as such for the life of the project. The Project Sponsor has demonstrated that the Project is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6 and has elected to provide 20%, (22 units), of the inclusionary housing requirement on-site, which is also the minimum amount required for the Project to comply with the density provisions in Planning Code Section 207(c)(1), as discussed above, with a minimum of 15% of the units affordable to low-income households, 5% of the units affordable to moderate-income households, and the remaining 5% of the units affordable to middle-income households, as defined by the Planning Code and Procedures Manual. Thirteen (13) units would be provided at the low-income tier (55% AMI), four (4) units at the moderate-income tier (80% AMI), and five (5) units at the middle-income tier (110% AMI). The dwelling unit mix for the 22 affordable units would be seven one-bedroom, 12 two-bedroom, and three three-bedroom. As this only satisfies approximately 78.6% of the required 25% On-Site Affordable Housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable Housing Fee, at the applicable rate of 30%. Based on current fee rates, it is estimated that the project will pay approximately \$1,524,308.35 as the balance of the Inclusionary Affordable Housing requirement, in addition to the 22 proposed on-site units. (See Condition 23)*

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

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

*This is in an infill housing project that would provide 111 new residential units, 20% of which are affordable inclusionary units, in an area near downtown with a shortage of mixed-income housing. The new unit mix includes two- and three-bedroom units which supports the effort to provide housing for families. The project would also retain the historic garage façade, which would integrate the new development with the existing fabric of the block. The increase of housing density will not inhibit other neighborhood servicing uses in the area but rather encourage it. The increase in density does not require the building to be larger than other zoning provisions require except for the diagonal dimension bulk controls, as discussed in Section 10 of this report.*

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

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

arrangement of structures;

- (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;
- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*Although a reduction to the required Rear Yard is being considered through a Variance request, the arrangement of the structure on the site allows a rear yard that contributes to the mid-block open space and is more generous than other buildings on the block. The floor plan of the tower is an "I" shape, creating shallow light wells, allowing light and air into the adjacent buildings light wells.*

*The proposed project eliminates a commercial parking garage and replaces it with infill housing, does not contain off-street parking, and provides 156 Class 1 bicycle parking spaces, which is more than the 103 spaces otherwise required by the code, and is located in an area with robust public transit options. It is anticipated that most new residents will not own a car.*

*The residential use of the building is not anticipated to create noxious or offensive emissions. All mechanical equipment for the building will be contained within mechanical screening at the roof level.*

*There will be 2 common open space areas provided for the residents; a ground-level patio at the rear of the building and a roof deck on the top floor, Level 13, which also faces the rear open area. These spaces will contain landscape elements to provide screening for neighbors.*

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

*The Project complies with all relevant requirements and standards of the Planning Code, including the criteria for height and bulk exceptions as discussed in Sections 8 – 10, and is consistent with objectives and policies of the General Plan as detailed in Section 11. The reductions to the minimum requirements for Rear Yard and Exposure are being considered by the Zoning Administrator according the Variance provisions in Planning Code Section 305. The proposed residential tower is consistent with the uses allowed in the RC-4 zoning district and North of Market Residential SUD No. 1. The proposed dwelling unit density is consistent with other high-density residential development in the area and will support neighboring commercial uses.*

- D. That the use as proposed would satisfy any criteria specific to the use in Planning Code Section 303(g), et seq.

N/A

- 8. Additional Findings: Building Height in RC Zoning District.** Planning Code Section 253(b)(1) establishes criteria for the Planning Commission to consider in addition to Section 303(c) when reviewing a request for a building that exceeds 40 feet in height on a lot with more than 50 feet of street frontage in an RC Zoning District, up to but not above the prescribed height limit for the property. The Planning Commission shall consider the expressed purpose of this code, of the RC Zoning District, and the height bulk districts set forth in Sections 101, 209.3, and 251, and the objectives, policies, and principles of the General Plan. The Project would exceed 40 feet in height, up to the 130 feet maximum permitted, as discussed further Section 9 of this report, on a lot with 85.875 feet of frontage along O'Farrell Street. On balance, the Project does comply with the criteria in that:

*The Project would provide a high-density residential development, as intended for this site. By providing 20% of the units as on-site affordable units, the Project maximizes density while providing a mixture of market rate and affordable units that also includes two- and three-bedroom units suitable for families. While there are no Commercial Uses proposed, the increased density would support existing and future neighborhood-serving Commercial Uses, and the ground-level interior residential amenity space is designed and arranged in such a way that it could be converted to a Commercial Use and conform with current Planning Code requirements.*

*The Project Site is in the North of Market Residential Special Use District (Subarea No. 1). Taller buildings in this area are an appropriate transition from higher downtown heights to the lower heights of existing buildings within the District and the Civic Center area and promote the production of housing. The immediate area is made up of two- to 14-story structures, and the project would respond appropriately to the patterns and characteristics of existing development. Retention of the façade with a three- to four-foot deep hyphen separating the existing from the new construction promotes some level of harmony along the streetwall and helps preserve the scale of existing development. Proximity to transit and ample bicycle parking allows the Project Site to handle more density without creating negative impacts on traffic.*

*The Historic Preservation Commission expressed support for the project, stating that it matched the surrounding size and scale and location of other contributing residential buildings within the Uptown Tenderloin National Register historic district by aligning with the surrounding street wall.*

*The Project meets objectives, policies, and principles of the General Plan, as discussed in Section 7, and the eight priority policies of the Planning Code found in Section 101, as discussed in Section 12 of this report.*

- 9. Additional Findings: Special Height Exceptions: North of Market Residential SUD.** Planning Code Sections 249.5 and 263.7 establish criteria for the Planning Commission to consider in addition to Section 303 when reviewing requests for structures above the base height, up to but not above the prescribed height limit for the property. Within the North of Market Residential SUD, heights higher than 80 feet would be appropriate in order to effect a transition from the higher downtown heights to the generally lower heights of the existing buildings in the District's core and the Civic Center area and to make more feasible the construction of new housing, provided that development of the site is also consistent with the general purposes of the North of Market Residential SUD, pursuant to Section 249.5(b).

The North of Market Residential SUD was established to protect and enhance important housing

resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area.

Because development at heights greater than 80 feet may create pressures on existing affordable housing in the area, that portion of the value added to the new development resulting from the granting of a height exception must be contributed to a fund established for the purpose of stabilizing, rehabilitating, and retaining existing affordable units in the area.

The Project would exceed the 80-foot base height up to the maximum 130-foot height permitted in the 80-T-130-T Height and Bulk District. On balance, the Project does comply with the criteria in that:

*The Project fits within the purpose of the North of Market Residential Special Use District. It is a residential infill development that would provide much needed housing to the neighborhood and the City, including 22 affordable units onsite and family-sized units. The façade of the existing structure is retained to mitigate the demolition of the historic resource and provide better harmony between the existing character of the neighborhood and the new construction.*

*The Project would exceed the 80-foot base height and go up to the maximum 130-foot allowance. The additional gross square footage above 80 feet would be subject to the North of Market Residential SUD Affordable Housing Fee. Preliminary calculations show that approximately 39,796 square feet of the building would be located above the 80-foot base height. Based on the current fee rate of \$7.92 per gross square foot above 80 feet, it is estimated that the project would have pay approximately \$315,184, in addition to the Inclusionary requirement of 22 on-site affordable units and the Inclusionary Affordable Housing Fee. (See Condition 22)*

**10. Additional Findings: Bulk Limit Exceptions pursuant to Section 271.** The Project is subject to the controls for the "T" Bulk District established in Planning Code Section 270. Above 80 feet the maximum plan dimension length is 110 feet and the maximum diagonal dimension is 125 feet. A diagonal dimension of 134 feet is proposed on levels nine through 12. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the following standards and criteria:

- A. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass: Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass; Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements; Differences in materials, colors or scales of the facades that produce separate major elements; and Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted
- B. In every case the building, structure or development shall be made compatible with the

character and development of the surrounding area by means of all of the following factors: A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits; Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character; Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

- C. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

*The Project would reduce the appearance of bulk in the building through a combination of factors: (1) the mass of the building is divided by two central lightwells on the East and West sides of the building; (2) the southern mass along O'Farrell Street is articulated with plane changes to reduce the mass of the building; (3) the O'Farrell Street façade differentiates between the retained elements of the base of the building and the new construction above as well as the further differentiated top floor; (4) the different masses of the building are clad in distinct materials producing visually separate major elements; (5) the maximum length of any major building surface is 85' which is greatly under the maximum allowed length of 110'; and the top floor (level 13) has a reduced diagonal dimension of 102 feet, 11 inches, which is below what is permitted by the Code; and (6) the project's use of materials and color harmonize with surrounding buildings.*

*The Project's building massing and silhouette are harmonious with neighboring building patterns through the retention of the garage façade that forms the building's base, the setback between the retained element and new construction, which is greater at the corners, and creates a hyphen; the 130 foot building height is consistent with other neighborhood residential, hotel, and SRO buildings; the material palette of architectural precast, metal panel and cement plaster – along with the existing historic concrete façade – harmonize with the surrounding buildings; and the pedestrian experience is enhanced by the removal of two large curb cuts in the sidewalk and the addition of three street trees. The existing open parking garage at the pedestrian level has been replaced with a residential lobby and residential amenity space which also enhances the building frontage and the pedestrian experience.*

*The Project would only exceed the diagonal dimension on four of the five stories above 80 feet in height and meets the criteria above to a considerable degree.*

*The Historic Preservation Commission expressed support for the Project design, and commented that the location of the addition's massing was appropriate because it matched the surrounding size and scale and location of other contributing residential buildings within the Uptown Tenderloin National Register historic district by aligning with the surrounding street wall.*



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

### HOUSING ELEMENT

#### Objectives and Policies

##### OBJECTIVE 1

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

##### Policy 1.1

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

##### Policy 1.10

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

*The Project would provide a high-density residential development with 111 dwelling units with a mix of unit types and on-site affordable units. The Project would exceed the unit mix requirements and provide 56% of the units as two-bedrooms (62) and 13% as three-bedrooms (14).*

*Twenty percent of the total units (22 units) would be provided to satisfy 78.9% of the Inclusionary Affordable Housing requirement and allow more dwelling units in the Project. Thirteen (13) units would be provided at the low-income tier (55% AMI), four (4) units at the moderate-income tier (80% AMI), and five (5) units at the middle-income tier (110% AMI). The affordable units are comprised of seven (7) one-bedroom, 12 two-bedroom, and three (3) three-bedroom units, which provides affordable options for a variety of household types and sizes. While the affordable units would not provide units affordable to very-low income residents, it is utilizing a combination of on-site affordable units and paying fees toward affordable housing.*

*In the North of Market Residential SUD, the on-site inclusionary rate for rental projects is 25% of total units, and the 22 units represent 20% of the total units. The remainder of the requirement charged at 30% for purposes of the Affordable Housing Fee and is expected to provide approximately \$1.5 million that would be paid to MOHCD and be used to fund housing projects with deeper affordability throughout the City. The Project would also exceed the 80-foot base height limit, up to the maximum 130-foot allowance. Gross square footage of the building above 80 feet is subject to an additional fee that provides funding for affordable housing within the Project area in the North of Market Residential SUD; this would provide an estimated \$315,000.*

*The Project Site is in a dense and transit-rich area that is served by MUNI rapid routes and service with headways of 10 minutes or less and is within ½ mile of the BART and Muni Powell Street Station. Ample bicycle parking is also provided on site. Residents would be able to easily rely on walking, transit, and bicycles for daily trips.*

#### OBJECTIVE 4

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

##### Policy 4.1

Promote housing for families with children in new development by locating multi-bedroom units near common open space and amenities or with easy access to the street; and by incorporating child-friendly amenities into common open and indoor spaces

##### Policy 4.5

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

##### Policy 4.6

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

*Of the 76 two- and three-bedroom units in the Project, 60 would be co-located with other two- and three-bedroom units and provide opportunity for informal family connections and interactions. The Project would provide 15 on-site affordable units as two- and three-bedroom units which fosters the integration of different housing types among various income levels.*

#### OBJECTIVE 11

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

##### Policy 11.1

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

##### Policy 11.2

Ensure implementation of accepted design standards in project approvals.

##### Policy 11.3

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

##### Policy 11.4

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

##### Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.



*The partial preservation of the historic façade conforms to the Retained Elements Guidelines and respects and enhances the existing neighborhood character, the new construction is consistent with the Uptown Tenderloin Historic District, and the Project would replace a less desirable Automotive Use with a Residential Use. The high density of the Project is principally permitted and appropriate for the Project Site and surrounding neighborhood.*

*On the fourth level a three-foot setback, with four feet at the corners, would create a hyphen between the retained façade and new construction. A deeper setback at this level could create a desirable design effect, but too deep a setback here could make the building appear top heavy. A high parapet on the retained façade presents challenges for street-facing dwelling units at the third level, and it would be difficult to provide a row of street-facing dwelling units like the layout on the floors above. In response to this condition, the Project would create lofts on the third level connected to the two dwelling units at the corners and the shared, interior residential amenity area below. These lofts would be setback from approximately 20 feet from the exterior wall. While there is potential for a deeper setback at the fourth-floor hyphen, the Department supports the three to four-foot setback. It would effectively differentiate the historic façade and the new construction and allow for five street-facing dwelling units, as is typical of the levels above. A deeper setback would cause a loss in floor area that would decrease the potential unit count on the fourth floor.*

## OBJECTIVE 12

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

### Policy 12.2

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

*The Tenderloin Children's Playground and Boeddeker Park are located within a few blocks of the Project Site. Although the Project is not providing neighborhood-serving Commercial Uses, there are many restaurants, personal services, and other retail uses in the vicinity. The Project Site is also located within proximity to the Polk Street NCD and Downtown Zoning Districts.*

## URBAN DESIGN ELEMENT

### Objectives and Policies

#### OBJECTIVE 1

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

### Policy 1.3

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

#### OBJECTIVE 2

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

Policy 2.4

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 2.6

Respect the character of older development nearby in the design of new buildings.

*The Project Site is in the Uptown Tenderloin Historic District, and the existing commercial parking garage is a historic resource under CEQA. The Project would demolish most of the garage and retain the concrete façade, including the parapet. This partial preservation would meet the Retained Elements Guidelines and be part of the impact mitigation for the demolition of the resource, though it does not result in a less than significant impact on the resource. A double-height interior residential amenity area would be included on the third floor to accommodate the existing openings and extended façade/parapet at this level, with lofted dwelling units on either side. The Project proposes a hyphen at the fourth floor to differentiate the retained façade from the new construction. Because of the double height façade at the third level that cannot be altered, the hyphen setback was reduced from the typical eight to 10 feet setback to four feet at each corner and three feet between. While this would decrease the differentiation, it would allow the five dwelling units that face O'Farrell Street on this level to maintain more functional floor area in each unit, thus allowing the full unit count on this floor as those above on levels five through 12. The level of the hyphen would be clad in a darker material to increase the effect of differentiation, while the upper floors would be precast concrete in a shade lighter than the hyphen but darker than the preserved façade.*

*The Historic Preservation Commission expressed full support of the proposed Project and stated that the use of the Retained Elements Guidelines was successfully applied to this Project. They also agreed that the massing was appropriate because it matched the surrounding size and scale and location of other contributing residential buildings within the Uptown Tenderloin National Register historic district by aligning with the surrounding street wall.*

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

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

*The project site does not possess any neighborhood-serving retail uses. The Project provides 111 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The project site does possess any existing housing. The Project would provide 111 new dwelling*

*units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would retain the façade of the existing historic structure, thus incorporating visual neighborhood character and integrating it with new construction. The Project would include a mix of housing types for varying household types and sizes, 22 of which will be on-site affordable units. The Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing 22 below-market rate dwelling units for rent and paying into the citywide Affordable Housing Fee, as well as contributing to an affordable housing fund specifically for the neighborhood within the NOMRSUD. Therefore, the Project will increase the stock of affordable housing units in the City and the NOMRSUD.*

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

*The Project Site is in a dense and transit-rich area that is served by MUNI rapid routes and service with headways of 10 minutes or less and is within ½ mile of the BART and Muni Powell Street Station. Ample bicycle parking is also provided on site. Residents would be able to easily rely on walking, transit, and bicycles for daily trips, including commuting within the City and outlying areas.*

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

*The Project does not include commercial office development.*

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

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

- G. That landmarks and historic buildings be preserved.

*The existing garage is a historic resource under CEQA, and the Project would include partial preservation through the retention of the garage façade. The new construction will be integrated with the retained façade.*

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

*The Project does cast shadow on any public park or other public open space.*

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

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

- 14.** 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.
- 15.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2017-004557CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 1, 2020 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 10, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 10, 2020

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow the partial demolition of an existing two-story parking garage (façade retained) and construct a 13-story-over-basement residential tower with 111 dwelling units located at 550 O'Farrell Street, Block 0318, Lot 009, pursuant to Planning Code Section(s) 253, 263.7, 271, and 303 within the RC-4 Zoning and North of Market Residential Special Use (Subarea No, 1) Districts and an 80-T-130-T Height and Bulk District; in general conformance with plans, dated December 1, 2020 and stamped "EXHIBIT B" included in the docket for Record No. **2017-004557CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 10, 2020** under Motion No. [\_\_\_\_\_]. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 10, 2020** under Motion No. [\_\_\_\_\_].

### Printing of Conditions of Approval on Plans

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

### Severability

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

### Changes and Modifications

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

## CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

### Performance

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance under Planning Code Sections 134, 140, and 305 from the requirements for minimum Rear Yard and Exposure. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

7. **Mitigation Measures.** Mitigation measures described in the MMRP, Attachment B to the CEQA Findings made under Motion No. [\_\_\_\_], are necessary to avoid potential significant effects of the Project and to reduce a significant adverse impact, and have been agreed to by the Project Sponsor. The Project Sponsor has agreed to include the Improvement measures as part of the Project. Their implementation is a condition of Project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Entertainment Commission – Noise Attenuation Conditions

8. **Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects.” These conditions state:

- A. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- B. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- C. **Design Considerations.**
  - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any



entrance/egress for the residential building and (b) any parking garage in the building.

- ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.

D. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.

E. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

## Design – Compliance at Plan Stage

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

12. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. The Department of Public Works indicated in a May 5, 2020 email that they can accept new Vault and Minor Encroachment applications for the Project Site. The above

requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.org)*

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

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, [www.sfmta.org](http://www.sfmta.org)*

- 14. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at 415.252.3800, [www.sfdph.org](http://www.sfdph.org)*

## Parking and Traffic

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

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

*For information about compliance, contact the TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 628.652.7340, [www.sfplanning.org](http://www.sfplanning.org)*

- 16. Bicycle Parking.** The Project shall provide no fewer than 103 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Provisions

**18. Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

**19. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415.581.2335, [www.onestopSF.org](http://www.onestopSF.org)*

**20. Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

**21. Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

**22. North of Market Affordable Housing Fee.** The Project is subject to the North of Market Affordable Housing Fee, as applicable, pursuant to Planning Code Section 263.7.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sfplanning.org](http://www.sfplanning.org)*

**23. Inclusionary Affordable Housing Program.** The Project is subject to the Inclusionary Affordable Housing Program, pursuant to Planning Code Section 415. The following Inclusionary Affordable Housing Requirements are those that were in effect on February 4, 2020, when a Preliminary Application was

submitted for the Project.

- A. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 25% of the proposed dwelling units as affordable to qualifying households. The Project contains 111 units; therefore, 28 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing 22 affordable units on-site to meet the Project's 20% affordable unit minimum required to use Planning Code Section 207(c)(1) Exceptions to Dwelling Unit Density Limits, and payment of the Affordable Housing Fee for the remaining 21.4% balance of the Inclusionary requirement. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- B. **Unit Mix.** The Project contains 34 one-bedroom, 63 two-bedroom, and 14 three-bedroom units; therefore, the required affordable unit mix is 7 one-bedroom, 12 two-bedroom, and 3 three-bedroom units. The Project Sponsor has elected to provide 78.6% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project is providing 7 one-bedroom, 12 two-bedroom, and 3 three-bedroom units on-site. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- C. **Unit Location.** Prior to the issuance of the architectural addendum by DBI for the Project, the Project Sponsor shall record a Notice of Special Restrictions on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The designation shall comply with the designation standards published by the Planning Department and updated periodically. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restrictions to the Department and to MOHCD or its successor.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- D. **Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 25% of the proposed dwelling units as affordable to qualifying households. At least 15% must be affordable to low-income households, at least 5% must be affordable to moderate income households, and at least 5% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons.

The Project Sponsor has elected to provide 78.6% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). The income levels for the on-site units must be provided at the same ratio required by the Planning Code described above. Therefore, the Project is providing 13 units to low-income households at an affordable rent set at 55% Area Median Income, 4 units to moderate-income households at an affordable rent set at 80% Area Median Income, and 5 units to middle-income households at an affordable rent set at 110% Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

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

residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- G. **Regulatory Agreement.** Prior to the issuance of the first construction document, recipients of density bonuses shall enter into a regulatory agreement with the City in conformance with the provisions set forth in Planning Code Section 207(c).

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- H. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twenty percent (20%), or the applicable percentage as discussed above, of each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- J. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. 20657, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- K. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission. The project has qualified for a density bonus by providing at least 20% of the units on-site as affordable and must maintain a minimum of 20% on-site affordability for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- L. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Project Sponsor has elected to provide 78.6% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). The income levels for the on-site units must be provided at the same ratio required by the Planning Code described above. The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning

Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building, however for buildings over 120 feet in height, as measured by the Planning Code, the units may be distributed throughout the lower 2/3 of the building as measured by floors containing residential units; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, with a minimum of 15% of the units affordable to low-income households, 5% to moderate-income households, and the remaining 5% of the units affordable to middle-income households such as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- iv. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- v. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien



against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- M. **Fee Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is thirty percent (30%) because it is a rental project. The Project Sponsor shall pay the applicable Affordable Housing Fee at the issuance of the first construction document. The Project Sponsor has elected to provide 78.6% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project Sponsor is required to satisfy the remaining 21.4% of the Inclusionary requirement through payment of the Inclusionary Affordable Housing Fee.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)

- N. **Other Conditions – Inclusionary Fee Requirement.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
- i. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
  - ii. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500,*

*[www.sf.gov/departments/mayors-office-housing-and-community-development](http://www.sf.gov/departments/mayors-office-housing-and-community-development)*

## Monitoring - After Entitlement

- 24. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 26. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Operation

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

*For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.org)*

- 28. 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, 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

Exhibit B:  
Plans and Renderings  
December 1, 2020

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street



## TYPE I - 130' HEIGHT

13 LEVELS OF TYPE I CONSTRUCTION.

LEVEL	GROSS BUILDING AREA	NET RESIDENTIAL	UNITS			TOTAL
			1 BEDRM (531-573 SF)	2 BEDRM (719-788 SF)	3 BEDRM (903-1,456 SF)	
BASEMENT	4,885 SF					
LEVEL 1	7,958 SF	2,424 SF	3		1	4
LEVEL 2	8,561 SF	5,136 SF	2	2	3	7
LEVEL 3	8,590 SF	4,320 SF	2	2	1	5
LEVEL 4	8,392 SF	6,653 SF	3	6	1	10
LEVEL 5	8,657 SF	6,917 SF	3	6	1	10
LEVEL 6	8,657 SF	6,914 SF	3	6	1	10
LEVEL 7	8,657 SF	6,914 SF	3	6	1	10
LEVEL 8	8,657 SF	6,914 SF	3	6	1	10
LEVEL 9	8,657 SF	6,914 SF	3	6	1	10
LEVEL 10	8,657 SF	6,914 SF	3	6	1	10
LEVEL 11	8,657 SF	6,914 SF	3	6	1	10
LEVEL 12	8,657 SF	6,914 SF	3	6	1	10
LEVEL 13	5,168 SF	3,362 SF	1	4		5
	112,810 SF	77,210 SF	35	62	14	111*
UNIT MIX:			31%	56%	13%	100%

**\*DWELLING UNIT DENSITY**  
 SFPC SEC 249.5(4) FOR NORTH OF MARKET RESIDENTIAL SUD SUBAREA NO. 1 ALLOWS RESIDENTIAL DENSITY OF 1 UNIT PER 125 SQUARE FEET OF LOT AREA. LOT AREA IS 11,808 SF, ALLOWING FOR 94 DWELLING UNITS. PER SEC 207(C)(1), AFFORDABLE UNITS IN PROJECTS WITH 20 PERCENT OR MORE AFFORDABLE UNITS WILL NOT COUNT TOWARDS DWELLING UNIT DENSITY. THIS PROJECT IS SEEKING 111 UNITS AND IS PROVIDING 20% (22) AFFORDABLE UNITS FOR A TOTAL ALLOWED DENSITY OF UP TO 116 UNITS.

### PROJECT DATA

#### PROJECT DESCRIPTION:

THIS PROJECT SEEKS TO ADD MUCH NEEDED HOUSING TO THE UPPER TENDERLOIN HISTORIC DISTRICT. THE DESIRE TO MAXIMIZE HEIGHT AND DENSITY WITHIN THE RC-4 ZONE HAS RESULTED IN A 13 STORY RESIDENTIAL TOWER WITH 111 UNITS, 20% (22 UNITS) OF WHICH WILL BE BELOW MARKET RATE. THE GROUND FLOOR CONTAINS THE RESIDENTIAL LOBBY, RESIDENT AMENITY SPACE AND LEASING OFFICE. OPEN SPACE IS PROVIDED WITH SOME PRIVATE YARDS ON LEVEL 1 AND TWO LARGE COMMON OPEN SPACE AREAS; ONE ON THE LEVEL 1 REAR YARD AND THE OTHER ON LEVEL 13. THIS PROJECT ALSO RETAINS THE EXISTING FACADE OF THE PARKING GARAGE BEING DEMOLISHED.

THE FOLLOWING VARIANCE REQUESTS ARE BEING CONSIDERED UNDER PROJECT NO. 2017-004557VAR:

- PER SEC.270 BULK LIMITS: MEASUREMENT, PLAN DIMENSIONS AT SETBACK HEIGHT ESTABLISHED PURSUANT TO SEC.132.2 SHALL NOT EXCEED 110 FEET IN LENGTH AND 125 FEET DIAGONALLY. THIS PROJECT IS SEEKING TO INCREASE THE DIAGONAL DIMENSION ALLOWED TO 134 FEET
- THE PROJECT IS SEEKING A REAR YARD MODIFICATION PURSUANT TO SEC.134J TO REDUCE THE WIDTH OF THE REAR YARD FROM 34'-4" TO 31'-2".
- THE PROJECT IS SEEKING A SECTION 140 UNIT EXPOSURE VARIANCE TO PERMIT THE UNITS FACING THE REAR YARD TO MAINTAIN UNIT EXPOSURE OF 31'-2", RATHER THAN INCREASING IN WIDTH AS THE BUILDING INCREASES IN HEIGHT.

ASSESSOR'S BLOCK/LOT: 0318/009  
 ZONING: RC-4,  
 SPECIAL USE DISTRICT: NORTH OF MARKET RESIDENTIAL SUD NO. 1  
 HEIGHT & BULK : 80T-130T  
 LOT AREA: 11,808 SF  
 HISTORIC STATUS: LEVEL A - HISTORIC RESOURCE PRESENT

**OPEN SPACE CALCULATION**  
 PRIVATE OPEN SPACE (POS) REQ'D = 36 SF PER UNIT OR  
 COMMON OPEN SPACE (COS) REQ'D = 48 SF PER UNIT

POS PROVIDED: 4 UNITS  
 111 UNITS - 4 UNITS = 107 UNITS REQUIRING COS  
 COS PROVIDED: 5,270 SF / 48 SF = 110 UNITS (EXCEEDS 107 UNITS)

**BICYCLE PARKING**  
 REQUIRED: 103 CLASS 1 AND 6 CLASS 2  
 PROVIDED: 156 CLASS 1 AND 8 CLASS 2:  
 LEVEL 1: 48 CLASS 1 AND 8 CLASS 2  
 LEVEL B1: 108 CLASS 1

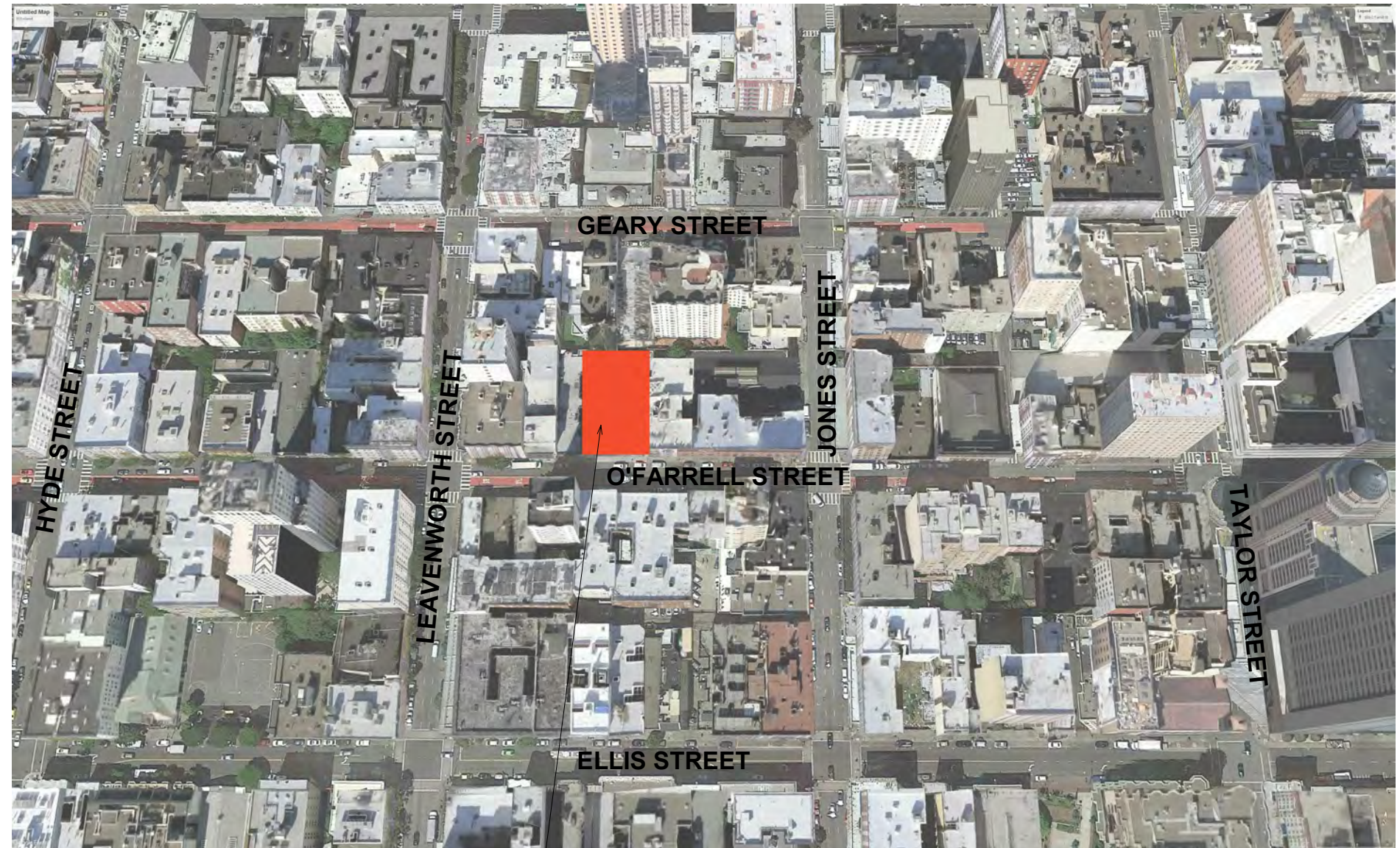
**OFF-STREET PARKING AND LOADING**  
 NON PROVIDED

**BETTER ROOFS ORDINANCE**  
 NOT APPLICABLE - BUILDING OVER 10 STORIES (SEC.149.C.3).

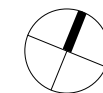


## Character-Defining Features of the Uptown Tenderloin Historic District

- Three- to-seven-story building height
- Multi-unit apartments, hotels, or apartment-hotels, as well as other building types that support residential life (including institutional and commercial uses)
- Constructed of brick or reinforced concrete
- Bay windows on street facades, double-hung windows in the earlier buildings, casement windows with transoms in later buildings
- Flat roofs with parapets providing compositional space for decorative cornices
- Prominent fire escapes
- Decorative features: brick or stucco facings with molded galvanized iron, terra cotta, or cast concrete; deep set windows in brick walls with segmental arches or iron lintels; decorative quoins; sandstone or terra cotta rusticated bases, columns, sills, lintels, quoins, entry arches, keystones, string courses (concrete, stucco or galvanized iron also used to imitate these architectural features)
- Buildings occupy the entire width of the lot creating continuous street walls
- Elaborately detailed residential entrances
- Two- or three-part vertical building composition for apartment and hotel buildings, one- or two-part commercial composition for non-residential and small residential buildings,
- Engraved or painted signs, bronze plaques and neon signs



550 O'FARRELL STREET







CC



A



B



C



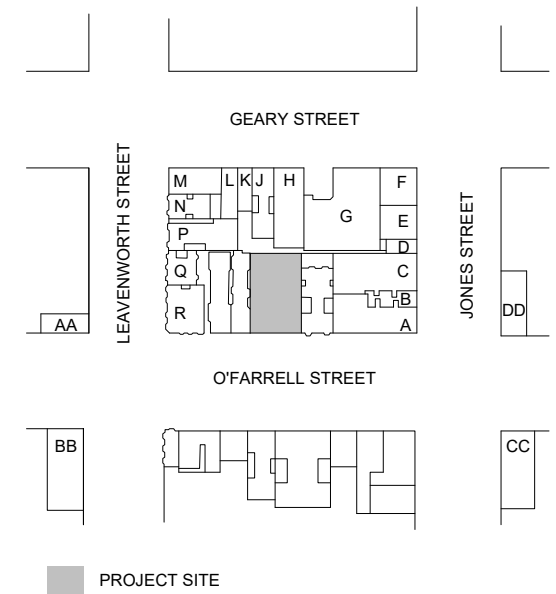
D



E



F







F



G



H



J



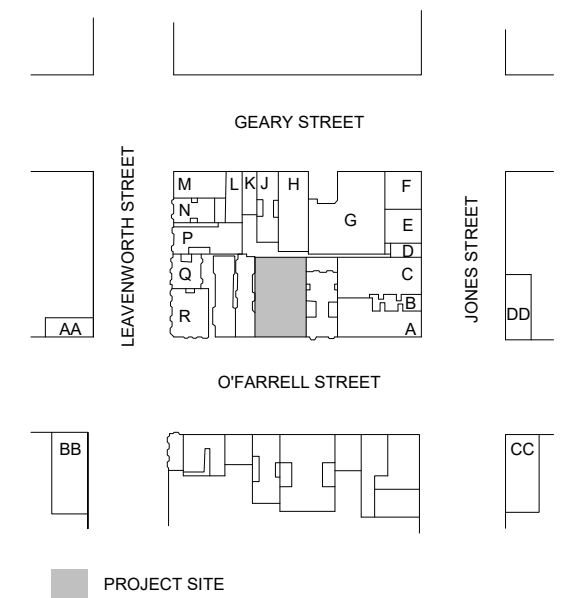
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L



M







N



P



Q



R



AA



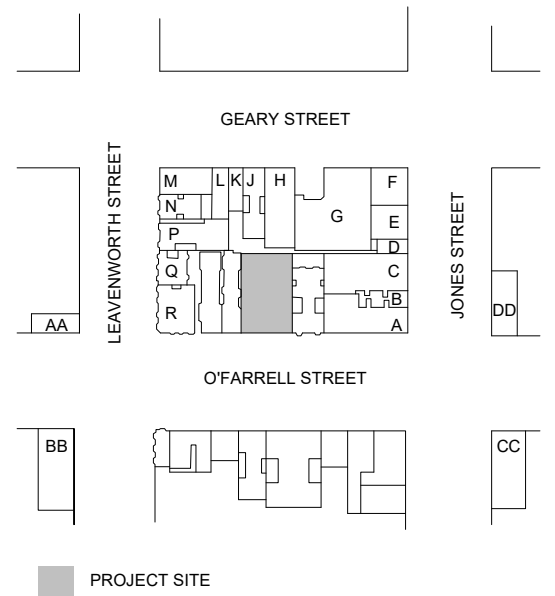
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CC



DD

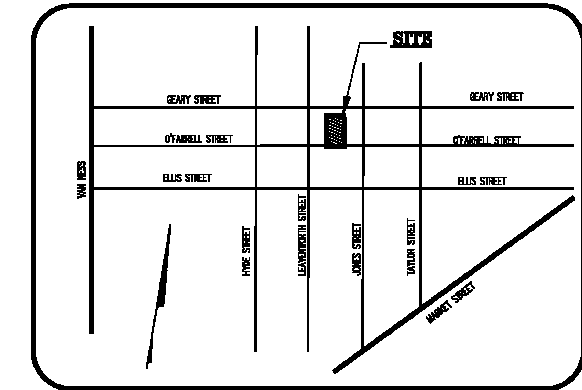
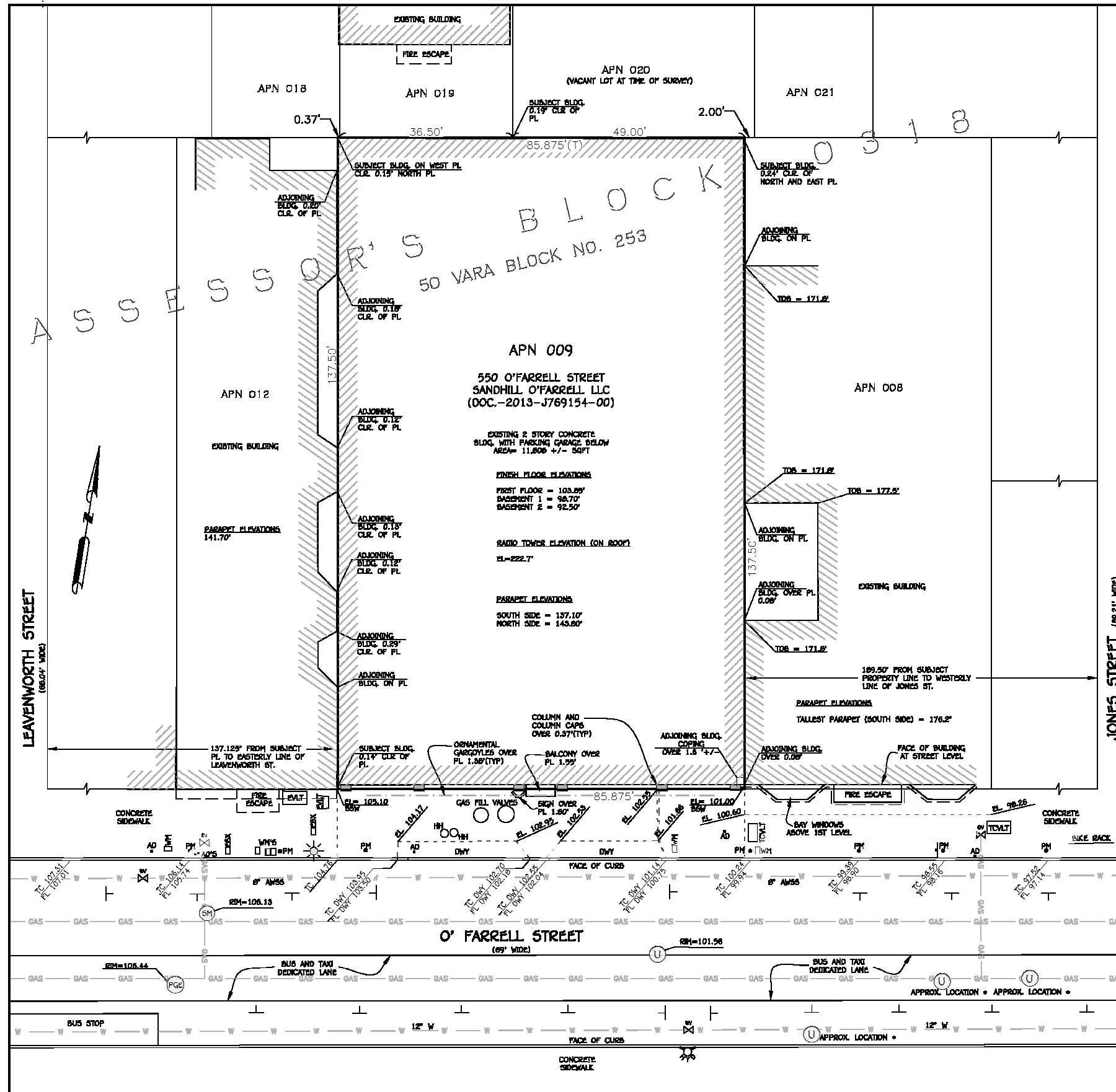


brick.

550 o'farrell - proposed design  
550 o'farrell st. san francisco, ca

site photos  
12.01.20





VICINITY MAP  
NOT TO SCALE

LEGEND:

- |       |                               |     |                         |
|-------|-------------------------------|-----|-------------------------|
| AD    | AREA DRAIN                    | --- | EXISTING BUILDING LINE  |
| AWSS  | AUXILIARY WATER SUPPLY SYSTEM | --- | SUBJECT PROPERTY LINE   |
| BSW   | BACK OF SIDEWALK              | --- | ADJOINERS PROPERTY LINE |
| DWY   | DRIVEWAY                      | --- | BUILDING OVER HANG      |
| EL    | ELEVATION                     | --- | GRADE BREAK LINE        |
| EBX   | ELECTRICAL BOX                | --- | GARGOYLE OVERHANG LINE  |
| EVLT  | ELECTRICAL VAULT              | --- | GAS LINE                |
| FC    | FACE OF CURB                  | --- | 50/55 LINE              |
| FF    | FINISHED FLOOR                | --- | WATER LINE              |
| FL    | FLOW LINE                     | --- |                         |
| GV    | GAS VALVE                     | --- | STORM/SEWER MANHOLE     |
| HH    | HAND HOLE                     | --- | STEAM MANHOLE           |
| PL    | PROPERTY LINE                 | --- | UNKNOWN MANHOLE         |
| PM    | PARKING METER                 | --- |                         |
| TC    | TOP OF CURB                   | --- | GAS VALVE               |
| TCVLT | COMMUNICATIONS VAULT          | --- | WATER VALVE             |
| TDB   | TOP OF BUILDING               | --- |                         |
| T     | TOTAL                         | --- | STREET LIGHT            |
| WM    | WATER METER                   | --- |                         |
| WV    | WATER VALVE                   | --- |                         |
| ( )   | RECORD DATA                   | --- | SIGN                    |
| ---   | PARKING SPACE STRIPING        | --- |                         |
| ---   | FIRE HYDRANT                  | --- |                         |

**BASE OF SURVEY CONTROL:**  
SURVEY CONTROL IS BASED UPON THE FOUND MONUMENT MARKS AND BLOCK DIMENSIONS SHOWN ON THE MAPS REFERENCED ON THIS SURVEY. LOT POSITION IS BASED UPON THE DEED RECORDED OCTOBER 11, 2013, AS DOCUMENT 2013-1769154-00

**BENCH MARK:**  
CORS MONUMENT 20507 = BM #11228 LOCATED ON TOP OF A STORM DRAIN INLET FOUND AT THE NORTHWEST CORNER OF THE INTERSECTION OF GEARY STREET AND JONES STREET  
ELEVATION = 108.89' PER SFV013

**MAP REFERENCES:**  
MONUMENT MAP NO. 13 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR OF SAN FRANCISCO  
BOOK 34 OF CONDOMINIUM MAPS 111-120, FILED AUGUST 22, 1991, ON FILE IN THE RECORDER'S OFFICE OF THE CITY AND COUNTY OF SAN FRANCISCO  
HISTORIC BLOCK DIAGRAM 0316A ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR OF SAN FRANCISCO

**UTILITY NOTE:**  
THE UTILITY LINES SHOWN ON THIS DRAWING ARE DERIVED FROM SURFACE OBSERVATION AND RECORDED UTILITY MAPPING PROVIDED BY THE UTILITY COMPANIES AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS DRAWING SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY EXCAVATION.

**NOTES:**  
ALL ANGLES ARE 90° UNLESS NOTED OTHERWISE NOTED.  
STREET WIDTHS ARE PER THE GRADE MAP NO. 13 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR OF SAN FRANCISCO  
\* UNKNOWN LOCATIONS BASED ON CARS PARKED ON TOP OF OBJECT OR HEAVY TRAFFIC



**ALIQOT**  
Aliquot Associates, Inc.  
1380 S. Main St., Ste. 200  
Walnut Creek, CA 94597  
Telephone: 925.938.4782/8200  
Fax: 925.938.4782

Planners  
Civil Engineers  
Surveyors

No.	BY	DATE	REVISIONS

**TOPOGRAPHIC MAP AND BOUNDARY**  
**550 O'FARRELL STREET**  
**ASSESSOR'S BLOCK 0318, APN 009**

CITY AND COUNTY OF SAN FRANCISCO      CALIFORNIA

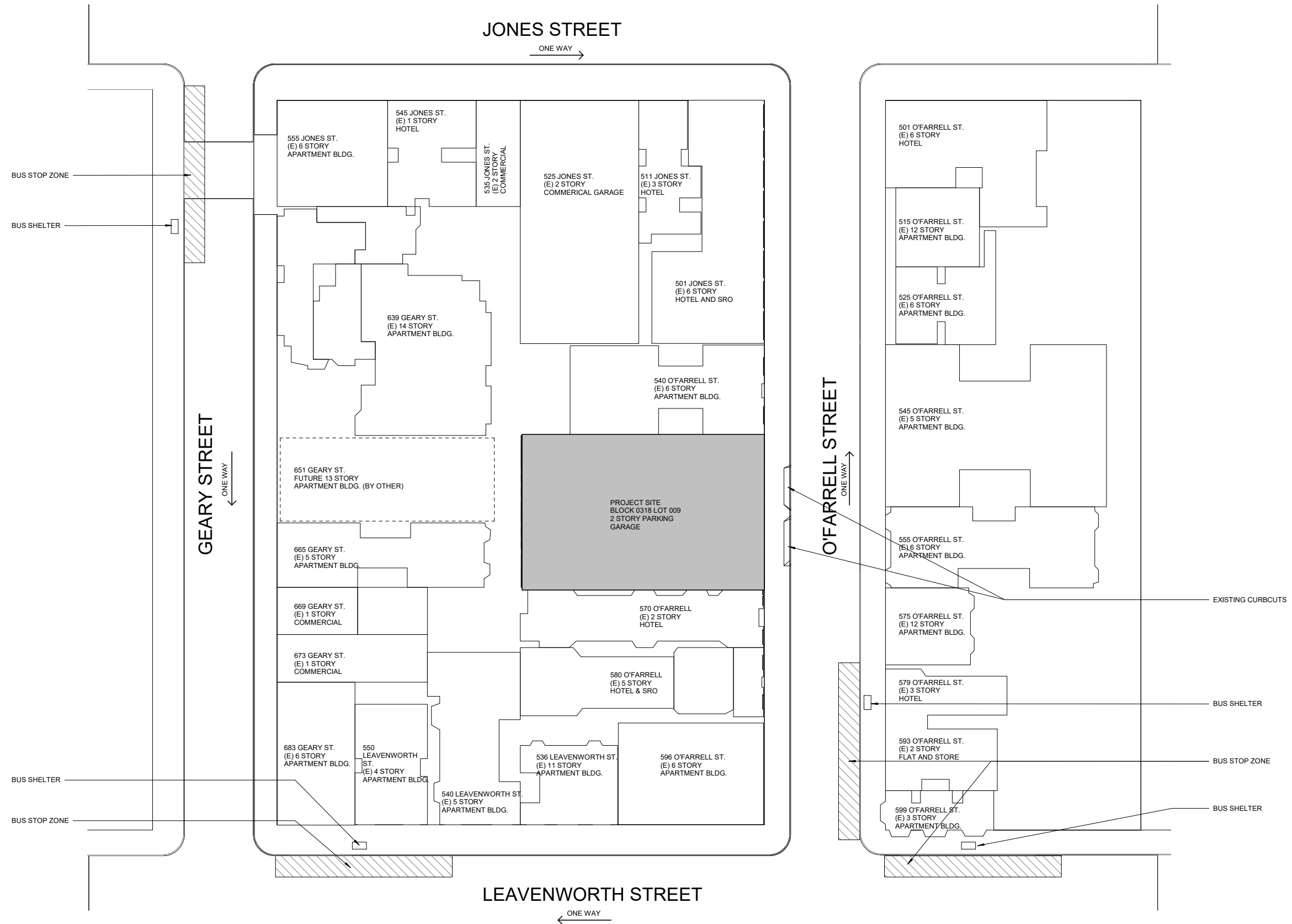
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<b>TOPO</b>					
DRAWING NUMBER					
1 OF 1					



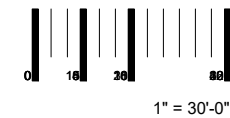
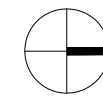
## 550 o'farrell - proposed design

550 o'farrell st. san francisco, ca

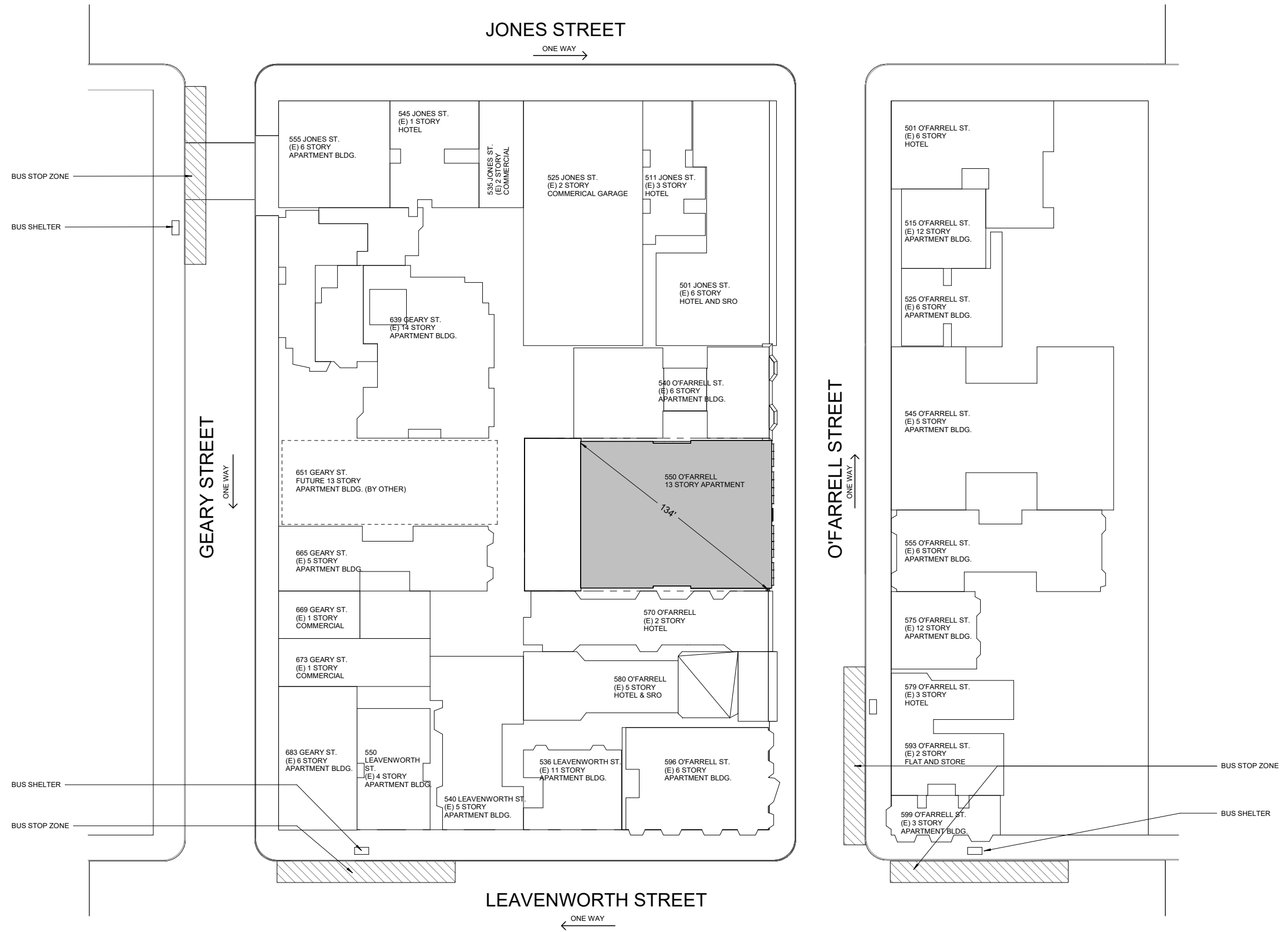
site survey  
12.01.20  
project application update  
www.brick-inc.com



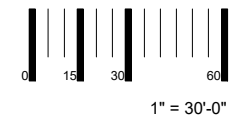
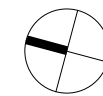
**550 o'farrell - proposed design**  
550 o'farrell st. san francisco, ca



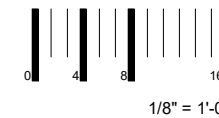
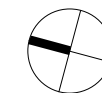
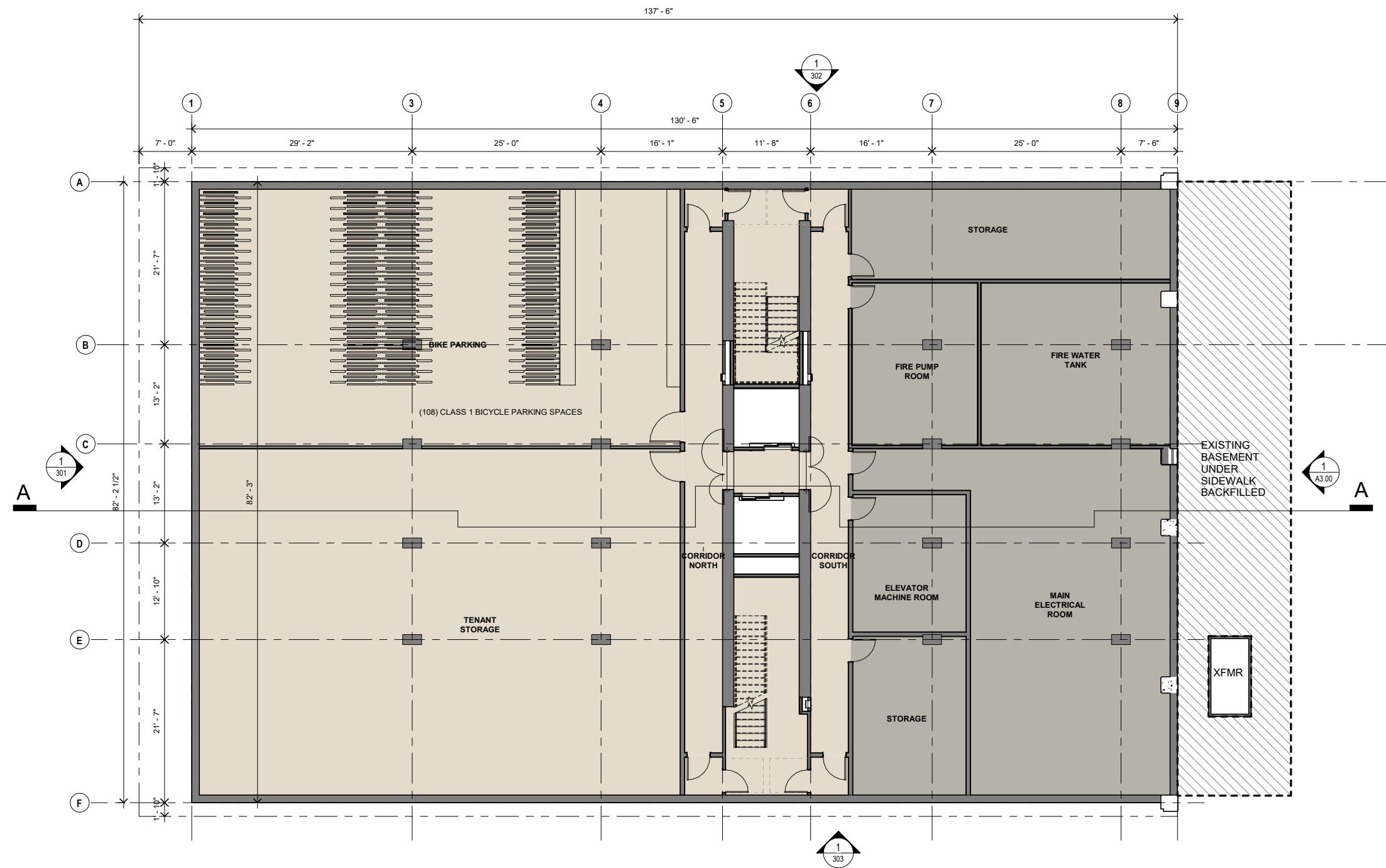
site plan existing  
12.01.20  
project application update  
www.brick-inc.com

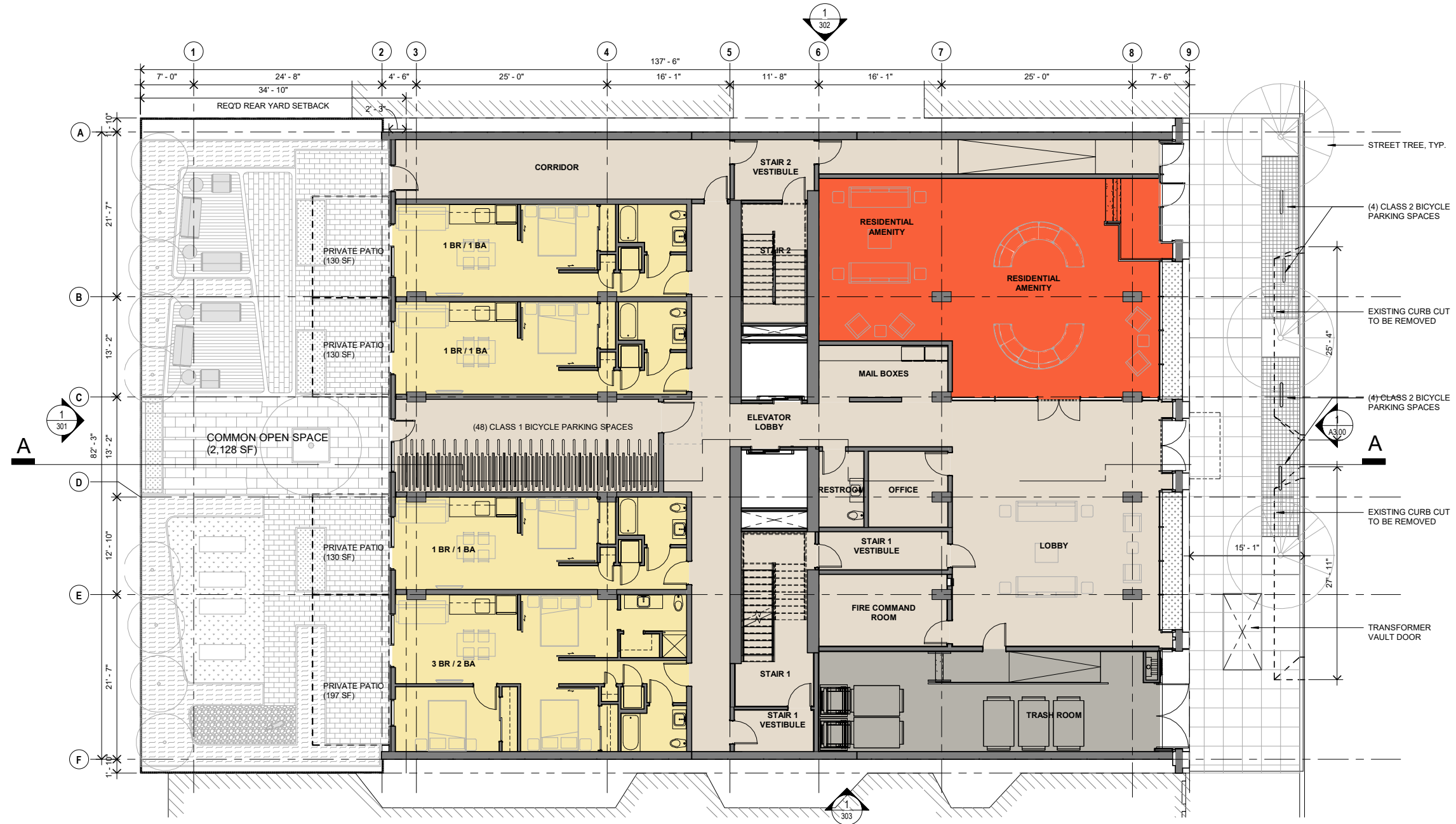


**550 o'farrell - proposed design**  
550 o'farrell st. san francisco, ca

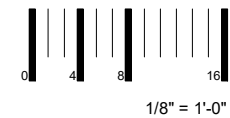
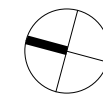


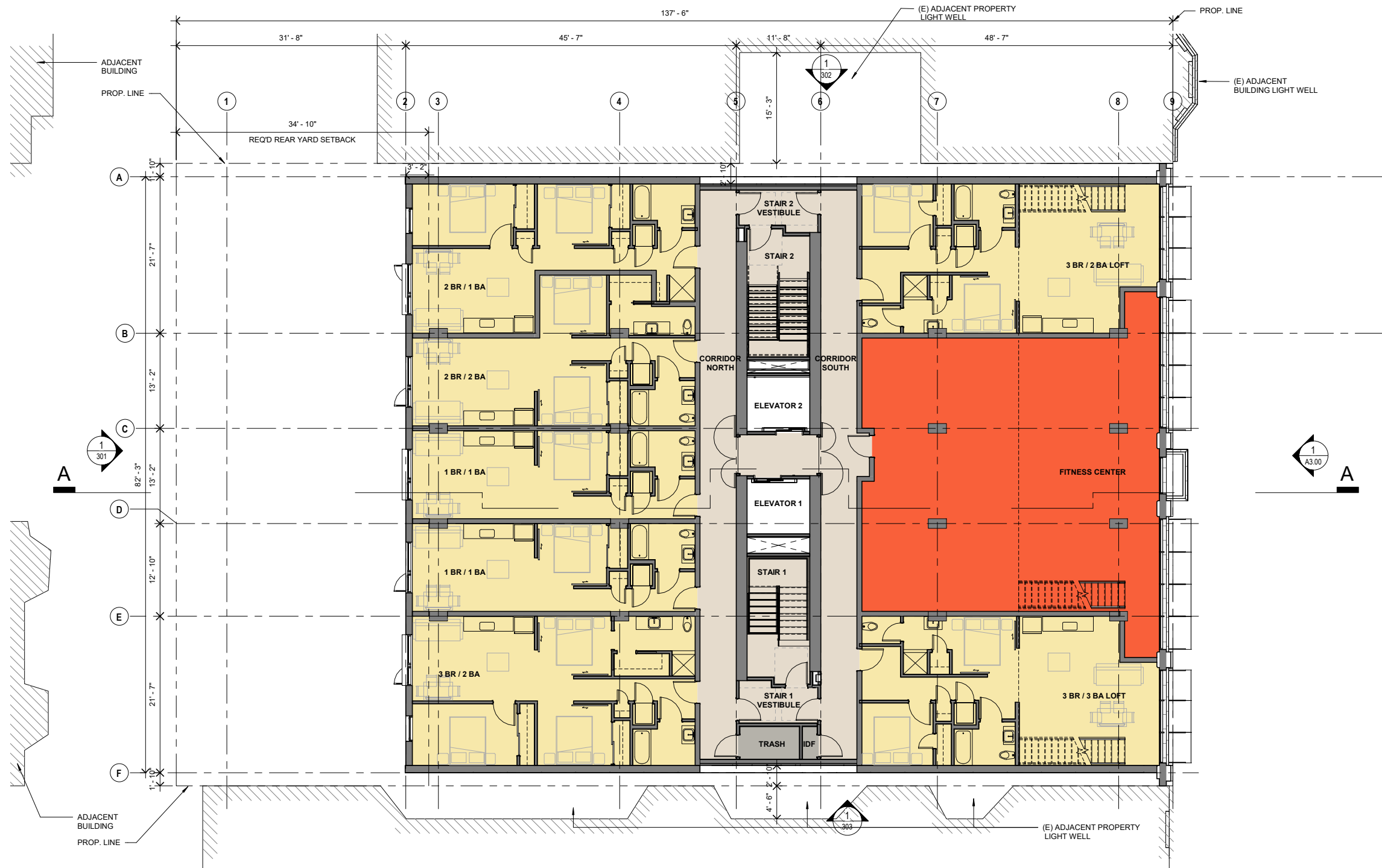
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12.01.20  
project application update  
www.brick-inc.com



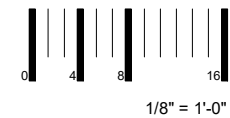
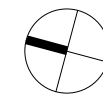


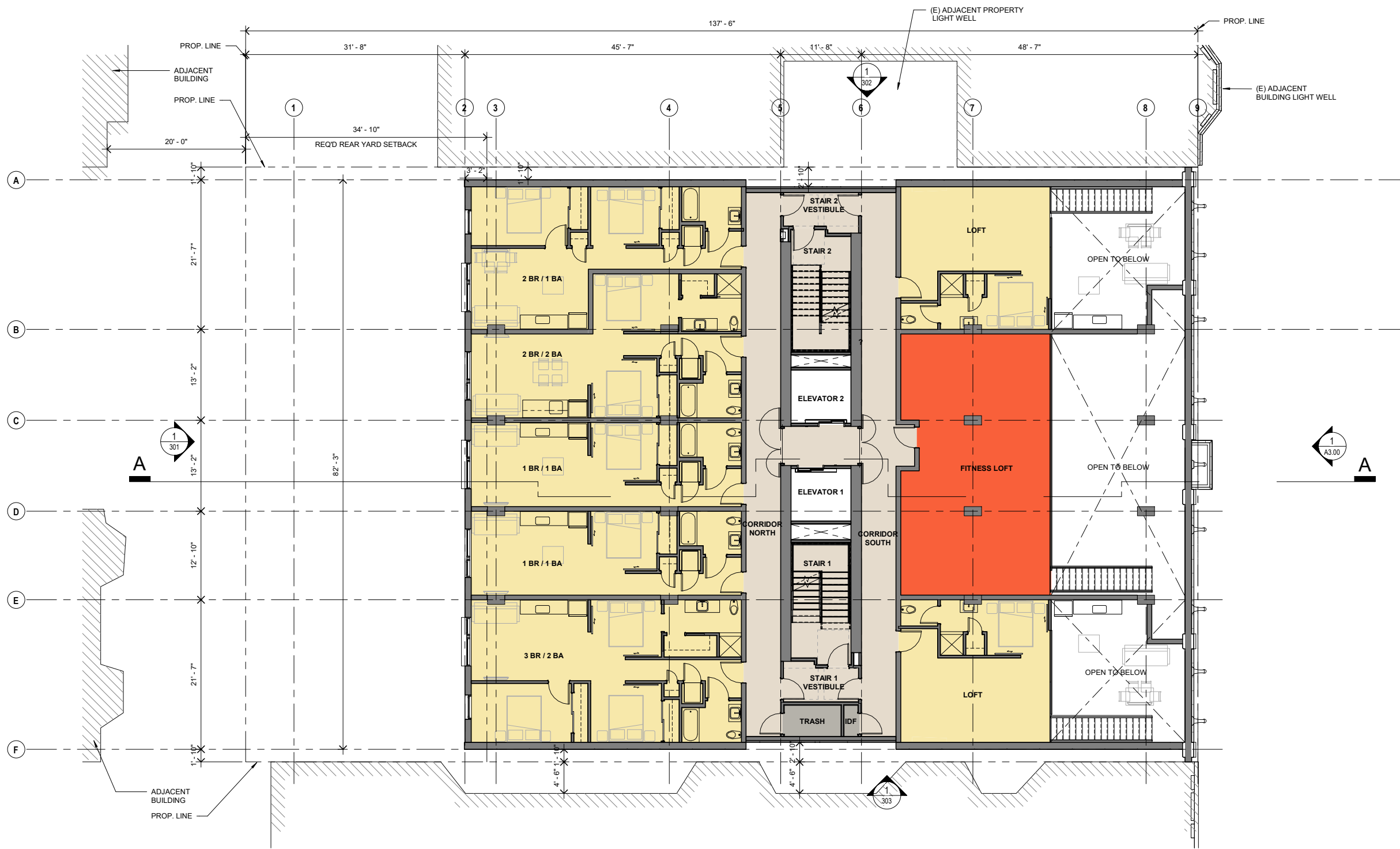
O'FARRELL STREET



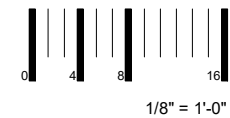
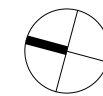


**550 o'farrell - proposed design**  
550 o'farrell st. san francisco, ca



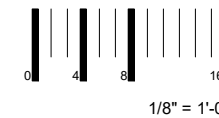
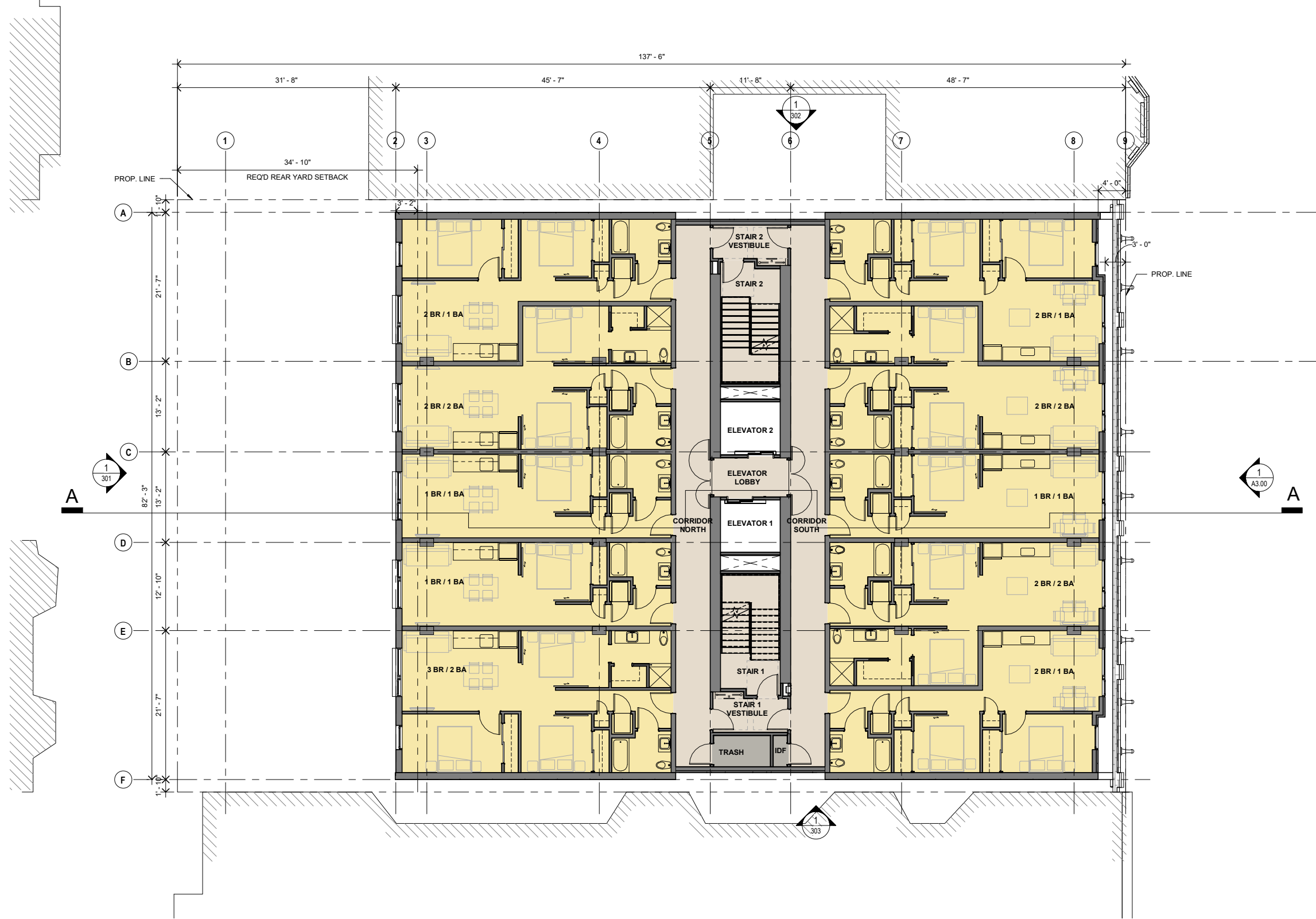


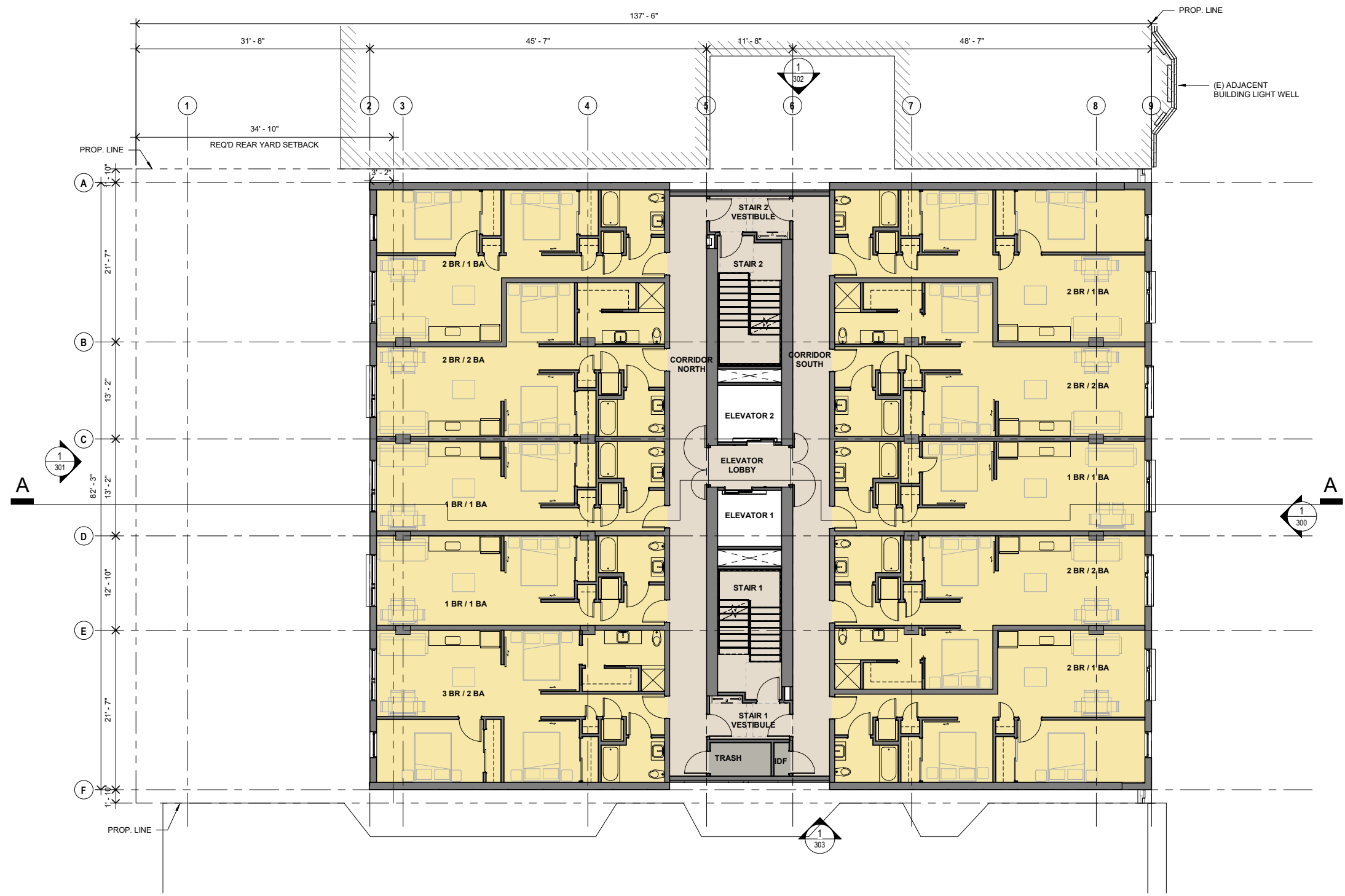
**550 o'farrell - proposed design**  
 550 o'farrell st. san francisco, ca



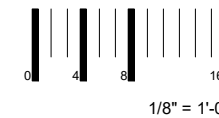
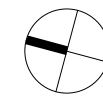
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 12.01.20  
 project application update  
 www.brick-inc.com



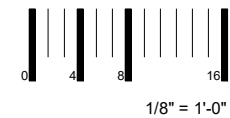
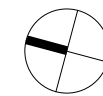
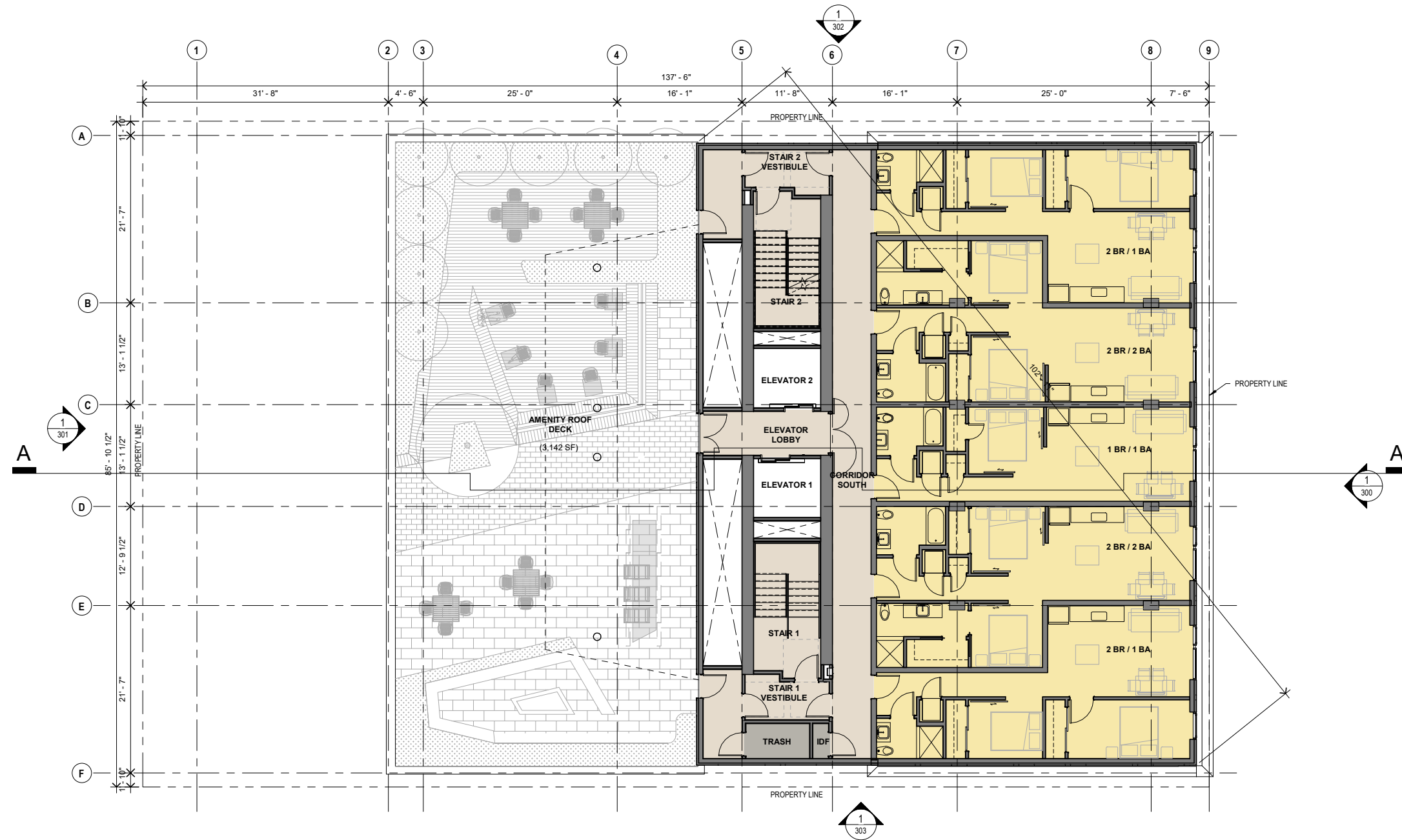


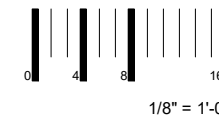
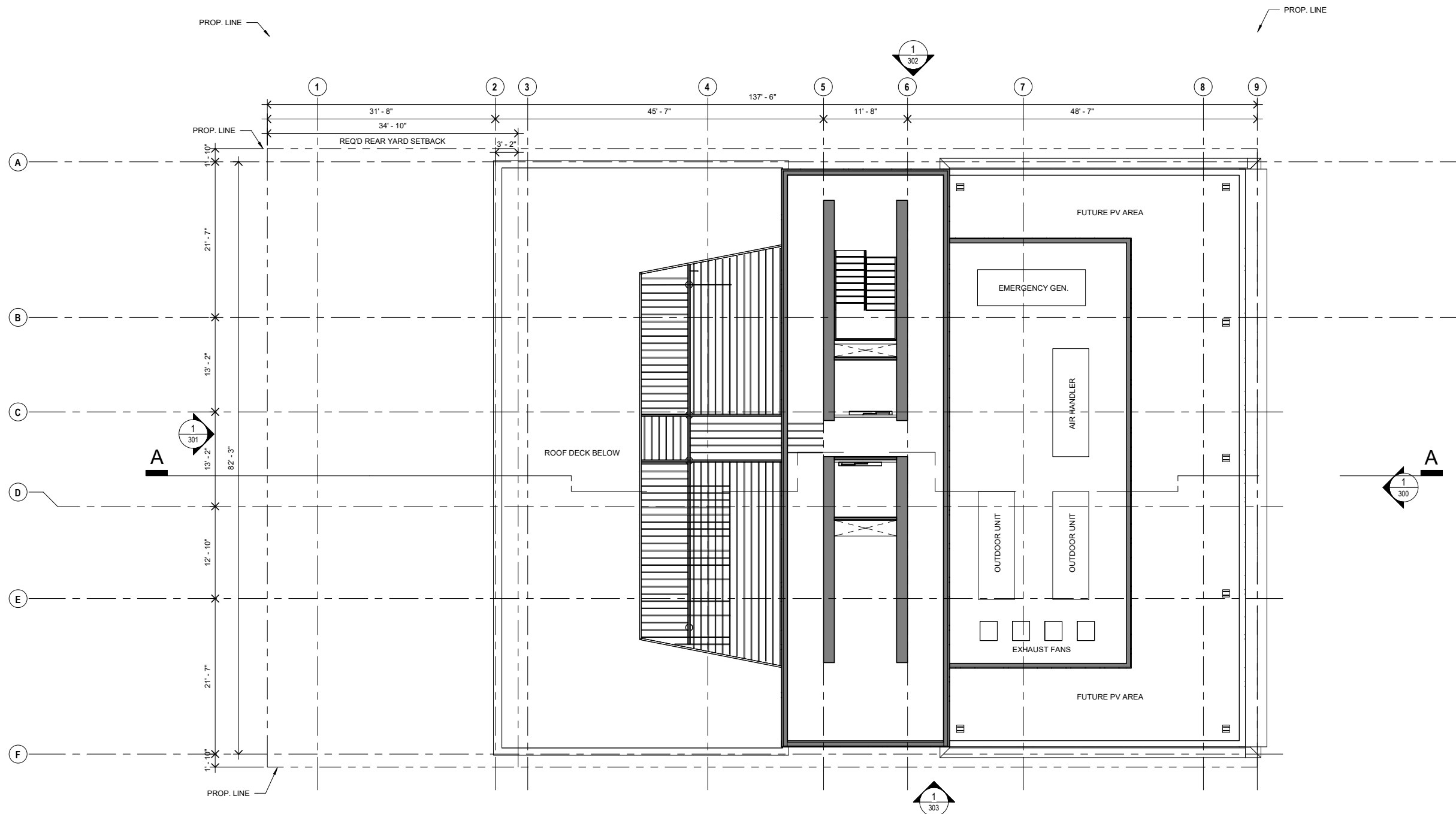


**550 o'farrell - proposed design**  
 550 o'farrell st. san francisco, ca



levels 5-12 plan  
 12.01.20  
 project application update  
 www.brick-inc.com

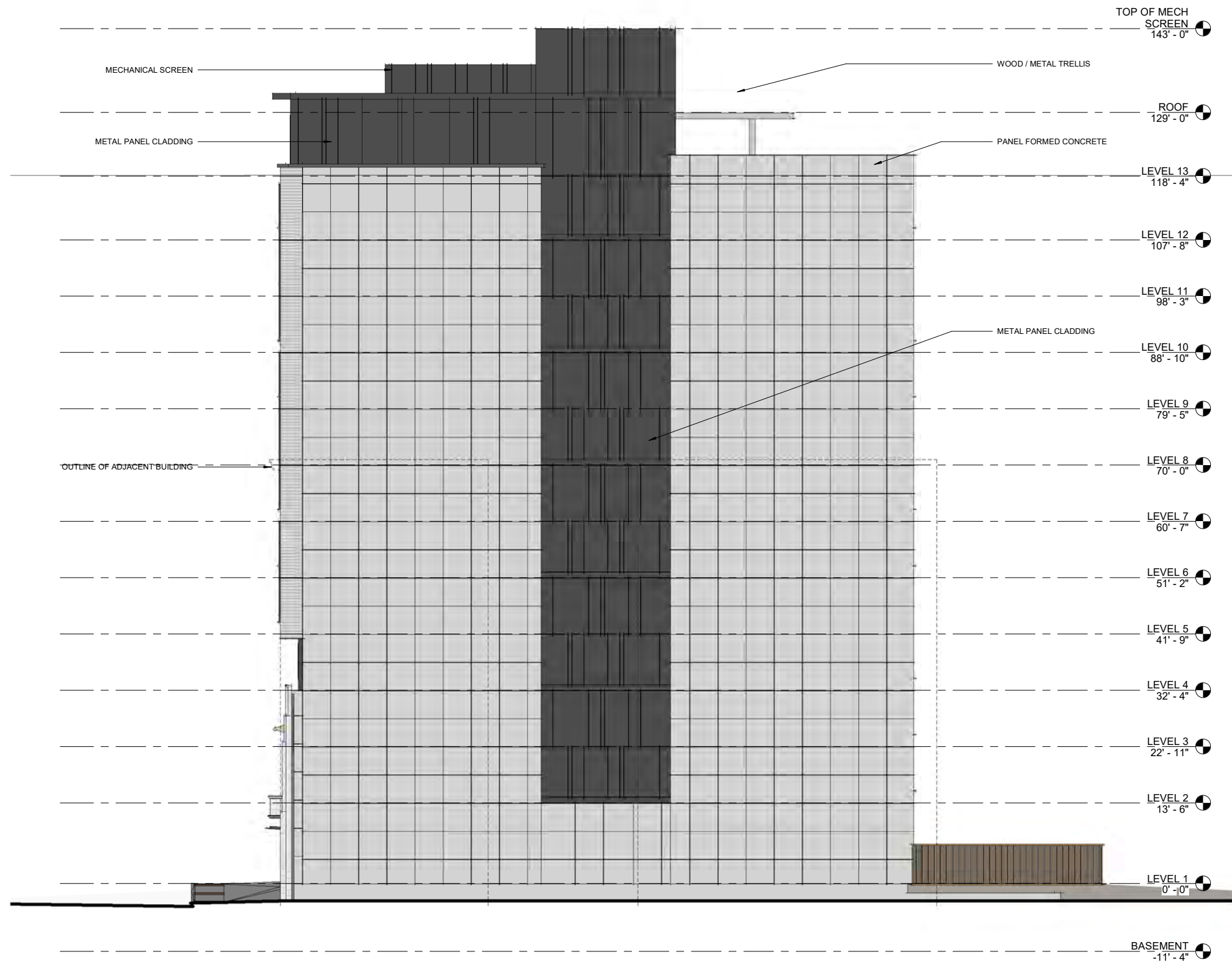


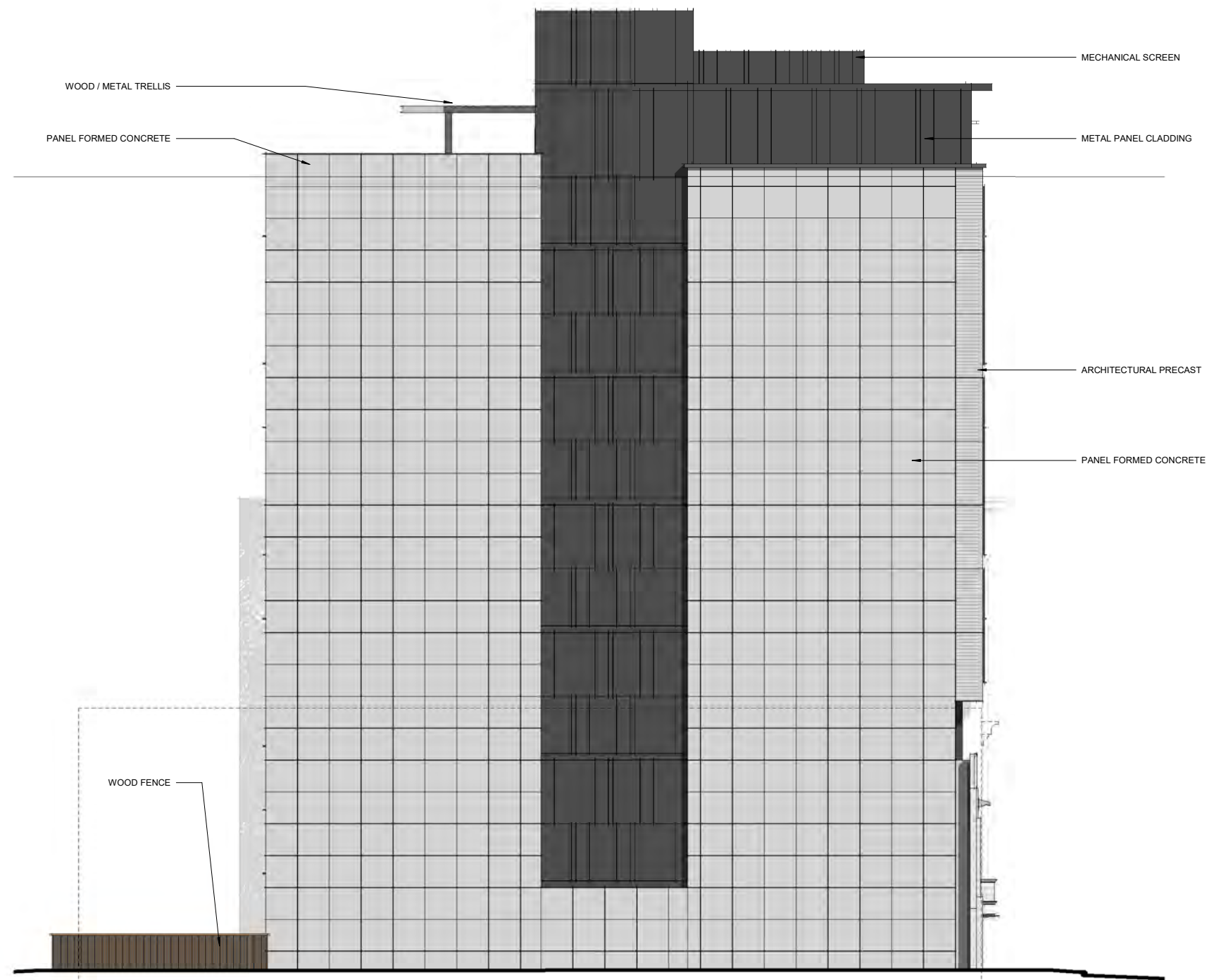




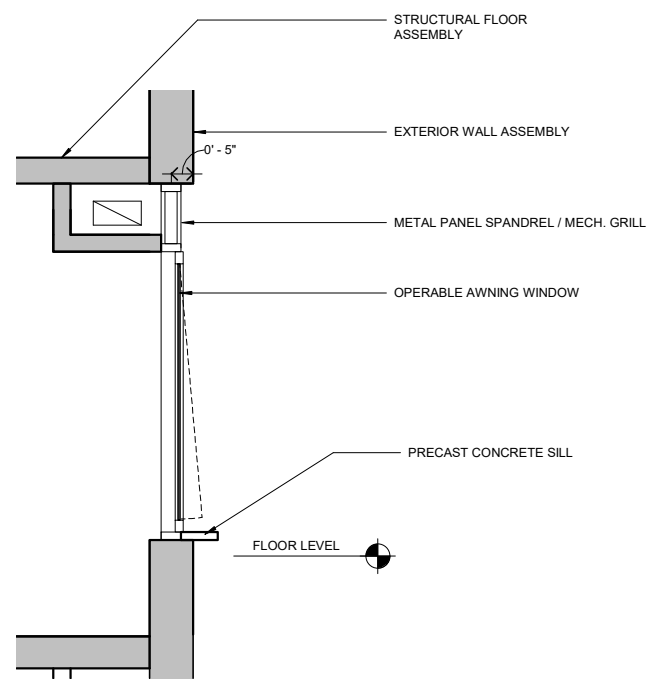








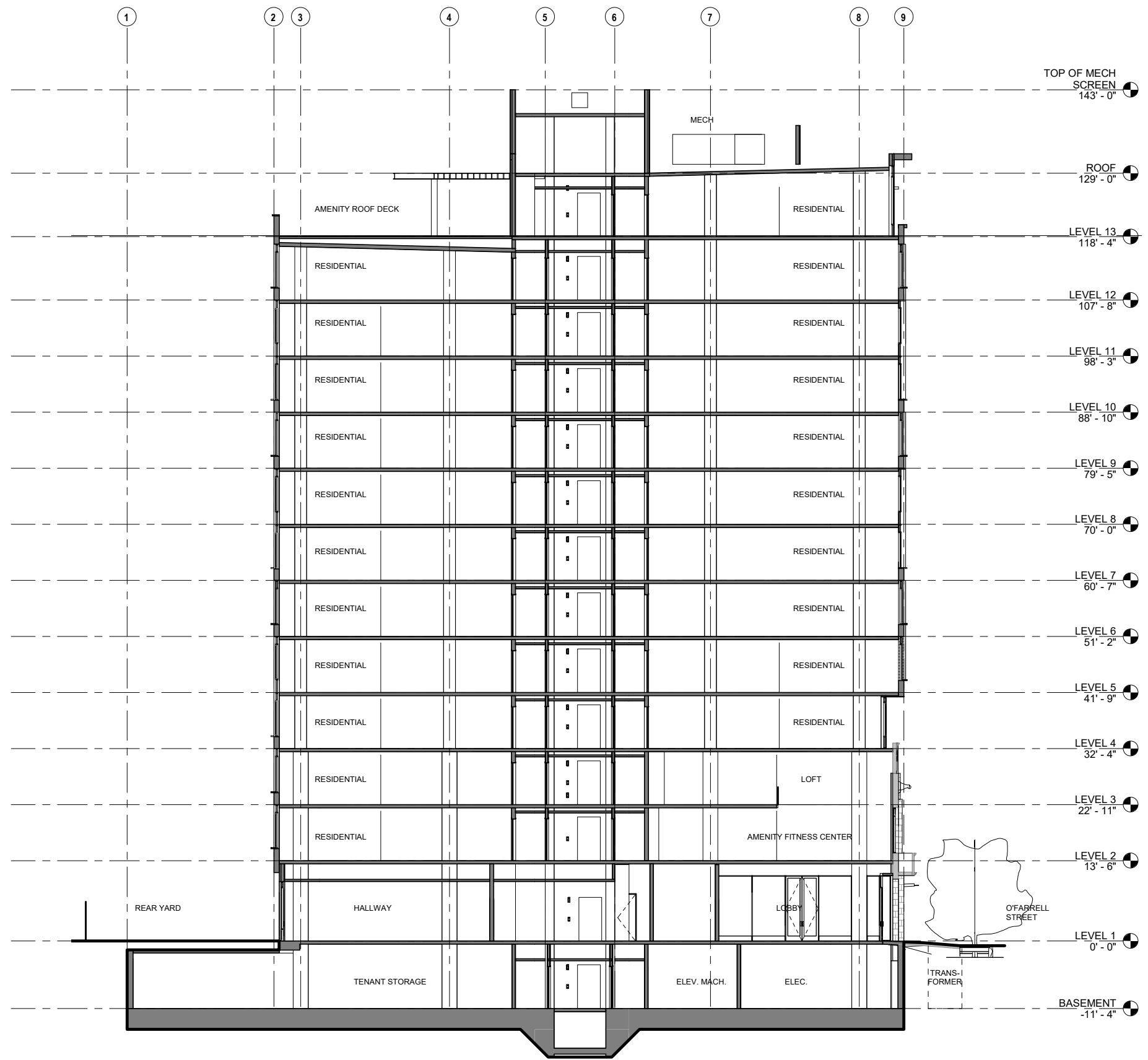


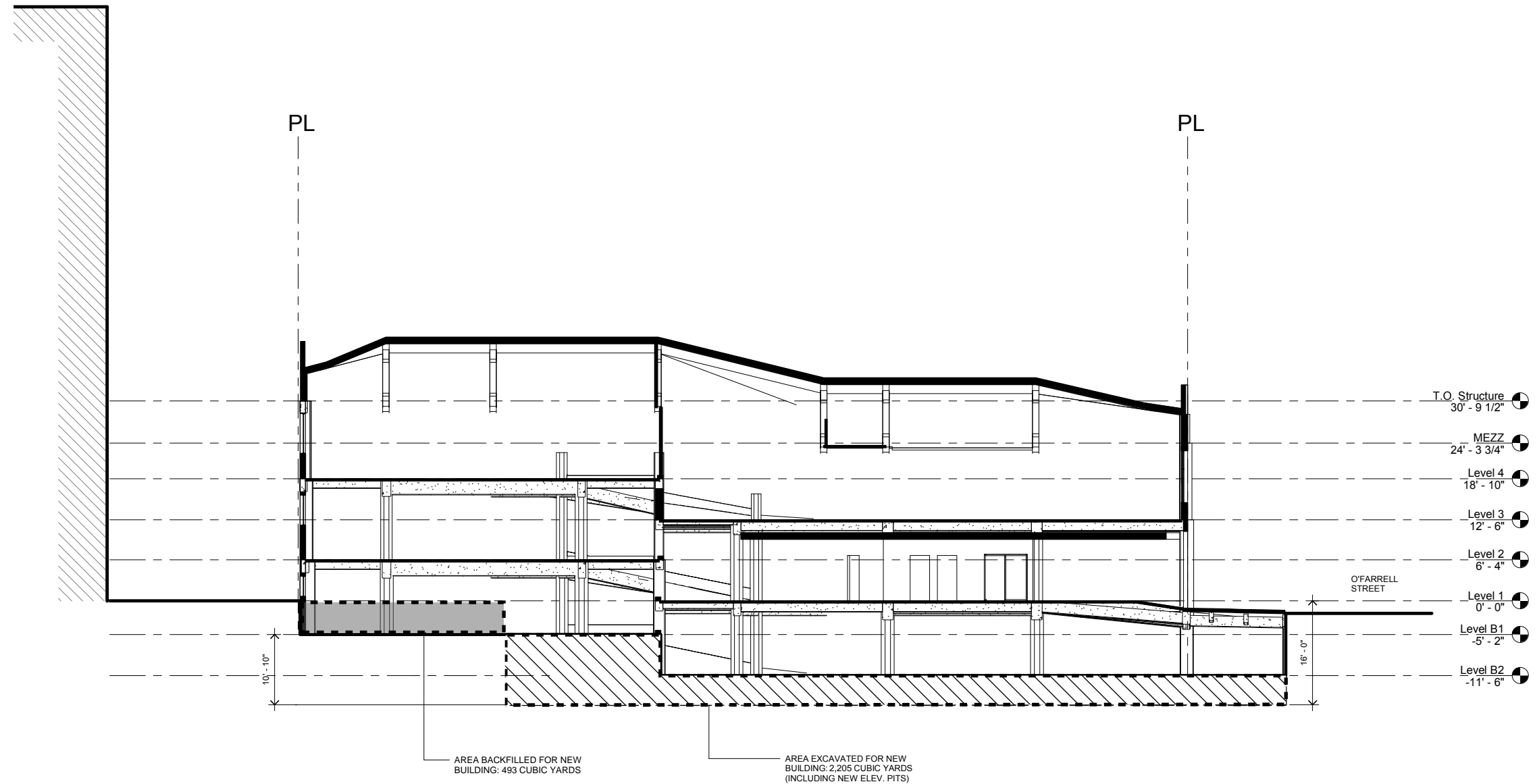


2 WINDOW SECTION  
1/2" = 1'-0"



1 WINDOW ELEV. ENLARGED  
1/2" = 1'-0"













# Exhibit C:

## Land Use Data

---

Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street



# LAND USE INFORMATION

**PROJECT ADDRESS: 550 OFARRELL ST**  
**RECORD NO.: 2017-004557PRJ**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	35,425	0	-35,425
Residential GSF	0	112,810	112,810
TOTAL GSF	35,425	112,810	77,396
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable	0	22	22
Dwelling Units - Market Rate	0	89	89
Dwelling Units - Total	0	111	111
Number of Buildings	1	0	1
Number of Stories	2	13	11
Parking Spaces	119	0	-119
Bicycle Spaces	0	156	156
	EXISTING	PROPOSED	NET NEW
<b>LAND USE - RESIDENTIAL</b>			
One Bedroom Units	0	35	35
Two Bedroom Units	0	62	62
Three Bedroom (or +) Units	0	14	14

# Exhibit D:

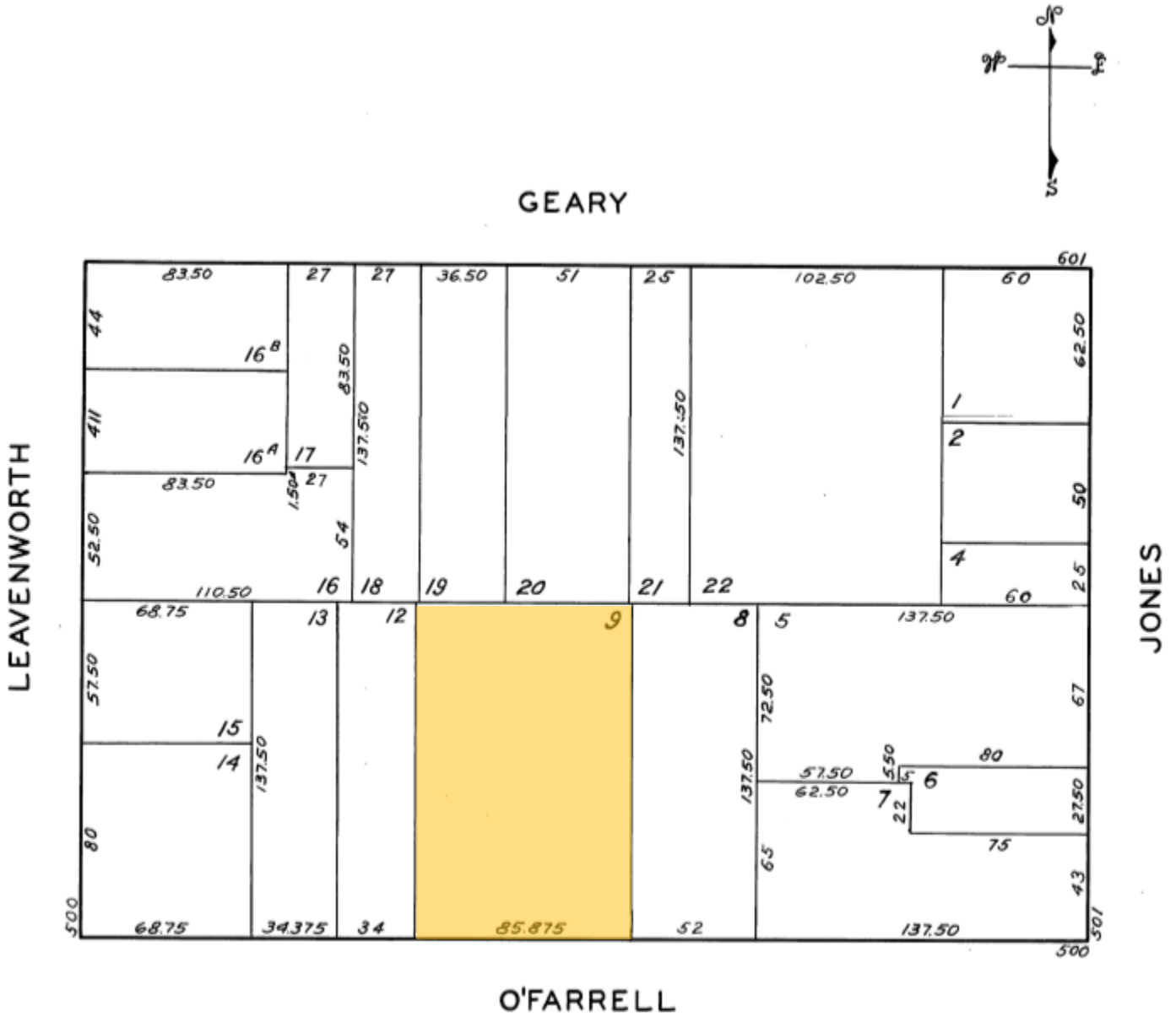
## Maps and Context Photos

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street

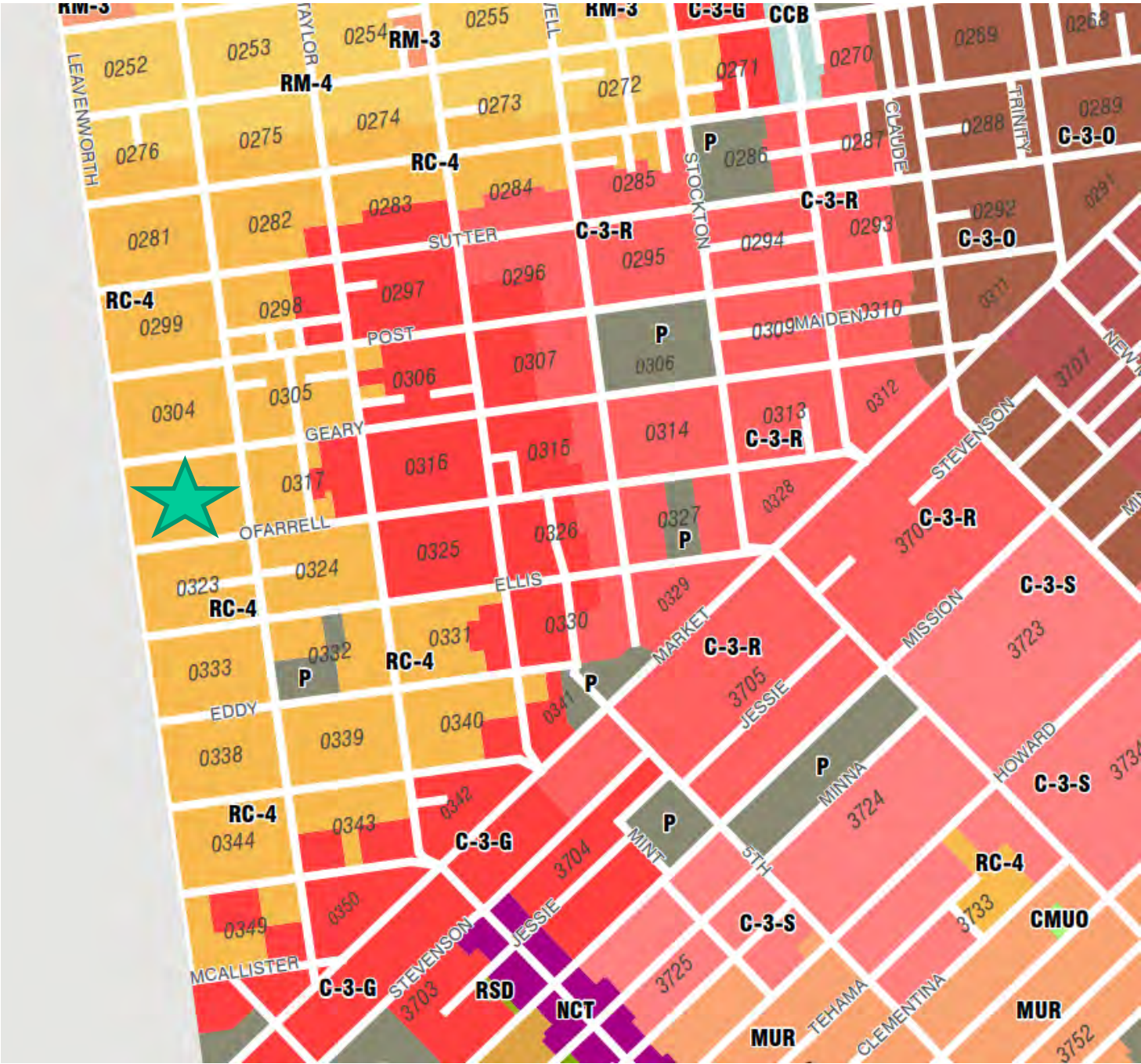


# Assessor's Map



Conditional Use Authorization  
**Case Number 2017-004557CUA**  
 550 O'Farrell Street

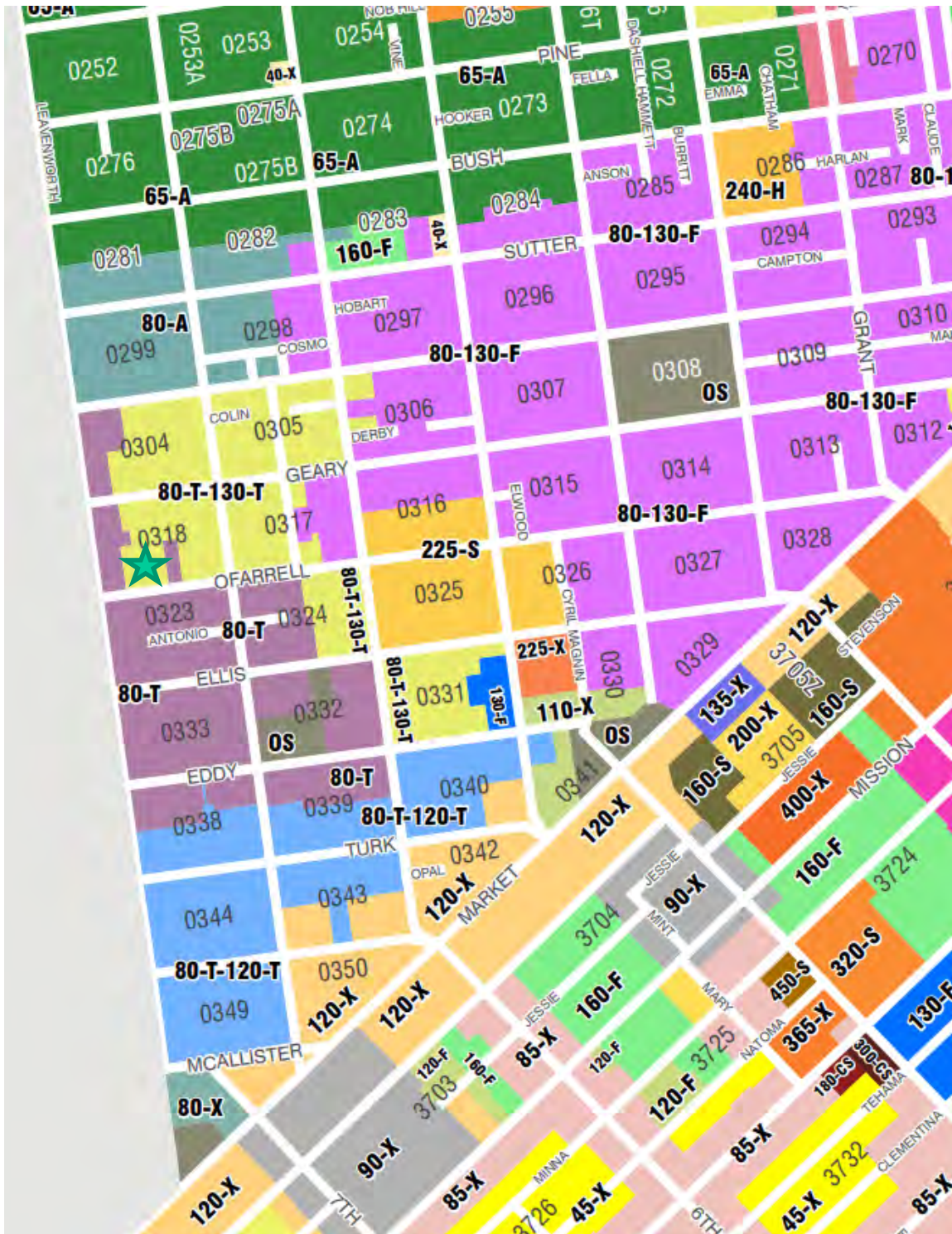
# Zoning District Map



Conditional Use Authorization  
Case Number 2017-004557CUA  
550 O'Farrell Street



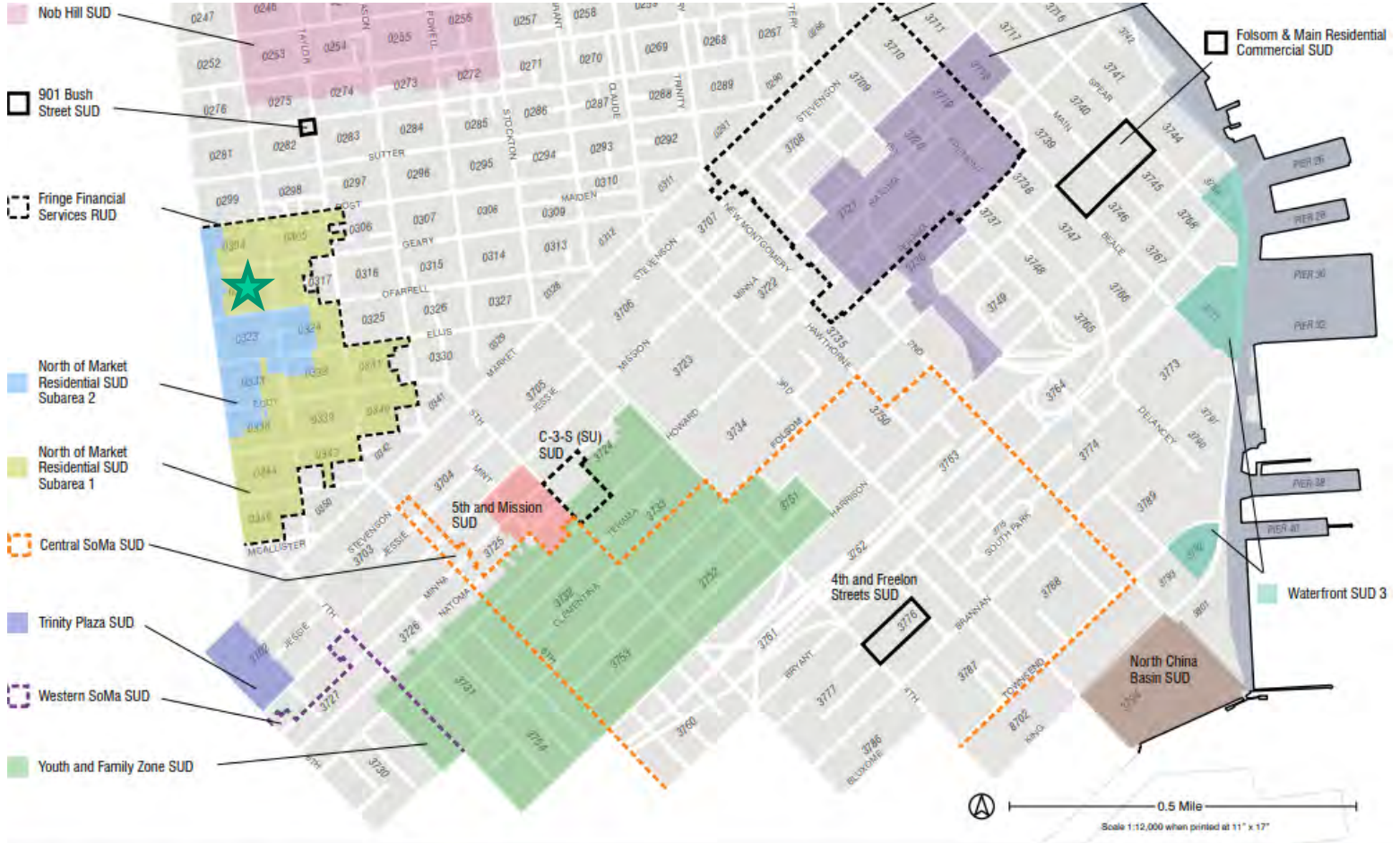
# Height and Bulk District



Conditional Use Authorization  
Case Number 2017-004557CUA  
550 O'Farrell Street



# North of Market Residential Special Use District



## San Francisco Zoning Map

### SPECIAL USE DISTRICTS INCLUDED IN THIS MAP:

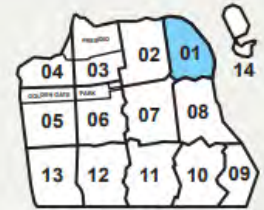
4th & Freelon Streets; 5th & Mission; 901 Bush Street; C-3-S(SU); Central SoMa; Central Subway Boring Machine Extraction; Chinatown Transit Station; Jackson Square; Folsom and Main Residential Commercial; Nob Hill; North Beach Financial Services RUD; North of Market Residential (Subareas 1 and 2); Northeast China Basin; Transbay C-3; Transit Center C-3-O(SD) Commercial; Trinity Plaza; Washington-Broadway; Waterfront (1, 2, and 3); Western SoMa

The Zoning Map of the City and County of San Francisco is established by sections 105 and 106 of the Planning Code, a part of the San Francisco Municipal Code. Zoning Use Districts are established by sections 201, 702, 802, and 902 of the Planning Code. This map incorporates Board of Supervisors' ordinances enacted through January 2019.

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San Francisco Planning



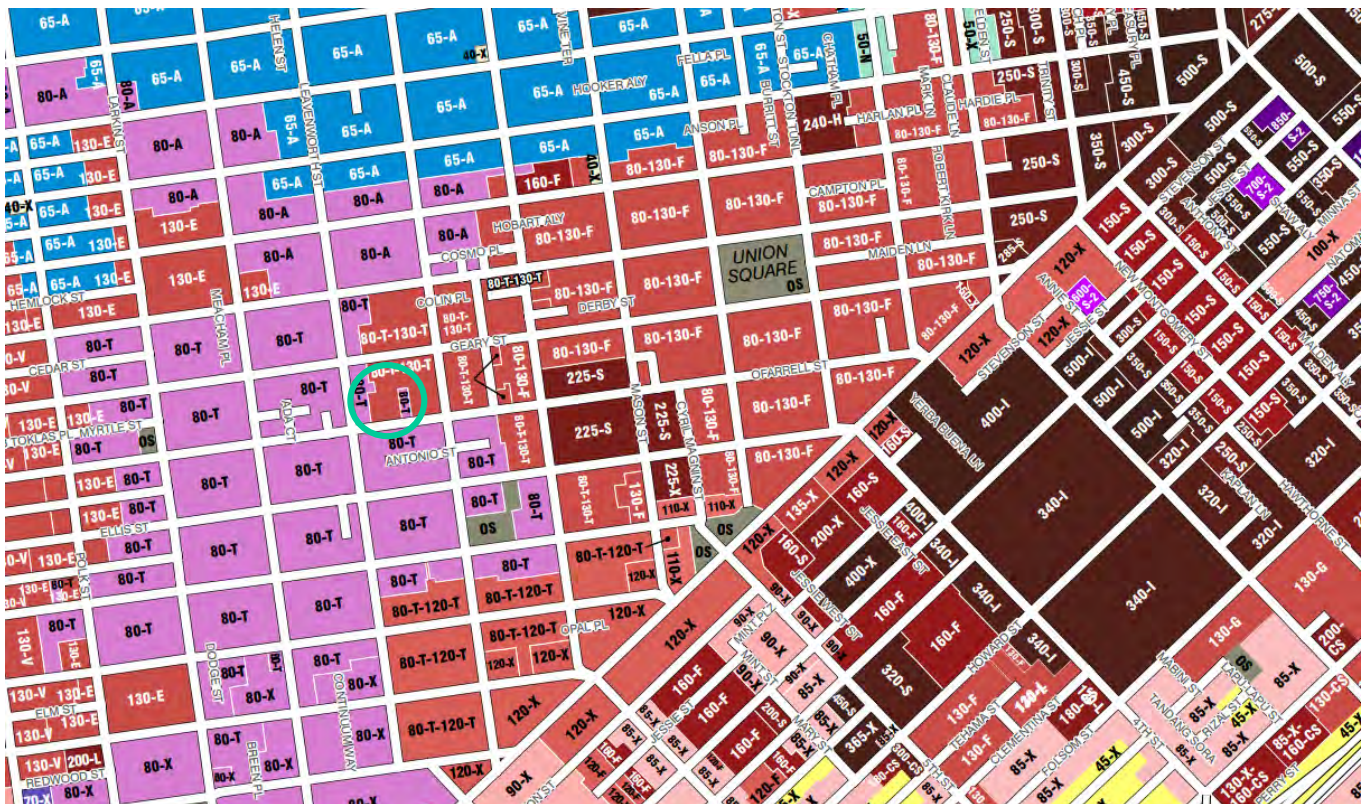
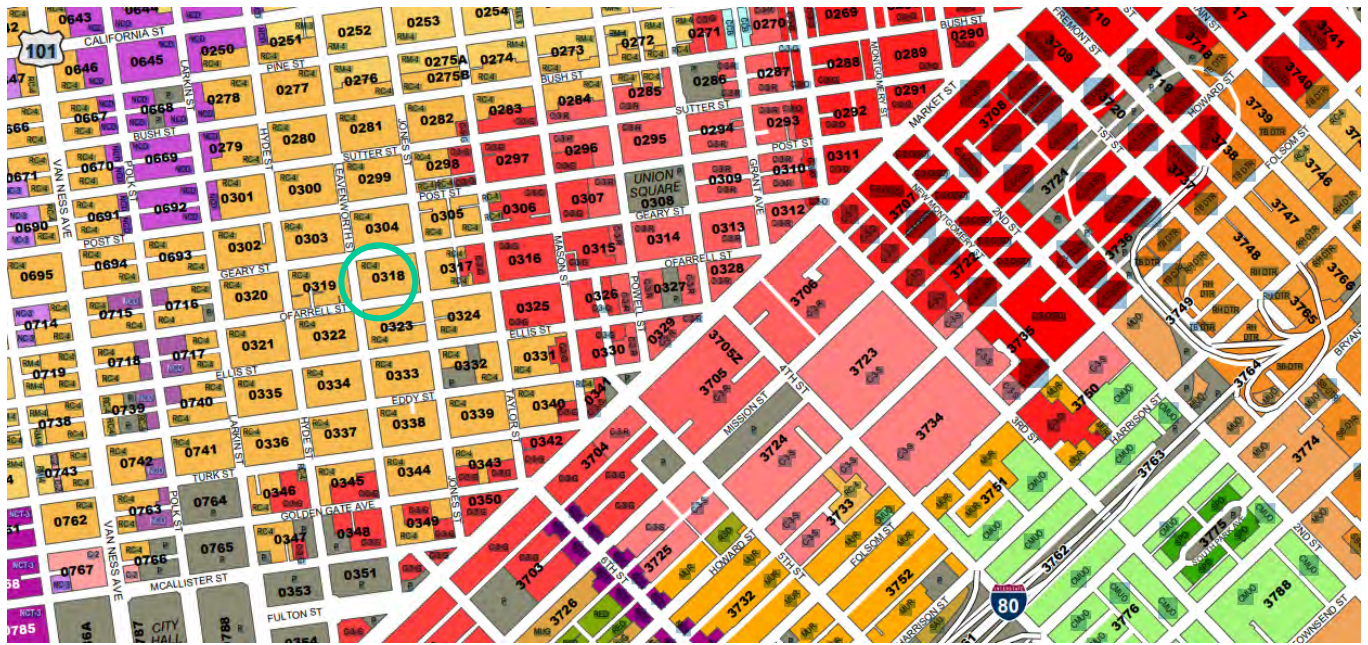
SHEET  
**SU01**

WEA001 2019/01

Conditional Use Authorization  
**Case Number 2017-004557CUA**  
 550 O'Farrell Street



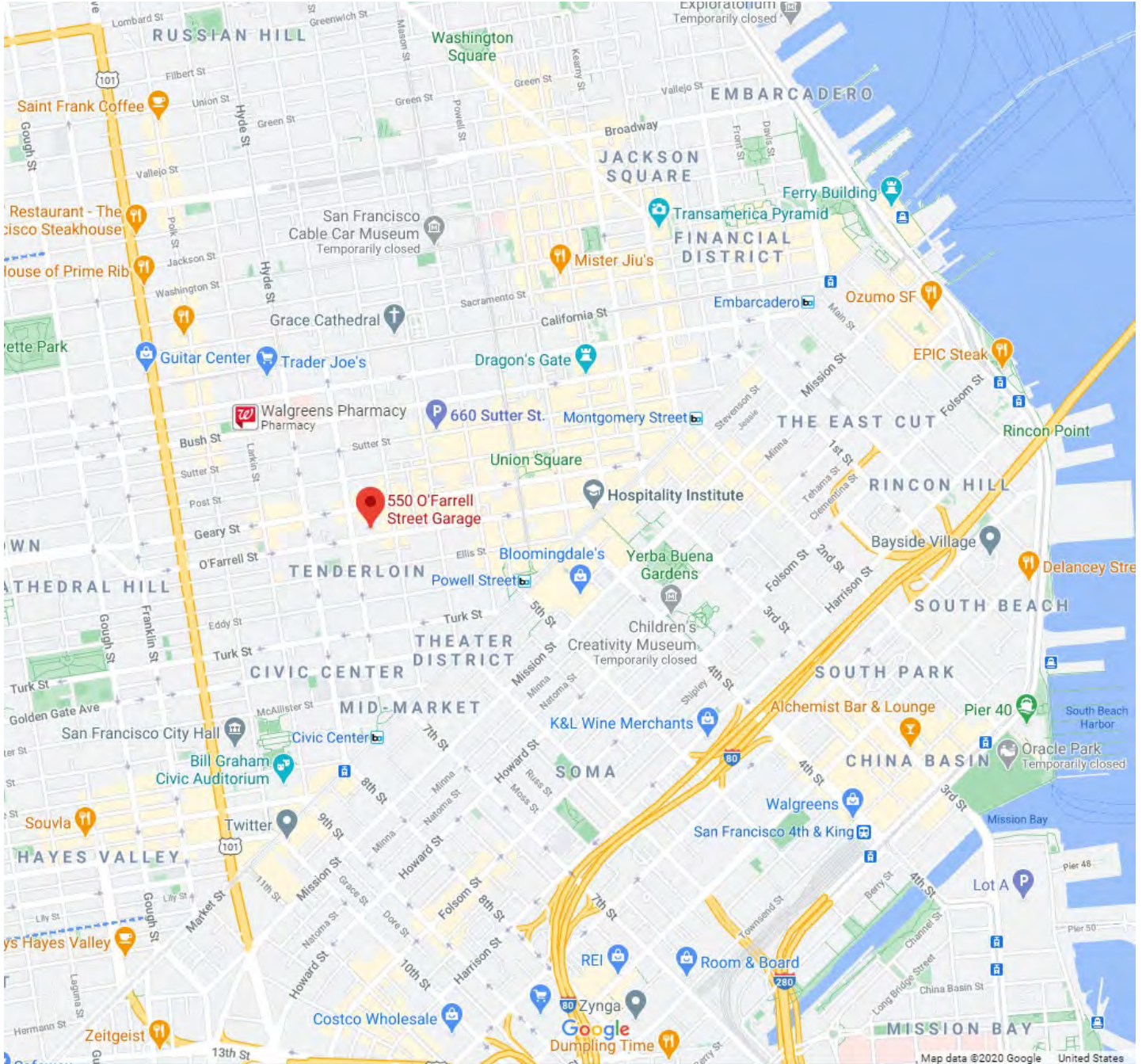
# Adjacent Zoning and Height & Bulk Districts



Conditional Use Authorization  
**Case Number 2017-00457CUA**  
 550 O'Farrell Street



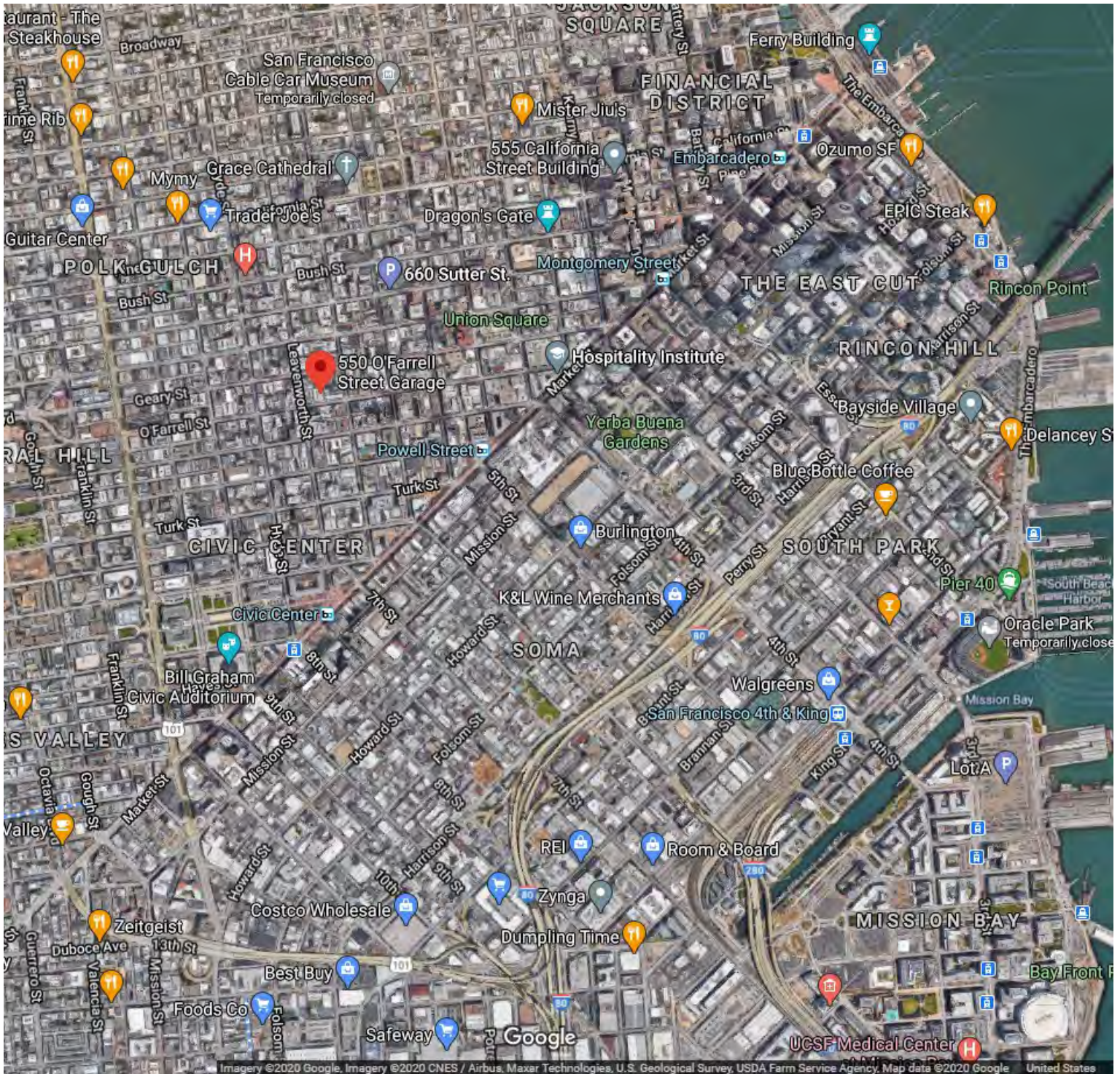
# Map View



Conditional Use Authorization  
**Case Number 2017-00457CUA**  
550 O'Farrell Street



# Satellite View



Conditional Use Authorization  
**Case Number 2017-00457CUA**  
550 O'Farrell Street



# Aerial View



Conditional Use Authorization  
**Case Number 2017-00457CUA**  
550 O'Farrell Street



# Street View – 550 O’Farrell Street

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Conditional Use Authorization  
Case Number 2017-004557CUA  
550 O’Farrell Street



# Looking east on O'Farrell from Leavenworth Street

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Conditional Use Authorization  
Case Number 2017-004557CUA  
550 O'Farrell Street



# Looking east down O'Farrell Street

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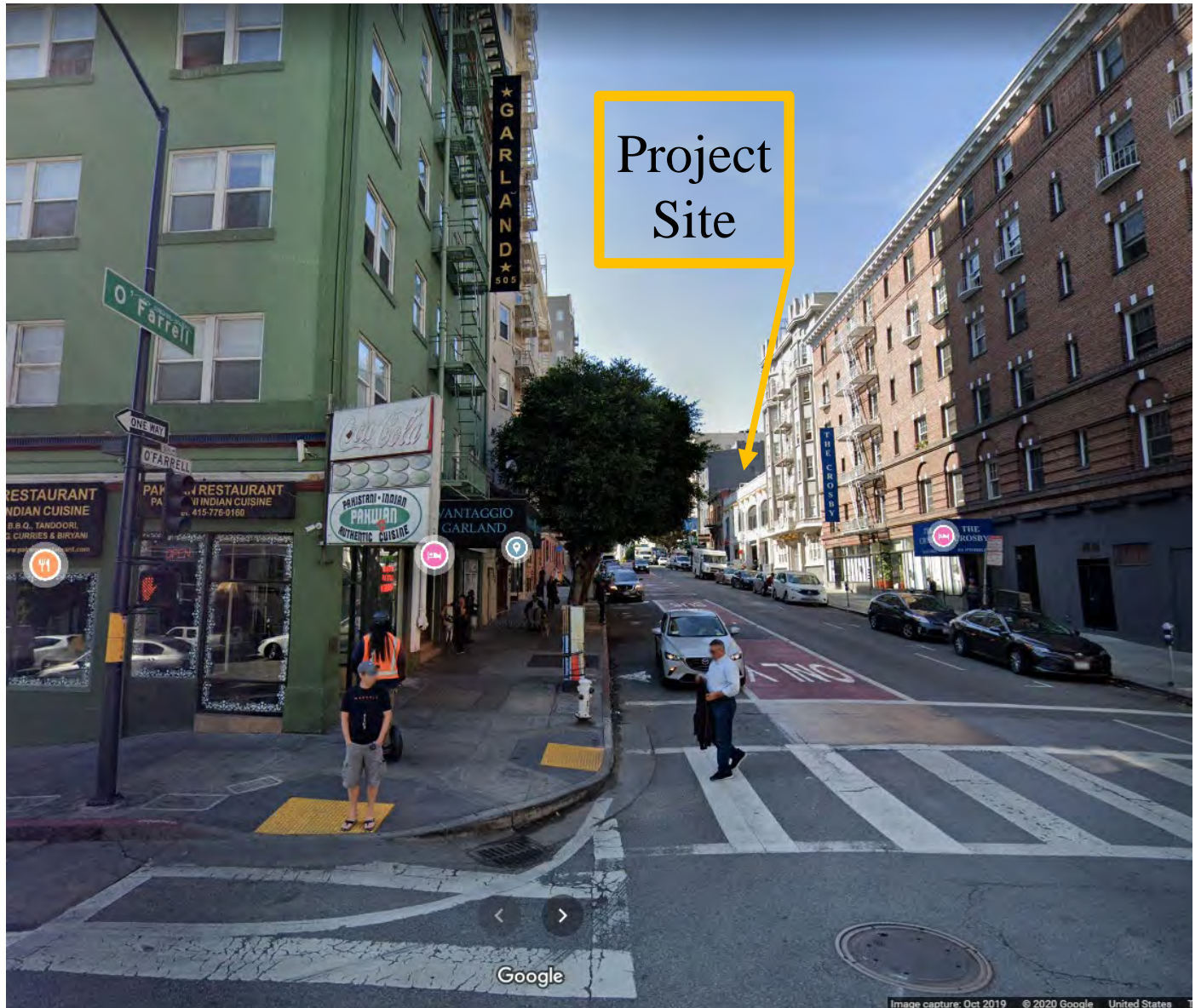


Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street



# Looking west on O'Farrell from Jones Street

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Conditional Use Authorization  
Case Number 2017-004557CUA  
550 O'Farrell Street

# Exhibit E:

## Project Sponsor Brief

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street

November 30, 2020

Hon. Joel Koppel, President  
San Francisco Planning Commission  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Re: 550 O'Farrell Street  
Case No. 2017-004557CUA  
Certification of EIR, Conditional Use Authorization and Rear Yard Variance  
Hearing Date: December 10, 2020

Dear President Koppel and Commissioners:

I am writing on behalf of Sandhill O'Farrell, LLC, the project sponsor of the 550 O'Farrell Street project (the "Project"). The Project site is located in the Tenderloin neighborhood mid-block on O'Farrell Street between Jones Street and Leavenworth Street in an RC4 zoning district, the North of Market Residential Special Use District No. 1, the 80-T-140-T height and bulk district, and the Uptown Tenderloin National Register Historic District. The site is currently occupied by a two-story private parking garage built in 1924 in the Gothic Revival style that the Planning Department determined is an individually significant historic resource.

Project Description. Consistent with the Planning Commission and Historic Preservation Commission's recent Retained Elements Guidelines, the Project proposes to retain the façade of the garage that contains the Gothic Revival elements and add a compatible but differentiated façade treatment above, separated from the historic façade by a horizontal "hyphen." The Project would demolish the remainder of the garage and construct a 13-story residential rental building containing 111 dwelling units, 69% of which are 2-bedroom and 3-bedroom units (far in excess of the Planning Code's requirement for 35% of the units to be multi-family). A full 20% of the units are on-site inclusionary units (22 units). In addition, based on the site's location in the North of Market Residential Special Use Districts with its elevated inclusionary requirements and a fee applicable only in the 80-T-120-T height and bulk district, the Sponsor will also pay an additional approximately \$1.4 million to the City's Affordable Housing Fund. The Project contains no off-street parking or loading spaces; 156 Class I and 8 Class II bicycle parking spaces will be provided.

Brick Architecture and Interiors is the Project architect. Your Commission packet contains renderings, plans, elevations, and sections of the retained elements design.

Environmental Impact Report. Despite the retention of the parking garage's Gothic Revival façade, the Planning Departments determined that demolition of the remainder of the garage is a significant environmental impact that required preparation of an EIR. That process

consumed over two years, and you will recall that the Commission favorably commented on the adequacy of Draft EIR at a hearing on June 25, 2020. The HPC also held a hearing on the Draft EIR, concurred with the document's preservation analysis, and expressed its support for the final retained elements design. The EIR also determined that demolition of the parking garage and the design of the new building would not have any significant impacts on the integrity of the surrounding Uptown Tenderloin National Register Historic District. The Responses to Comments document was published on November 9, 2020, and we request that you certify the Final EIR at the December 10 hearing as complete and accurate. The EIR contains four preservation mitigation measures and four noise and air quality mitigation measures, all of which the Sponsor will implement.

Conditional Use Authorization and Variance. The residential units, inclusionary housing, open space, parking and loading, and bicycle parking elements of the Project are all consistent with and permitted by the underlying RC-4 zoning and North of Market Residential SUD. Conditional use authorization from the Commission is required for a height above 40 feet in a R zoning district, a height above 80 feet in the 80-T-130-T height and bulk district, and for a small diagonal bulk exceedance on Floors 7 to 12. The Zoning Administrator will also consider a rear yard variance to reduce the depth of the rear yard by a few feet, necessitated by the retention of the O'Farrell Street façade. We request that the Commission grant conditional use approval with this minor bulk exceptions based on the overall merits of this mixed income residential Project and its outstanding design consistent with the Retained Elements Guidelines.

Community Engagement. The Sponsor has had extensive discussions with neighborhood stakeholders and organizations. Enclosed as Exhibit A is a matrix detailing that outreach. As a result of this community outreach, several community benefits have been pledged, in addition to those mandated by the Planning Code such as the heightened inclusionary housing requirement in the North of Market Residential SUD, the 80-T-130-T affordable housing payment, and transportation sustainability fee, the child care fee, and school impact fees:

- We agreed early on to investigate the feasibility of retaining the parking garage façade and, upon that determination, agreed with the community on the retained elements design (the original application proposed complete demolition of the garage). The original project proposal contemplated the demolition of the historic element.
- We have pledged to provide 2 units (in addition to the 22 on-site inclusionary units) to Brilliant Corners to facilitate occupancy by their Section 8 voucher clients. Brilliant Corners will be paying below-market rate rents as determined by HUD's Fair Market Rent for San Francisco County.
- We have pledged to set aside 40% of the on-site BMR units as Neighborhood Resident Preference and up to 20% for Ellis Act or Owner Move-In Evicted Tenants, per the MOHCD guidelines



- We have pledged \$75,000 in contributions to neighborhood organizations such as the Tenderloin Thrive Fund and others proposed by coalitions such as Market Street for the Masses and the Tenderloin Housing Clinic. These funds will be payable upon the issuance of the first building permit addenda prior to construction.
- We have pledged to dedicate specific times during the week for the exclusive use of our ground floor common area space by Tenderloin and other District 6 non-profit, community groups and organizations. We have also pledged the use of storage space in our basement for furniture, display equipment, and other supplies completely free of charge so that these organizations have safe place to store sensitive and expensive items.
- We have pledged to work with community organizations like the Tenderloin Museum, Market Street for the Masses and the Tenderloin Housing Clinic to curate the selection of content that will be placed in the lobby and common areas to commemorate the historic nature of the original building and the Tenderloin in general. In addition to what is required by our EIR, we will be placing additional historical content and references in the form of wallpaper, art pieces and photographs in our ground floor amenity space, lobby entrance and fitness facility.
- We have pledged to provide ‘good neighbor’ training for our building operations staff to educate our staff and residents about how to establish positive relationships with the community. The ‘good neighbor’ obligation will also be incorporated into our future residential lease agreements.
- We have pledged to provide a dedicated point of contact during the course of construction for neighboring SRO’s, CBO’s and other residential buildings whose members include those individuals sensitive to loud noise or with preexisting health conditions.
- We have pledged to create an online forum where neighbors can directly post questions or concerns regarding the project during the course of construction.
- We have pledged to make best efforts to hire local Tenderloin residents as part of the building management staff, to the extent that Sponsor is retained to manage the building upon completion.

Your Commission package contains letters of support from Brilliant Corners, the San Francisco Housing Action Coalition and California YIMBY.

Conclusion. The Project will add 111 new units to the City’s housing supply, including 22 on-site inclusionary units, as well as pay approximately \$1.4 million to the City’s Affordable Housing fund. The Project will also pay significant transportation, child care and school impact

fees. Finally, the Project has engaged in robust community outreach and enjoys support within the Tenderloin community. The Historic Preservation Commission and Department staff have vetted the Project design and are supportive of the final retained elements scheme.

We look forward to the December 10 hearing. Please contact me prior to the hearing if we can provide any additional information.

Sincerely,



Steven L. Vettel

cc: Samantha Updegrave, Planner  
Sandhill O'Farrell, LLC  
Brick Architecture and Interiors

Enclosures

## 550 O'Farrell - Community Outreach Summary

Individual / Entity Name	Primary Contact	Contact Information	Summary of Discussions to Date	Follow-Up Items
Tenderloin Neighborhood Development Corporation	Curtis Bradford Gabrielle Ruiz	<a href="mailto:sbrmbna@gmail.com">sbrmbna@gmail.com</a> <a href="mailto:gruiz@tndc.org">gruiz@tndc.org</a>	8/4: Made initial presentation to TNDC Land Use Committee on 8/4 to introduce project and solicit initial feedback on project. Incorporated input into subsequent presentation 8/10: Formal virtual presentation to TNDC members and residents and fielded several questions from the community 9/10: follow-on presentation scheduled with TNDC 10/14: Follow-on presentation with TNDC / Market Street for the Masses 10/28: Follow-up discussion with MSMC 11/9: Discussion regarding off-site affordable housing acquisitions with MSMC 11/10: Follow-up discussion with MSMC 11/17: Follow-up discussion with MSMC 11/24: Follow-up discussion with MSMC - no further updates on CBA	
Tenderloin Housing Clinic	Randy Shaw	<a href="mailto:randy@thclinic.org">randy@thclinic.org</a>	July 2018: Sponsor met with Randy Shaw of THC to discuss the project - primary objective was the preservation of the historic façade and gargoyles. 7/30: Sponsor reached out again to THC to discuss the project in more detail 8/21: Sponsor held initial conversation with Pratibha Takkey who is responsible for Community Organization at THC 8/24: Sponsor sent over a copy of the same presentation given to other community groups 10/22: Follow-up meeting scheduled with Tenderloin Housing Clinic to discuss neighborhood benefits 10/22: THC provided Sponsor with community benefits proposal requesting \$400,000 in financial contributions. 11/10: Sponsor and THC discussed that the financial contribution request exceeds the capacity of the project. Sponsor offered to introduce THC to MSMC to coordinate community requests so that a collective proposal can be put forward.	
Tenderloin Museum	Katie Conry	<a href="mailto:kconry@tenderloinmuseum.org">kconry@tenderloinmuseum.org</a>	Sponsor has been a supporter and sponsor of the Tenderloin Museum showcases and fundraisers every year since 2018. Sponsor has discussed potential volunteer or participation with Tenderloin Museum activities.	
District 6 Community Planners	Marvis Phillips	<a href="mailto:marvisphillips@gmail.com">marvisphillips@gmail.com</a>	6/18/19: Sponsor and Marvis Phillips exchanged emails on the status of the project. Sponsor had previously requested to be placed on their June monthly meeting agenda but were unable to present as the project and DEIR was still under review by Planning. 5/19/20: Sponsor and Marvis discussed the hearing and publication of the DEIR; sponsor sent over a link and hard copy. 8/3/20: Sponsor reached out to Marvis to try and schedule a virtual community meeting. Marvis responded and said they have not yet figured out logistics to host a virtual meeting and will revert back to us.	
Resident	Ric Cascio	<a href="mailto:tenore65@aol.com">tenore65@aol.com</a>	Lives at 631 O'Farrell Street for 33 years Concern 1: Asking for a 50' setback Concern 2: When viewed from the sides, no fenestration. 8/3/20: Sponsor reached out via email to Ric Cascio. Sponsor held phone call to discuss his concerns wherein Ric ended the phone call by hanging up on Sponsor. Over the following 24 hours, inappropriate and uncouth voice mail and emails were sent by Ric to Sponsor. This exchange was escalated to Planning and to local Community Groups. Sponsor will not be reaching out to Ric further.	
Resident	Edward Lee	<a href="mailto:tslee_71@yahoo.com">tslee_71@yahoo.com</a>	Lives at 545 Leavenworth #4 Supportive of project due to affordability component, non-luxury pricing. 'Expecting "for sale" project 8/10/20: Sponsor sent follow up email to Edward. There has been no further correspondence.	To clarify that this is For Rent product.
Resident	Mary Ross Richard Gelernter	<a href="mailto:maryross.illustrator@gmail.com">maryross.illustrator@gmail.com</a>	Lives at 612 631 O'Farrell. Concern: Want to save the current façade of the garage building 8/10/20: Sponsor sent follow up email to Mary Ross and Richard Gelernter. There has been no further correspondence.	

Community Member	Sue Hestor <a href="mailto:hestor@earthlink.net">hestor@earthlink.net</a>	Emailed four times in response to public comment for EIR Email 4 is a duplicate to email 3. Requested CD version and paper version.	
Positive Resource Center	Brett Andrews CEO - Positive Resource Center <a href="https://prcsf.org/board-staff/">https://prcsf.org/board-staff/</a>	8/4/20: Sponsor held discussion with Brett on ways we can educate 550 O'Farrell residents about TRC	
Brilliant Corners	David Warren Housing Specialist <a href="mailto:dwarren@brilliantcorners.org">dwarren@brilliantcorners.org</a>	- 10/27: Initial conversation with Brilliant Corners to discuss their organization and program, and request to set aside a certain number of units within the Project - 11/13: Brilliant Corners - 11/20: Sponsor and Brilliant Corners have agreed to work together to provide first right of refusal for units to be made available to Brilliant Corners clients. This is effectively a form of rent control as Brilliant Corners will pay up to HUD's fair market rent, which is below market rent.	

# Exhibit F:

## Historic Preservation Commission Comments on Draft EIR

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street





# SAN FRANCISCO PLANNING DEPARTMENT

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June 19, 2020

Ms. Lisa Gibson  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Gibson,

On June 17, 2020, the Historic Preservation Commission (HPC) held a public hearing in order for the commissioners to provide comments to the San Francisco Planning Department on the Draft Environmental Impact Report (DEIR) for the proposed 550 O'Farrell Street Project (2017-004557ENV). As noted at the hearing, public comment provided at the June 17, 2020 hearing, will not be responded to in the Responses to Comments document. After discussion, the HPC arrived at the comments below on the DEIR:

- HPC members reiterated that this was the first project where a draft of the alternatives went for review by the full HPC, whereas previously draft alternatives were only reviewed by the Architectural Review Committee (ARC). The HPC felt the change in procedure had greatly improved the process by allowing the full HPC to provide comments earlier during the development of alternatives. This change in process also allowed commissioners to give feedback on the design of the project at an earlier phase.
- The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource.
- The HPC did not have any comments on the Mitigation Measures and found them to be adequate.
- The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts.
- The HPC requested that additional information on restoration of the façade be included in the DEIR's project description section.

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Proposed project – The HPC expressed support for the proposed project and reiterated the fact that it was one of the draft alternatives they saw in April 2019. Commissioners wanted the Planning Commission to know that use of one of the draft alternatives as the proposed project indicated a significant improvement in the alternatives process. The HPC had the following comments on the proposed project:

- The HPC stated that bringing the draft alternatives for review earlier on in the EIR process allowed for them to be studied by the project team much earlier in the process of review. This saved the project sponsor time and money and ultimately led to a better project.
- HPC commissioners agreed that use of the retained elements guidelines was successfully applied to this project.
- Commissioners felt the location of the addition's massing was appropriate because it matched the surrounding size and scale and location of other contributing residential buildings within the Uptown Tenderloin National Register historic district by aligning with the surrounding street wall.
- Commissioners commented they would like to see further analysis of the existing building to inform the restoration of the façade, possibly paint analysis to determine the original finish and color of the building.
- Commissioners also debated the adequacy of the vertical hyphen (along with definition of the term). While some commissioners expressed a desire to see a deeper setback, others cautioned against a hyphen that would be set too far back and make the building look top heavy. Commissioners agreed the design of the hyphen should be studied more fully as the full-size drawings were developed.
- The HPC expressed full support of the proposed project. The HPC was clear that they did not support the project variant.

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,



Aaron Jon Hyland, FAIA, President  
Historic Preservation Commission

# Exhibit G:

## Inclusionary Affordable Housing Affidavit

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street

**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



## San Francisco Planning

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

10/14/2020

10/14/2020

Date

I, Prabhas Kejriwal  
do hereby declare as follows:

**A** The subject property is located at (address and block/lot):

550 O'Farrell Street  
Address

0318/009  
Block / Lot

The subject property is located within the following Zoning District:

RC-4  
Zoning District

80-T-130-T  
Height and Bulk District

No. of Market Residential SUD #1  
Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

Yes  No

**B** The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

2017-004557 CUA  
Planning Case Number

2020-09-08-3652  
Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- Zoning Administrator approval (e.g. Variance)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Samantha Updegrave  
Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

8/30/17  
Date

The project contains 111 total dwelling units and/or group housing rooms.

This project is exempt from the *Inclusionary Affordable Housing Program* because:

- This project is 100% affordable.
- This project is 100% student housing.

Is this project in an UMU Zoning District within the Eastern Neighborhoods Plan Area?

Yes  No  
*(If yes, please indicate Affordable Housing Tier)*

Is this project a HOME-SF Project?

Yes  No  
*(If yes, please indicate HOME-SF Tier)*

Is this project an Analyzed or Individually Requested State Density Bonus Project?

Yes  No

**C** Please indicate the tenure of the project.

**Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.

**Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

**D** This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5)
- On-site Affordable Housing Alternative (Planning Code Sections 415.6)
- Off-site Affordable Housing Alternative (Planning Code Sections 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

25% / 30%  
On-site, off-site or fee rate as a percentage

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

112,810  
Residential Gross Floor Area

**E** The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

**F** The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and Community Development and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

**G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

**I** For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

**J** For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

**K** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.



**UNIT MIX TABLES**

**Number of All Units in PRINCIPAL PROJECT:**

<b>TOTAL UNITS:</b> 111	SRO / Group Housing:	Studios:	One-Bedroom Units: 34	Two-Bedroom Units: 63	Three (or more) Bedroom Units: 14
----------------------------	----------------------	----------	--------------------------	--------------------------	--------------------------------------

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

**On-site Affordable Housing Alternative** (Planning Code Section 415.6, 419.3, or 206.4):  % of the unit total.

**Number of Affordable Units to be Located ON-SITE:**

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
<b>LOW-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	
<b>MODERATE-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	
<b>MIDDLE-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	

**Off-site Affordable Housing Alternative** (Planning Code Section 415.7 or 419.3):  % of the unit total.

**Number of Affordable Units to be Located OFF-SITE:**

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):	Off-Site Project Address:				
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):	Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:		

<b>AMI LEVELS:</b>	Number of Affordable Units	% of Total Units		AMI Level
	Number of Affordable Units	% of Total Units		AMI Level
	Number of Affordable Units	% of Total Units		AMI Level

**UNIT MIX TABLES: CONTINUED**

**Combination** of payment of a **fee, on-site affordable units, or off-site affordable units** with the following distribution:  
 Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. On-Site 78.6 % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
22			7	12	3

2. Off-Site  % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	13	12%	55
	4	4%	80
	5	4%	110

3. Fee 21.4 % of affordable housing requirement.

Is this Project a State Density Bonus Project?  Yes  No

If yes, please indicate the bonus percentage, up to 35% \_\_\_\_\_, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) \_\_\_\_\_

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- On-site Affordable Housing Alternative
- Payment of the Affordable Housing Fee prior to the first construction document issuance
- Off-site Affordable Housing Alternative (Section 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)



**Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT**

Sandhill O'Farrell LLC

Company Name

Prabhas Kejriwal

Name (Print) of Contact Person

832 Southampton Dr.

Address

(650) 996-7801

Phone / Fax

Palo Alto, CA 94303

City, State, Zip

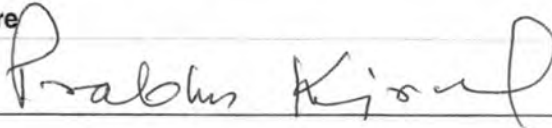
prabhas@aluminstanford.edu

Email

I am a duly authorized agent or owner of the subject property. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

**Sign Here**

Signature:



Name (Print), Title:

Prabhas Kejriwal, manager

Executed on this day in:

Location:

Palo Alto, CA

Date:

10/14/2020

**Contact Information and Declaration of Sponsor of OFF-SITE PROJECT ( If Different )**

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

**Sign Here**

Signature:

Name (Print), Title:

# Exhibit H:

## Anti-Discriminatory Housing Affidavit

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street

# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Sandhill O'Farrell, LLC		TELEPHONE: (650) 996-7801
PROPERTY OWNER'S ADDRESS: 832 Southampton Dr. Palo Alto, CA 94303		EMAIL: prabhas@alumni.stanford.edu
APPLICANT'S NAME: Same as Above <input checked="" type="checkbox"/>		
APPLICANT'S ADDRESS:		TELEPHONE: ( )
		EMAIL:
CONTACT FOR PROJECT INFORMATION: Kabir Seth <span style="float: right;">Same as Above <input type="checkbox"/></span>		
ADDRESS: 1160 Battery St. Suite 100 San Francisco, CA 94111		TELEPHONE: (510) 590-8456
		EMAIL:
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>		
ADDRESS:		TELEPHONE: ( )
		EMAIL:

## 2. Location and Project Description

STREET ADDRESS OF PROJECT: 550 O'Farrell Street		ZIP CODE: 94102	
CROSS STREETS: Jones and Leavenworth			
ASSESSORS BLOCK/LOT: 0318 1 009	ZONING DISTRICT: RC-4	HEIGHT/BULK DISTRICT: 80-T-130-T	
PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	0	111	111



# Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California?  YES  NO

1a. If yes, in which States? \_\_\_\_\_

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest?  YES  NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?  YES  NO

*If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.*

Human Rights Commission contact information  
Mullane Ahern at (415)252-2514 or [mullane.ahern@sfgov.org](mailto:mullane.ahern@sfgov.org)

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: Prabhas Kejriwal

Date: 11/19/2020

Print name, and indicate whether owner, or authorized agent:

PRABHAS KEJRIWAL  
Owner / Authorized Agent (circle one)

## PLANNING DEPARTMENT USE ONLY

### PLANNING DEPARTMENT VERIFICATION:

- Anti-Discriminatory Housing Policy Form is **Complete**  
 Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: \_\_\_\_\_ Date: \_\_\_\_\_

### BUILDING PERMIT NUMBER(S):

2020.09.08.3652

### DATE FILED:

09.08.2020

### RECORD NUMBER:

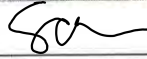
2017-004557PRJ

### DATE FILED:

11.14.2018

### VERIFIED BY PLANNER:

Signature: \_\_\_\_\_



Date: 11.20.2020

Printed Name: Samantha Updegrave

Phone: 628.652.7322

### ROUTED TO HRC:

Emailed to: mullane.ahern@sfgov.org

### DATE:

11.20.2020

# Exhibit I:

## First-Source Hiring Affidavit

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Conditional Use Authorization  
**Case Number 2017-004557CUA**  
550 O'Farrell Street



# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM - ADMINISTRATIVE CODE CHAPTER 83

## APPLICATION

### Project Sponsor's Information

Name: Sandhill O'Farrell LLC

Address: 832 Southhampton Road, Palo Alto, CA 94303

Email Address: kabir@presidiobay.com

Telephone: (510) 590-8456

### Property Information and Related Applications

Project Address: 550 O'Farrell Street

Block/Lot(s): 0318 / 009

Building Permit Application No(s): 202009083652

Estimated Residential Units: 111

Estimated SQ FT Commercial Space: 1,130 sf.

Estimated Height/Floors: 80T/130T - 13 Floors

Estimated Construction Cost: \$17,800,000.00

Anticipated Start Date: March 2022

### FIRST SOURCE HIRING PROGRAM VERIFICATION

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	YES
Project is wholly residential	
Project is wholly commercial	
Project is mixed use	✓
A: The project consists of ten (10) or more residential units.	✓
B: The project consists of 25,000 square feet or more of gross commercial floor area/	
C: Neither A nor B apply	

#### Notes:

- If you checked C, this project is **NOT** 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 **IS** 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.org](http://www.workforcedevelopmentsf.org)
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.



## 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.

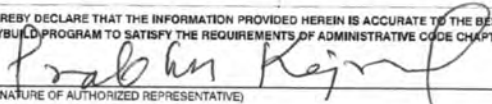
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

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	85.00	4	14	Laborer	85.00	4	14
Boilermaker	N/A	0	143	Operating Engineer	110.00	0	4
Bricklayer	100.00	2	12	Painter	95.00	2	8
Carpenter	100.00	6	30	Pile Driver	100.00	0	6
Cement Mason	100.00	2	15	Plasterer	105.00	2	15
Drywall/Latherer	100.00	4	35	Plumber and Pipefitter	120.00	2	20
Electrician	110.00	2	24	Roofer/Water proofer	100.00	1	8
Elevator Constructor	125.00	1	8	Sheet Metal Worker	124.00	2	25
Floor Coverer	100.00	1	10	Sprinkler Fitter	125.00	1	25
Glazier	110.00	1	10	Taper	100.00	1	8
Heat & Frost Insulator	115.00	0	4	Tile Layer/ Finisher	110.00	1	10
Ironworker	105.00	1	15	Other:	N/A	0	0
<b>TOTAL:</b>			177	<b>TOTAL:</b>			143

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | 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>107</u>                          |                          |

## DECLARATION OF SPONSOR OF PRINCIPAL PROJECT

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE:	EMAIL	PHONE NUMBER
Prabhas Kejriwal	prabhas@alumni.stanford.edu	650-996-7801
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.		
		10/14/2020
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		(DATE)
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc:	Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 8th Floor San Francisco, CA 94103 Phone: 415.701.4848 Website: www.workforcedevelopment.org Email: CityBuild@sfgov.org	CPC emailed 11/10/2020 